

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

DATE 22<sup>nd</sup> AUGUST 2012

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

12/1343/FUL

Land to the South of Lustrum Avenue, North Tees Industrial Estate, Stockton-on-Tees  
Erection of retail unit, together with associated car parking and servicing

Expiry Date: 5 September 2012

## SUMMARY

Planning permission is sought for the erection of a retail unit for 'Next at Home' in an out of centre location on Portrack. The site currently benefits from two extant permissions for a pair of retail units and a drive thru restaurant. As the proposal increases the amount of retailing from the site the applicant has undertaken a sequential and impact assessment. There are no known suitable and available sites within Stockton or Middlesbrough centres or sites within edge of centre locations which could accommodate the development as proposed. The anticipated impact of the proposed development has been considered based on its likely draw of trade from existing retail areas and this has been estimated to result in a 0.3% impact on both Stockton and Middlesbrough Centres. Middlesbrough Borough Council has raised no objection to the application. As such, the proposed retail development at the site is considered to be acceptable.

Adequate provision is made for access, servicing and parking which is to be amalgamated and shared with existing retail units adjacent to the site. The Head of Technical Services has raised no objections to the scheme.

The proposal has been considered against Health and Safety Executive guidance and Flood Risk and is considered to be a suitable form of development for the site subject to controlling conditions.

The proposed development is considered to be in accordance with national, regional and local planning guidance and is therefore recommended for approval.

## RECOMMENDATION

*That planning application 12/1343/FUL be approved subject to the following conditions and informatives;*

**01    *Approved Plans***  
***The development hereby approved shall be in accordance with the following approved plans;***

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>HIGHWAY INFO</i></b>	<b><i>30 July 2012</i></b>
<b><i>AL (E)100</i></b>	<b><i>28 May 2012</i></b>
<b><i>AL(0)115 REV C</i></b>	<b><i>28 May 2012</i></b>
<b><i>AL (0)50 REV C</i></b>	<b><i>28 May 2012</i></b>
<b><i>AL (0)110</i></b>	<b><i>28 May 2012</i></b>
<b><i>AL (0) 100 - EXISTING</i></b>	<b><i>28 May 2012</i></b>

**Reason: To define the consent.**

**02. Flood Risk and building levels**

**The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Peter Brett Associates, project ref:26431 dated May 2004. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**

**In addition to the mitigation detailed within the Flood Risk Assessment, prior to commencement of development on site, a scheme identifying safe routes into and out of the site to an appropriate safe haven shall be submitted to and approved in writing with the Local Planning Authority.**

**The finished ground floor levels for the development hereby approved shall be set no lower than 3.902m above Ordnance Datum (AOD)**

**Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Core Strategy Development Plan Policy CS10(9).**

**03. Control of use**

**Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended or the Town & Country Planning Use Classes (Amendment) Order 1995 (or any order revoking and re-enacting these Orders), the range of goods to be sold from the premises shall be restricted to the following:**

- **DIY and or Garden goods,**
- **Furniture, carpets and floor coverings,**
- **Beds, cots & bedroom furniture,**
- **Bathroom & Kitchen fittings and furniture,**
- **Lighting**
- **TV's, vacuums, kettles and other electrical goods**
- **Wallpaper and paint**
- **Rugs, carpet and flooring**
- **Curtains, cushions, bed linen, towels**
- **Picture frames,**

**There shall be no retailing of food from the premises in any form.**

**The net retail floor area shall not exceed 1624sq.m. and the 2<sup>nd</sup> floor shall be limited for use as an area for staff facilities, plant and storage.**

**Reason: In order to ensure the unit remains in a type of retail use upon which its presence out of centre has been justified, in accordance with the National Planning Policy Framework and Core Strategy Development Plan Policy CS5(7) 'Town Centres'**

**04. Single operator site**

**Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting these Orders), the premises hereby approved shall only accommodate a single retail operator and shall not be split into more than one retail unit.**

**Reason: In order to control the development based on the justifications on which its approval is based in accordance with National Planning Policy Framework and Core Strategy Development Plan Policy CS5(7) 'Town Centres'**

**05. Breeam Rating**

***The development hereby approved shall be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of Very Good, unless otherwise agreed in writing by the Local Planning Authority. Evidence of the building achieving this shall be submitted to and approved in writing by the Local Planning Authority prior to the building being brought into use.***

***Reason: In order to accord with the requirements of Stockton on Tees Core Strategy Policy CS3 - Sustainable Living and Climate Change.***

**06. 10% Renewables**

***Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the local planning authority, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superceding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter.***

***Reason: In the interests of promoting sustainable development in accordance with the requirements of the Regional Spatial Strategy and Stockton on Tees Core Strategy Policy CS3(5) Sustainable living and climate change.***

**07. Landscaping Scheme**

***The entrance foyer hereby approved shall not be brought into use until a scheme of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme of works shall include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers and maintenance plan. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed within the first planting season following the development being brought into use.***

***Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity in accordance with Stockton on Tees Core Strategy Development Plan Policy CS3.***

**08. Cycle parking**

***The development hereby approved shall not be occupied until a scheme of covered cycle parking has been implemented on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall remain in place, be maintained and be operational in perpetuity unless otherwise agreed in writing by the Local Planning Authority.***

***Reason: In order to allow future users of the scheme to access the site using sustainable modes of transport in accordance with the guidance of Stockton on Tees Core Strategy Development Plan Policy CS2 (3) – Sustainable Transport and Travel and table 7.3 (b) of SPD 3 - Parking provisions for new developments.***

**09. Travel Plan**

***Notwithstanding the Travel Plan submitted, prior to the retail use hereby approved being brought into use, an amended travel plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the measures contained within the Travel Plan shall be fully implemented in perpetuity unless otherwise agreed in writing by the Local Planning Authority.***

***Reason: To restrict vehicular trips and ensure most sustainable patterns of development and to comply with Core Strategy Development Plan Policy CS2.***

**INFORMATIVES**

***Informative 1: Summary Reasons and Policies***

***The proposed development has been considered against the policies listed below. The proposal relates to a town centre use in an out of centre location and has satisfactorily demonstrated there being no sequentially preferable sites either within or on the edge of relevant centres. The predicted impact of the trade draw that the proposed use would have is limited across all areas. The proposed site is provided with appropriate access for visitors / staff and servicing and there is an adequate provision of parking spaces on the site. There are no known reasons why the proposal should not be approved subject to several controlling conditions.***

***National Planning Policy Framework***

***Regional Spatial Strategy Policies 25, 35 & 38***

***Stockton on Tees Local Plan Policies S1, S2, S6, S13***

***Stockton on Tees Core Strategy Policies CS2, CS3, CS5, CS10***

***Informative 2: Contact with Northern Gas Networks***

***Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer contact them to discuss this. Contact details given are as follows;***

***Sandra Collett***

***Network Records Assistant***

***0845 6340508 (option 6)***

**BACKGROUND**

01. The applicant has advised of the sites planning history, indicating that there was previously a car showroom and workshops on the site (since demolished); following which planning permission was granted in 2002 for the sites redevelopment (02/0649/P). Application 02/0649/P gained approval for the erection of 2 retail units with a gross internal area of 743.sq.m. across the two units along with a service yard and parking. A technical commencement of the approved scheme was undertaken and this permission is therefore extant. (See appendix. Ref. 4 for scheme approved under 02/0649/P).
02. Planning permission was granted on the site for the erection of a drive-thru, fast food unit and associated car parking which was approved on the 5th November 2002 (02/0066/P). A technical commencement of the development was made on site and this permission therefore remains extant. This approval included a condition which prevented the use of the building for anything other than a drive thru fast food restaurant.

## **SITE AND SURROUNDINGS**

03. The 0.73ha application site is located approx. 2km travel distance from Stockton and Middlesbrough Town Centres, at the eastern end of Portrack Lane Estate, immediately south of Lustrum Avenue and the A1046 which runs centrally through Portrack in an east to west direction. The site is in close proximity to the A19.
04. The character of Portrack has changed over recent years through the introduction of some retailing from premises and from the new housing estate currently taking place on the former Corus Pipe Mill Site. The character of Portrack is currently defined by the extensive central spine road corridor which connects with the A19 and the large portal frame sheds which run parallel with the main highway. Other roads lead off the central spine road and in most cases lead to smaller units set behind the larger frontage units which include industrial and other commercial operations.
05. The site is currently free from any development, having only an area of hardstand to the front and rear. There are adjoining uses to either side of the site, these being the Portrack Lane Bed Centre and Michael O'Connor Furniture, which are relatively typical bulky retail sheds. The rear service yard is shared with the adjacent two premises via a single access.

## **PROPOSAL**

06. Planning permission is sought by Next plc for the erection of a new 2246sq.m retail store laid out over three floors. The applicant intends to utilise the store as one of their 'Next at Home' stores which is aimed at retailing furniture, furnishings and home wares together with an expanded range of DIY products, including paint, tools and flooring. (See appendix ref 1, 2 & 3)
07. The building is shown fronting onto Lustrum Avenue, with parking area to the front and service area to the rear. The building measures approx. 24.5m x 40.7m in plan and 13m in height, having a shallow sloping roof behind a parapet. The buildings frontage is mainly glazed with the other three sides blank. Materials are detailed within the application as being glazed curtain walling with grey powder coated glazing bars.
08. Retailing is proposed from the ground floor (929sq.m.) and the first floor mezzanine (694sq.m) with a second floor mezzanine providing staff facilities, plant and storage area.
09. The proposed parking would join with existing car parks either side and utilise their existing access points. Servicing for the proposed unit would be via an existing service yard to the rear of the site which already serves the adjoining units.
10. The application has been supported with the following documents;
  - Planning and Retail Statement;
  - Flood Risk Assessment;
  - Transport Statement;
  - Travel Plan;
  - Design and Access Statement;

## **CONSULTATIONS**

Consultations were notified and any comments received are summarised below:-

### **SBC Development and Regeneration**

This application for new retail development is clearly in an out of centre location. Stockton Council is focussed upon regenerating Stockton Town Centre and as such will need to assess this

proposal in terms of the adverse impact it may have. Given the nature of the proposed bulky goods to be sold from the site it is considered that the impact on the Town Centre would be negligible. In terms of a sequentially preferable site to accommodate the proposed store, spatial planning will be able to advise appropriately. Should there be no sequentially preferable location then R&ED support this proposal.

#### SBC - Environmental Health Unit

Environmental Health would have no objections in principle.

#### Head of Technical Services

##### General Summary

Technical Services supports this application as detailed in the comments below.

##### Highways Comments

A Transport Statement has been submitted in support of this development that concludes that traffic generation during morning and evening peak traffic periods are not significant as there are less than 30 2-way trips which is generally the threshold deemed necessary for operational assessments to be undertaken. The trip generation has been considered by interrogating the TRICS (national traffic database) and is acceptable. Highway safety has been considered and there do not seem to be any inherent highway safety concerns.

Car parking arrangements are via a single shared car parking area consisting of 191 spaces to serve the new store and adjacent units. This is an increase of 31 spaces over the existing provision; this is acceptable and broadly comparable to SPD3: Parking provision in new development 2011.

The development proposes up to 32 cycle parking spaces, an element of these should be covered and secure and be available for staff use. This should be conditioned should the development be approved.

Portrack Lane is a bus route and bus stops are available approximately located at the site frontage in both directions. A staff Travel Plan has been submitted that demonstrates a commitment to sustainable travel for staff and a travel plan co-ordinator will be in place. Subject to a small amendment to the monitoring process of the Travel Plan this document is considered acceptable.

Given that the baseline target of a 10% reduction in single occupancy car trips has been set using the 2001 Census data for a combined area of Norton South and Stockton Town Centre wards, it would be important to establish a true baseline of staff trips to this development as soon as possible. It would therefore be required to undertake a staff survey 6 months after occupation to establish a true baseline of staff trips to this site. A target for a reduction in the number of single occupancy car trips can then be agreed using this data.

The commitment to appoint a Travel Plan Coordinator (TPC) is an integral part of any Travel Plan – it is positive to see that Next plc will appoint a TPC prior to occupation. The Roles and Responsibilities of the TPC are clearly set out in the Travel Plan, as are the measures to encourage sustainable modes of travel.

The measures include:

- Provision of cycle maintenance equipment at work
- Arranging cyclist breakfasts
- Subsidised bus/train tickets for new staff (1 week)
- Incentives for car sharers (prize draw to be considered by the TPC)

In summary, it is not considered that this development will adversely affect the highway network and is therefore supported by Technical Services.

### Landscape & Visual Comments

There are no landscape and visual objections to this development which is suited to its location in a retail area. The existing landscaping areas should be retained and replanted to soften the impact of the car parking and service yard – these include areas to the front of the development along side Lustrum avenue (where the unattractive old brick wall should be removed from the rear of the bed), dividing beds across the car park and planting areas to the rear of the site.

### Stockton Police Station – Architectural Liaison Officer

Sustainability is at the heart of all Planning applications. A sustainable community should not only consider the current crime and social problems, but should also consider what projected trends may be like in the future, and countermeasures planned for now. Cleveland Police operate the 'Secured by Design' initiative. This is an ACPO and Home Office scheme, which promotes the inclusion of architectural crime prevention measures into new projects. The opportunity to include crime prevention measures should be taken at this stage.

### Middlesbrough Borough Council Planning Department

Having received comments from the relevant services, I can inform you that Middlesbrough Council has no objections to the proposed development.

### Highways Agency

The development proposals are unlikely to have any adverse impacts upon the strategic road network and therefore have no objection in principle to the development.

### Northern Gas Networks

No objections although there may be apparatus in the area at risk during construction works and should planning permission be approved the promoter of the works should contact NGN.

### Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

### The Environment Agency

Having considered the submitted documents, the Environment Agency has no objections to the proposed development but wishes to provide the following information:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment (FRA) ref: 26431/004 by pba submitted with this application, are implemented and secured by way of a planning condition on any planning permission.

- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- Finished floor levels are set no lower than 3.902 m above Ordnance Datum (AOD).

### Disposal of Foul Sewage - Advice to LPA

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

### 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**

Neighbours were notified although no comments were received.

## **PLANNING POLICY**

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

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

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

### ***National Planning Policy Framework***

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-  
-specific policies in this Framework indicate development should be restricted.

Section 2 of the NPPF is most relevant to this proposal. Extract below;

#### *2. Ensuring the vitality of town centres*

*23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:*

- *recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *define a network and hierarchy of centres that is resilient to anticipated future economic changes;*
- *define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;*
- *promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;*



- *retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;*
  - *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;*
  - *allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;*
  - *set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;*
  - *recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and*
  - *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.*
24. *Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.*
25. *This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.*
26. *When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:*
- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
  - *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*
27. *Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.*

## **Regional Spatial Strategy**

### **Regional Spatial Strategy Policy 25. Urban and Rural Centres**

*Local Development Frameworks and planning proposals should ensure that:*

- a. in the Conurbations and Main Settlements development of retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services and other high trip generating uses are focused within defined urban centres commensurate with their scale, function, environmental capacity and ability to be served by transport modes other than the car;*
- b. within the Tyne & Wear City-Region, the majority of new retail and leisure floor space should be located in Newcastle (Regional Centre) and Sunderland (Sub-Regional Centre). Durham City will continue to have an important role in servicing its hinterland;*
- c. within the Tees Valley City-Region the majority of new retail and leisure floor space should be located in Middlesbrough (Sub-Regional Centre) and Darlington (Sub-Regional Centre). Hartlepool, Stockton and Redcar will continue to have an important role in servicing their hinterlands;*
- d. in other centres, additional retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services development should be consistent with their scale and function to maintain and enhance their health and vitality;*
- e. where a need for retail-led regeneration has been identified for Regeneration Towns and for Rural Service Centres, retail and leisure development may be allowed above the scale that would be required for the centre to maintain its role. provided that it would support the sustainable regeneration of these centres without compromising the vitality and viability of other town centres; and*
- f. The design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.*

### **Regional Spatial Strategy Policy 35 – Flood Risk**

*A. Strategies, plans and programmes should adopt a strategic, integrated, sustainable and proactive approach to catchment management to reduce flood risk within the Region, managing the risk from:*

- a. tidal effects around estuaries and along the coast including the implications of the latest Government predictions for sea level rise;*
- b. fluvial flooding along river corridors and other significant watercourses resulting from catchments within and beyond the Region and other sources of flooding; and*
- c. flooding resulting from surface water runoff and capacity constraints in surface water drainage systems.*

*B. In developing Local Development Frameworks and considering planning proposals, a sequential risk-based approach to development and flooding should be adopted as set out in PPS25. This approach must be informed by Strategic Flood Risk Assessments prepared by planning authorities in liaison with the Environment Agency to inform the application of the Sequential Test and, if necessary, the Exception Test, in development allocations in their LDDs and consideration of planning proposals.*

### **Regional Spatial Strategy Policy 38 – Sustainable Construction**

*Strategies, plans and programmes, and planning proposals should:*

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;*
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;*

- c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from de-centralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floor space should secure at least 10% of their energy supply from de-centralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

### **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.

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

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'.

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.

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**

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 floor space. 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.*

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**

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.

### **Saved Local Plan Alteration no. 1 Policy S1**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres at :
  - 1) Billingham
  - 2) Thornaby
  - 3) Yarm
- C) The Local Centres at :
  - 1) Billingham Green, Billingham
  - 2) Myton Way, Ingleby Barwick
  - 3) High Street, Norton.
  - 4) High Newham Court, Stockton
- D) The Neighbourhood Centres:

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area which it serves.

### **Saved Local Plan Alteration no. 1 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.

### **Saved Local Plan Alteration no. 1 Policy S6**

*Outwith the Primary and Secondary Shopping Frontages as shown on the Proposals Map, the Council seeks to maintain and strengthen the vitality and viability of the wider Stockton Town Centre defined by the Proposals Map, and will encourage proposals for development and change of use for a wide range of commercial, shopping, community, residential and leisure uses within the town centre boundary providing that: -*

- i) They have no adverse affect on the amenity of the surrounding area in terms of level of activity associated with: -
  - 1) Noise;*
  - 2) Pollution;*
  - 3) Levels of traffic;*
  - 4) Opening hours - where appropriate will restrict hours of business in accordance with the Councils Licensing Policy.**
- ii) They do not conflict with Policy S18;*
- iii) They do not result in a continuous group of more than four units of Use Class A3 (restaurants, bars and hot food takeaways)*

### **Saved Local Plan Alteration no. 1 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.*

## **MATERIAL PLANNING CONSIDERATIONS**

- 11. The main planning considerations of this application relate to the principle of retail development on the site, the proposed layout, building scale and appearance, impacts on the surroundings and highway related matters. These and other material planning considerations are considered below.

### ***Principle of development - Policy Framework***

- 12. The National Planning Policy Framework (NPPF), Regional Spatial Strategy (RSS) Stockton on Tees Local Plan (STLP) and Stockton on Tees Core Strategy Development Plan Framework form the Policy Framework for considering the application.
- 13. The NPPF advises Local Authorities of a presumption in favour of sustainable development at the heart of planning, with significant weight being placed on the need to support economic growth. Core planning principles of the NPPF revolve around proactive drive and support, responding positively to wider opportunities for growth, seeking high quality design and taking into account the differing role of areas. It further advises that planning should not act as an impediment to sustainable growth.

14. Notwithstanding the 'in principle' support to development, section 2 of the NPPF '*Ensuring the vitality of town centres*' offers guidance relevant to this specific proposal, promoting competitive town centre environments, recognising town centres as the hearts of communities, encouraging policies to support their viability and vitality, promoting a diverse retail offer and promoting the allocation of a range of suitable sites to meet the scale and type of development needed in town centres. Importantly, NPPF advises that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre or in accordance with an up to date local plan. Main town centre uses should be located in town centres, then in edge of centres and only if suitable sites are not available in either of these should out of centre sites be considered. Applicants and authorities are advised to demonstrate flexibility on issues such as format and scale when considering alternative units. The NPPF further advises that impact assessments should be undertaken on proposals over 2500sqm or any locally set threshold.
15. The NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on existing, committed or planned public and private investment in a centre and impact on the town centre vitality and viability it should be refused.
16. The RSS (Policy 25) similarly seeks to focus retail development within defined urban centres commensurate with their scale and function and that within the Tees Valley City-Region, the majority of new retail floor space should be located in the sub regional centres of Middlesbrough and Darlington. While the Secretary of State has indicated his intention to revoke the RSS policies, this is yet to happen and therefore can be accorded limited weight and the RSS policy is still a material consideration
17. The Councils Core Strategy Development Plan Policy CS5 advises that 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 and that proposals for main town centre uses in edge or out of centre locations emerge, such proposals will be determined in accordance with national policy as set out in PPS 4. Planning Policy Statement 4 has been superseded by the NPPF, although the practice guide to PPS 4 remains in place. This similarly to NPPF places a requirement for the sequential and impact tests to be applied to such developments.
18. In view of the above, as the proposed retail use is a town centre use in an out of centre location, it is contrary to policy unless it can be demonstrated to pass the sequential and impact tests.
19. NPPF guidance advises that where a proposal passes the sequential test it may also need to demonstrate it would not have a significant adverse impact on either an existing centre or existing / planned investment in a centre. The NPPF suggests a 2500sq.m. threshold on the need for an impact assessment unless there is a local threshold.
20. Saved Policy S1 of the Stockton on Tees Local Plan Policy Alteration no. 1 advises of the need to consider the impact of town centre uses in out of town locations where they are less than 2500sqm. In view of the scale of the provision and it being considered to have a catchment which includes established centres, it is considered that an impact assessment is therefore justifiably required for the proposed development.
21. In addition to the requirements of NPPF and Core Strategy Policy CS5, Policy TC4 of the Regeneration and Environment Local Development Document (currently out to consultation and therefore not adopted) requires the sequential approach to be taken although in

addition, advises that available units in out of centre sites are also sequentially preferable to approving new sites.

22. Importantly, within the submitted Planning and Retail Statement, the applicant considers there to be a fall back position for the site in view of their being two extant permissions on the site, one for retailing of bulky goods and the other for a fast food drive through restaurant. Both permissions are able to be implemented on site in accordance with their approved details as all relevant conditions were discharged and a technical commencement on site has been undertaken. The approved retail scheme allows for 743sqm of retail space (split over 2 units) and could (under planning legislation) be increased through the addition of mezzanine floors by 400sqm, thereby offering a total of 1143sqm. of retail floor space. The applicant considers that the fast food restaurant would further increase the 'fall back position' of retail floor space as permitted development rights allow such uses to change to become a retail use without the need for planning permission. Whilst these permitted development rights may exist generally, the approval for the drive thru restaurant had a controlling condition imposed on it which prevented it being used for any other purpose and it is therefore not appropriate to include the floor area of this additional use to the 'fall back' position. As such, the proposed 2246sqm of retail space, would actually increase the already approved / achievable amount of retail floor space at the site by 1103sqm.
23. The application has been submitted with a sequential and impact test and these are considered as follows;

***Consideration of the sequential assessment***

24. The application is submitted based on the applicants 'Next at Home' model, the product range of which is indicated as comprising a high proportion of bulky goods which need a significant amount of floor space for their storage, display and sale, as well as good vehicular access and servicing arrangements including car parking provision in close proximity to enable products to be easily transported.
25. The applicant has advised that the following goods would be retailed from the site;
- a. Beds, cots & bedroom furniture
  - b. Sofa's & armchair's
  - c. Tables and dining chairs
  - d. Bathroom fittings and furniture
  - e. Kitchen fittings and furniture
  - f. Shelving, sideboards
  - g. Garden furniture / bbq's / planters and plants
  - h. Lighting
  - i. TV's, vacuums, kettles and other electrical goods
  - j. Wallpaper and paint
  - k. Rugs, carpet and flooring
  - l. Curtains, cushions, bed linen, towels
  - m. Picture frames,

In undertaking a sequential assessment, the applicant needs to consider suitable sites and their availability within centre / edge of centre and although their search needs to be based on their requirements, NPPF advises that flexibility should be demonstrated in respect to such matters as format and scale. This reflects the Supreme Court decision *Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) 2012* that the appropriate test was whether an alternative town centre site was suitable for the proposed development, not whether the proposed development could be altered or reduced so that it could fit in to it.



26. The submission advises that the 'Next at Home' format, displays these items in room sets so that customers can see how all the products can be combined and has applied weight to the need for a certain openness to the floor space to achieve their internal layout 'room set' model as well as detailing the need for car parking in close proximity to allow larger goods to be easily transported by shoppers, suitable access and servicing and being in close proximity to other retailers of similar items.
27. During pre application discussions officers requested Next to consider moving their existing clothing store at Teesside Park into the town centre and using the vacant store at Teesside Park for the Next at Home outlet. The applicant has considered this, advising it is unsuitable due to the Teesside Park store being approx. 800sq.m. smaller than the store being proposed, the Teesside Park store already benefiting from lower rental values, there being no linked trips at Teesside Park for a home wares store (as there are no other similar retailers here) and there being no commercial justification for a clothes store within Stockton Town Centre given the distribution of existing stores within Teesside. Whilst not all of these points made are demonstrated in any detail, in view of the scale of the store and the general comments made, it is appreciated that this is not likely to be a viable option and one which planning policy could not specifically require.
28. In applying the sequential test, the applicant has considered designated sites within existing town centres, including Middlesbrough as the higher order centre, edge of centre locations and out of centre locations that are well connected to the centres. The assessment of the sequential test is broken down to each site as follows;

*Middlesbrough – sites within the defined town centre*

Former Chicago Rock Café. Largest vacant unit at 2492sqm over 3 floors. Grade II listed. The applicant considers that this building would not be suitable as it would require extensive internal alterations and changes to the shop frontage in order to accept their retail model which is unlikely to be appropriate to a listed building and they have deemed the site as being unsuitable.

Remaining units available within Middlesbrough centre and edge of centre are indicated as being discounted due to their size being considerably smaller than the store size required;  
Unit LSU3 Cleveland Square Shopping Centre 1532 sq.m.  
47-49 Linthorpe Road 678 sq.m.

*Middlesbrough Edge of Centre sites*

Adjacent to Aldi – Newport Road 886sq.m.  
Zetland Buildings – 557 sq.m. and Grade II listed.

*Middlesbrough LDF Sites*

Centre Square East & Gurney Street Triangle. Retail uses are intended to be ancillary to other uses on site, and if not must demonstrate it would enhance the vitality and viability of the town centre. Whilst this is noted, the scale and nature of the proposed retail store is detailed by the applicant as being unsuitable for the proposed development here, in addition to which, the overall development is intended to be undertaken via a Masterplan with no such masterplan being in place.

Canon Park. Is detailed as being a new retail area with bulky goods being most suited to a part of the site which is expected to be delivered within the first phase although with no anticipated completion until early 2015. It is understood that there is no development partner on board at this stage and potential land assembly matters to resolve could affect this date. The submission therefore considers this site to be currently unavailable.

Middlesbrough Council was consulted on the submission, having a greater depth of knowledge in respect to Middlesbrough specific matters and no objections were made.

Taking into account the submission, comments from Middlesbrough Council and officers own assessment, there are no known alternative suitable sites which are of a suitable size and available within Middlesbrough and the arguments made against occupying premises and sites as detailed above are accepted in principle.

*Stockton – Sites within the defined town centre*

134-134c High Street. 3 separate units totalling 594sqm,

22 Wellington Square – 545sq.m.

9 Dovecote Street – 405sq.m.

All of these are significantly below the scale required.

*Stockton – Edge of Centre Sites*

Former Dairy Site including former Kwik Fit – Church Road. The applicant considers the split level / split ownership site to be problematic from a build perspective in view of its frontage / requirements for car parking on site, and have advised that it is not being actively marketed.

Former MFI Parkfield Road. This unit is no longer available.

Former JT Doves site. Offers industrial accommodation in split buildings, having limited roof heights and limited parking.

29. The Councils Regeneration and Environment Local Development is currently out to consultation and as such can be accorded limited weight. This document identifies sites within Stockton Town Centre for new major retail development under Policy TC2, although it is understood that these sites are currently not available and would not be available within a reasonable period to accommodate the proposal. The Planning and Retail Assessment has considered other out of centre sites (in Portrack) where existing retail uses / permissions exist. Of the stores detailed it is noted that two remain to be occupied and are notably smaller than the proposed retail unit and the third relates to an expired consent.
30. In view of the sequential assessment undertaken, it is considered that there are no suitable alternative sites either within centre or on the edge of Stockton centre which are of a size appropriate for the proposal, are available in the short term and could be reasonably adapted to accommodate the proposed store model.
31. There are similar retailers within this area of Portrack Lane and as such, there will be a degree of sustainability achieved through positioning such a use within this location as linked trips may be achieved.
32. In view of all of the above it is considered that the proposal passes the sequential test. As such, there is a need to consider the likely impact of the proposed store on existing centres and on any existing or planned investment within centres.

***Consideration of the impact assessment***

*Impact on planned investment*

33. The submitted Retail Statement details the following planned investments within Middlesbrough, Stockton and Redcar although it is noted that Redcar is at a significant distance from the proposed store.

*Middlesbrough Town Centre*

Centre Square East – Mixed use development comprising a mix of town centre uses including Retail, Offices, Restaurants, Cafes and Drinking Establishments.

Gurney Street Triangle – Mixed use development including residential, office and ancillary ground floor retail.

Canon Park Area – detailed strategy to guide development for a food store and up to 60,000sq.m. retail (including 47,000sq.m of bulky goods).

*Stockton Town Centre*

Improvement of public realm, refurbishment of The Globe theatre, Castlegate Centre - £1.5m renovation of the Castlegate Centre which aims to increase the market hall and add new retail units for lease (small scale units), mall works and updated public conveniences and a re-brand.

Northshore – Mixed use scheme of residential and offices with some ancillary retailing.

Southern Gateway – Recent changes to this area including the demolition of Glynn Web, the proposed Riverside Road realignment and there being existing uses, this is no longer a relevant site to consider, in addition to which, is not known to be available.

Attraction of a food store

*Redcar Town Centre,*

Planned investment within Redcar Centre is generally related to updating properties, environmental improvements and the cultural / leisure uses.

34. It is considered that the scale and nature of the proposed use would be inappropriate within the Centre Square East or Gurney Triangle areas of Middlesbrough due to its scale and type which would prevent it from being ancillary to these schemes. The Canon Park Area redevelopment is a significant scheme and the proposed Next at Home store is proposing only 1103sqm of retail floor space above the existing fall back position for the extent of retailing already able to be undertaken from the application site. This would equate to less than 1/40<sup>th</sup> of the bulky goods retailing being envisaged from this area. With regards to the remainder, given the nature of the proposed retail use (including bulky goods) it is considered that there would be no undue impact on the existing and planned investments within the centres as the proposed Next at Home store would be unlikely to compete with these investments which are aimed at a smaller scale of or different type of retailing and at environmental improvements.

Impact on existing retailing

35. The following table is taken from the submitted Retail Statement and is the applicants assumptions as to the trade impact of their proposed store on the retail areas detailed within the table. In producing the table, figures have been used from the Stockton and Middlesbrough Joint Retail Study and the Stockton Retail Study Update. In estimating the % of trade draw from existing retail areas, the applicant has given consideration to the nature of the retailing.

**Table 5.2 from Applicants Planning and Retail Statement  
Trade diversion from existing stores and centres within the catchment area.**

	Comparison Turnover	Trade Diversion to Proposed Floorspace at 2015		Comparison Trade Impact
	£m	%	£m	%
<b>INSIDE CATCHMENT AREA</b>				
<b>Edge- and Out-of-Centre</b>				
Portrack Lane, Stockton-On-Tees	95.51	33.8%	1.61	-1.7%
Stockton/Bridge Road Retail Park, Stockton-On-Tees	7.85	0.2%	0.01	-0.1%
Tesco, Durham Road, Stockton-On-Tees	39.66	0.2%	0.01	0.0%
Teesside Shopping Park, Stockton-On-Tees	195.05	14.7%	0.70	-0.4%
Other edge- and out-of centre stores in Stockton-On-Tees	n/k	0.0%	0.00	-
Cannon Park, Middlesbrough	3.94	0.0%	0.00	0.0%
Cleveland Retail Park, Skippers Lane, Middlesbrough	41.95	2.3%	0.11	-0.3%
Other edge- and out-of centre stores in Middlesbrough	n/k	0.0%	0.00	-
Other edge- and out-of-centre stores in the catchment area	0.00	0.0%	0.00	-
<b>Total Edge- and Out-of-Centre</b>	<b>n/k</b>	<b>51.2%</b>	<b>2.44</b>	<b>-</b>
<b>In-Centre</b>				
Stockton-On-Tees Town Centre	85.41	4.7%	0.22	-0.3%
Middlesbrough Town Centre	588.27	33.3%	1.59	-0.3%
Redcar Town Centre	124.01	0.8%	0.04	0.0%
Billingham District Centre	24.04	0.0%	0.00	0.0%
Thornaby-on-Tees District Centre	33.23	0.0%	0.00	0.0%
Yarm District Centre	8.25	0.0%	0.00	0.0%
Coulby Newham District Centre	18.36	0.0%	0.00	0.0%
Other defined centres within the catchment area	n/k	0.0%	0.00	-
<b>Total In-Centre</b>	<b>-</b>	<b>38.8%</b>	<b>1.85</b>	<b>-</b>
<b>OUTSIDE CATCHMENT AREA</b>				
Other stores outside catchment area	n/k	10.0%	0.48	-
<b>TOTAL</b>	<b>n/k</b>	<b>100.0%</b>	<b>4.77</b>	<b>-</b>

38. The assumptions detail a 33.3% trade draw (for the proposed store) from Middlesbrough Centre, a 33.8% trade draw from Portrack Lane and only 4.7% from Stockton Town Centre and 0.8% from Redcar Town Centre. It is accepted that the figures are assumptions and that the greatest draw of trade for the store would be likely to come from Portrack Lane and Middlesbrough as the closest areas where a similar nature of retailing takes place. The overall impacts on existing retailing within centre and edge of centre locations is therefore accepted as being limited. The outcome of the projected trade draws from a store of this type equates to a 1.7% impact on existing retailing at Portrack Lane, (which itself is not protected by policy, being an out of centre location), a 0.3% impact on Middlesbrough Town Centre and a 0.3% impact on Stockton Town Centre. Importantly, the % impacts in the table above are based on the overall retailing being proposed as against the fall back

position for the application site which would be approx. 1/3<sup>rd</sup> less as there is already an element of retailing approved for the site.

39. In view of the predictions within the table, although reality of impacts may vary from these, it is accepted that the impact would be particularly limited for the centre and edge of centre sites, thereby being in accordance with the NPPF, RSS and Local Policies in this regard.

#### **Site Layout**

40. The proposed development would provide the retail unit towards the rear of the site with parking to the front, and servicing to the rear, being consistent with the adjacent surrounding units. Access and egress for the car park and service yard would be as existing, being shared with existing units operating from the adjacent premises.
41. The application was submitted with a Transport Assessment in accordance with the requirements of Core Strategy Planning Policy CS2 *Sustainable Transport and Travel*. The overall car park area (shared with adjoining units) would provide a total of 191 spaces, 19 of which would be disabled spaces. There are only small areas of landscaping detailed to the front and rear of the site. The Head of Technical Services has accepted the parking and servicing arrangements and considers there is no adverse impact on highway safety. Reference is made to the submitted travel plan and the need for a slight amendment to this as well as the need for cycle parking to be provided. Appropriate conditions are recommended. Further to this, the Highways Agency has raised no objections. In view of adequate parking, access and servicing been provided and there being no adverse impact on the A19 Trunk Road, it is considered that the proposed development accord with the relevant parts of Core Strategy Development Plan Policy CS2.

#### **Design and Appearance of Building**

42. The building footprint and appearance will generally be in keeping with the majority of buildings facing towards Portrack Lane, being large portal framed buildings with steel sheet cladding walls and glazed entrance / frontages. Its height is somewhat increased (approx. 4.8m taller and will therefore be a notable addition within this group of properties. Notwithstanding this, in view of the general character of the surrounding area, this increase in height is not considered to be outwith this character.

#### **Impact on surroundings**

43. As the proposed building is set within the existing industrial area, away from any sensitive receptors such as residential properties, the scheme would have no detrimental impacts on privacy or amenity. Furthermore, as the proposal would utilise and expand on the existing parking arrangements for the adjoining premises and utilises an existing service yard, it is considered that there would be no notable adverse impacts on the use of the adjoining premises.

#### **Other Matters**

44. The councils Environmental Health unit have no objections to the proposed development and based on the site being away from residential or other sensitive receptors, it is considered that there is no requirement for controls over construction working hours.
45. The Police Architectural Liaison Officer has advised that the opportunity to include crime prevention measures should be taken at this stage. As the proposal seeks to use an existing service yard and extend an existing car park it is considered that there are limited opportunities available for such measures to be undertaken and no controlling conditions are recommended in this respect.
46. Northern Gas Networks have advised that they have no objections to the scheme although there may be apparatus in the area at risk during construction works and should planning

permission be approved have requested the promoter of the works should contact NGN. An informative is recommended to address this matter.

47. The Environment Agency has considered the submitted documents and raise no objection to the proposed development subject to a condition being imposed which requires the development to be undertaken in accordance with the submitted Flood Risk Assessment document. An appropriate condition has been recommended which requires emergency safe routes and finished floors levels to be met. The floor level required by the Environment Agency is 3.9m above Ordnance Datum. The existing site levels are detailed as being between 3.3m and 4.2m therefore requiring limited ground raising thereby allowing the building to sit comfortably within its surroundings.
48. The Environment Agency have advised that an acceptable method of foul drainage disposal for the development would be connection to the foul sewer and that the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution. This is considered to be a matter which can be controlled through Building Control Legislation and does therefore not require control under any planning permission granted. Notwithstanding this, Northumbrian Water were consulted on the application and have advised that they have no comments to make in respect to the scheme.
49. The Health and Safety Executive have been consulted as the site lies within the outer consultation zone associated with three separate chemical based businesses on Teesside. The HSE response is that they do not advise, on safety grounds, against the granting of planning permission in this case.
50. In accordance with Core Strategy Development Plan Policy CS3, conditions are recommended to achieve BREEAM standards of building and for Carbon reduction measures (renewables or other method) to be built into the development.

## **CONCLUSION**

51. The proposed out of centre retail development has been considered sequentially with other suitable and available sites within the area and adequate demonstration has been made that there are no suitable alternative sites that are available. Notwithstanding this, the site already has permission for retail development and the overall increase associated with this proposal above the 'fall back' position is 1103sqm. The anticipated impacts on the existing retailing within centres as well as the existing and planned investments within centres has been assessed and it is considered that this would not be significantly detrimental. Taking into account these matters, it is considered that the proposal adequately conforms with NPPF, RSS, Local Plan and Core Strategy Development Plan Guidance in this regard and it would not undermine the overall focus for new retail floor space being directed to the sub regional centres of Middlesbrough and Darlington.
52. It is considered that adequate access and servicing is proposed and that adequate parking provision across the site would be provided in accordance with the requirements of Core Strategy Development Plan Policy CS2. The building is of a scale and appearance which is in keeping with the surrounding area and therefore accords with the relevant part of Core Strategy Development Plan Policy CS3. It is considered that the proposed scheme would result in significant sustainable economic investment, job creation and regeneration of the site

53. In view of the proposal being in an out of centre location and being justified on the specific retailers model, it is appropriate to impose controlling conditions to limit the extent and type of retailing from the site.
54. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop. Telephone No. 01642 527796**

**WARD AND WARD COUNCILLORS**

**Ward Norton South  
Ward Councillors Councillor R. Cook, Councillor Eileen Johnson**

**IMPLICATIONS**

***Financial Implications:***

There are no known financial implications.

***Legal Implications:***

There are no known legal implications.

***Environmental Implications:***

This report considers the impacts of the development of a hard surfaced derelict site with retail / industrial neighbours. There are no known environmental implications which would suggest the application should be refused.

***Human Rights Implications:***

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on amenity and surrounding uses. There are no known impacts to Human Rights as a result of this proposal.

***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. Within this report consideration has been given to implications around highway safety through adequate provision of access, parking and servicing and in respect to safety associated to flood risk and areas falling within HSE consultation zones. It is considered that the proposed development would not have any unacceptable risk to community safety.

***Background Papers:***

National Planning Policy Framework  
Regional Spatial Strategy  
Middlesbrough Core Strategy Regeneration Development Plan Document