

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

11 September 2013

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

13/0471/FUL

38A Dukesway, Teesside Industrial Estate, Thornaby

**Proposed change of use from vacant industrial unit (B1/B2/B8) to Indoor soft play (D2),
laying out of car parking, amends to entrance and signage.**

Expiry Date 23 April 2013

SUMMARY

Members will recall that the application was deferred at the last Planning Committee in order that the sequential assessment could be re-assessed in relation to a unit within the Mandale Triangle (Richmond House) following a request from Cllr Walmsley. The applicant has assessed the unit and considers that it is unsuitable as the floor space is too large (and split over two floors); has too low an eaves height at 3.6 metres and it could not provide for 70 dedicated parking spaces.

A petition containing 169 signatures has also been submitted which is against a 2nd soft play centre on Teesside Industrial Estate.

The application site is situated within the southern section of Teesside Industrial Estate and is located on the corner of Allison Avenue and Dukesway. The premises forms part of a larger building that has since been sub-divided. Various industrial/warehouse units surround the site with a large area of grass separating the units that encompass this particular 'block'.

Planning Permission is sought for the 'change of use' of the existing industrial unit to an indoor soft play area (use class D2) and would result in the creation of approximately 1400 sq.m of D2 floor space. Minor external changes are proposed to the western elevation in the form of a new glazed entrance to the premise.

Although the proposal is for a 'town centre use' within an out-of-centre location, the applicants have provided a sequential assessment along with update information in respect of Richmond House, which satisfactorily demonstrate that there are no other sequentially preferable sites either within or on the edge of the defined retail centres. The site is also located within close proximity to areas of residential populations (Thornaby and Ingleby Barwick). The proposed development is therefore considered to be broadly in accordance with guidance with the NPPF and relevant policies of the Core Strategy and Local Plan.

RECOMMENDATION

That planning application 13/0471/FUL be approved subject to the following conditions and informative;

Approved Plans:

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

Plan Reference Number	Date on Plan
SI-101	26 February 2013
SI-102	26 February 2013
EL-202	26 February 2013
EL-201	26 February 2013
SI-103	26 February 2013
SE-302	26 February 2013
SE-301	26 February 2013
GA-122	26 February 2013
GA-121	26 February 2013
GA-120	26 February 2013

Reason: To define the consent.

Control of use - Indoor Soft Play Centre only;

- 02 **The premises shall be used for a 'Soft Play Centre' and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: To enable the Local Planning Authority to retain control over the development and prevent new assembly and leisure development safeguarding the vitality and viability of the defined centres.

Travel Plan;

- 03 **Prior to the occupation of the development, a detailed travel plan shall be submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.**

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety.

Car parking facilities;

- 04 **Notwithstanding the information submitted as part of this application, the proposed car parking as shown of drawing SI-103 (total of 70 no. spaces) shall be provided prior to the occupation of the hereby approved use. The car parking shall be retained in accordance with drawing SI-103 for the life of the development.**

Reason: To ensure that satisfactory parking is provided for the development and to ensure the free flow of traffic.

Soft landscaping works;

- 05 **A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the building and any trees or plants which within a period of five years**

from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Landscape Maintenance:

- 06 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

Hard landscape details:

- 07 Notwithstanding any description contained within this application, prior to the commencement of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings and street furniture).

Reason: In the interests of visual amenity.

Details of external lighting:

- 08 The development hereby approved shall not be commenced until details of the lighting columns, light colour and associated luminance levels have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

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

Cycle parking facilities:

- 09 Prior to the occupation of the building, secure and covered cycle storage shall be provided for staff use. Such details shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the hereby approved use and be retained in accordance with the agreed details for the life of the development.

Reason: To ensure that satisfactory cycle parking provision is made available.

The Local Planning Authority have implemented the requirements of the National Planning Policy Framework (NPPF)

SITE AND SURROUNDINGS

1. The application site is situated within the southern section of Teesside Industrial Estate and is located on the corner of Allison Avenue and Dukesway. The premises forms part of a larger

building that has since been sub-divided. Various industrial/warehouse units surround the site with a large area of grass separating the units that encompass this particular 'block'.

2. Access to the premise is via Dukesway with the existing car park to the west of the building.

PROPOSAL

3. Planning Permission is sought for the 'change of use' of the existing industrial unit to an indoor soft play area (use class D2) and would result in the creation of approximately 1400 sq.m of D2 floor space. Minor external changes are proposed to the western elevation in the form of a new glazed entrance to the premise. The submitted plans also detail several logos across the building (although these would not form part of this application and may require a separate permission under the advertisement regulations).
4. The proposed development would also result in the creation of additional parking facilities through the expansion of the existing car park to both the north and east. A sequential assessment has also been submitted as part of the application, along with further information to support both the sequential assessment and sustainability of the site.
5. Following the request of Cllr Walmsley at the last planning committee meeting, the applicants have also revisited the sequential assessment and now assessed the unit within the Mandale Triangle (Richmond House).

CONSULTATIONS

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

Head of Technical Services

General Summary

Subject to the highway and landscape comments below the Head of Technical Services have no objection.

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, 1464m² D2 use should provide 66.5 incurtilage car parking spaces; the applicant proposes 70 spaces to serve the D2 use and associated office which is acceptable. However, the applicant proposes to provide the car parking in 2 phases which is not acceptable. It should be conditioned that the entire 70 incurtilage car parking spaces must be provided prior to commencement of the proposed use. Secure covered cycle storage should be provided for staff use.

Subject to the above there are no highway objections.

Landscape & Visual Comments

There are no objections from a landscape and visual viewpoint details are required as per the suggested conditions below;

LANDSCAPING - SOFTWORKS
MAINTENANCE- SOFTWORKS
LANDSCAPING - HARDWORKS

Environmental Health Unit

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

' **Noise disturbance from access and egress to the premises**

The opening hours should be limited to the times specified in the application to ensure that adjacent premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

' **Light Intrusion**

Adequate screening shall be provided to protect residential properties from light intrusion from the development.

The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

' **Construction Noise**

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Spatial Plans Manager

No comments received

Development and Regeneration

13/0471/FUL - 38A Dukesway, Proposed change of use from vacant industrial unit (B1/B2/B8) to Indoor soft play (D2), laying out of car parking, amends to entrance and signage.

Regeneration & Economic Development acknowledges that this development represents investment and employment opportunities however concerns were expressed over the impact of this 'out of town' proposal on town centre vitality. A sequential test would be required to assess whether any alternative town centre units could suitably accommodate the proposed development.

PUBLICITY

7. Neighbouring properties were notified of the application and a total of 27 objections and 2 letters of support have been received, these are set out below. A petition containing 169 signatures has also been submitted which is against a 2nd soft play centre on Teesside Industrial Estate.

Newman Scott - 46 - 50 Sadler Forster Way, Teesside Industrial Estate

Supports the application as considers that the scheme is an excellent proposal that will help rejuvenate the estate and bring employment to the area.

Keith Pratt (Fun City) - 10 - 14 Skinner Street, Stockton-on-Tees (in summary)

Object to the application due to; concerns that the proposal will effect there business as the customer base is within the same catchment area; loss of revenue could lead to job losses; their business helps to attract people to Stockton Town Centre; and, there is adequate provision of indoor soft play centres serving Stockton and Middlesbrough.

Mr Robert Cook - 210 Church Lane, Eston

An already long established existing play centre on the estate. Detrimental to staff job security.

Mrs Katharine Sibley - 20 Coatham Close, Hemlington

If planning permission were to go ahead it would adversely affect the existing and excellent soft play centre already on the estate. The existing play centre obviously offers everything this business wants to and i feel that another play centre in such close proximity can only have a detrimental effect on an already excellent establishment. I strongly object to this proposal!

Mr Chad Upton - 61 Costa Street, Middlesbrough

The following soft play areas are established, within the driving distances indicated...

Crazy Corner, same industrial park - within 200m
Noah's Ark playsite, Thornaby Centre - approx 2 mile
Fun City, Skinner Street, Stockton - approx 3 mile
Brewer's Fayre, Preston Farm - approx 4 mile
Fuzzy Ed's, Coulby Farm - approx 5 mile
Our Funhouse, Victoria St, Middlesbrough - approx 5 mile

(I'm sure there are more, but can't remember whether one's like the pub at the top of Durham Road still has its soft play area and/or are still trading).

There is no merit in approving the plans for this location. Either this business will fail or it will cause at least one of the existing businesses listed to fail or at the very least suffer a downturn in trade, increasing the likelihood of job losses.

If location location location is considered, there are better, less saturated areas that should be considered where market share would be grew, rather than diluted.

Miss Katie Galbraith - 39 Ickworth Court, Ingleby Barwick

I work in a children's soft play centre around the corner. I have worked there for seven years. I have just got a house of my own, and can't afford to lose my job. With this new place opening it will put my job at risk!!!!

Miss Nicole Hallet - 5 Brantwood Close, Ingleby Barwick

There is already a well established and long running children's soft play on the Industrial Estate, putting another one in the same location is a risk on the jobs of the staff at the existing site!

Mr Ben Green - 5 Brantwood Close, Ingleby Barwick

I and my girlfriend both work for Crazy Corner Ltd, a soft-play company literally round the corner from the proposed site. Developing another soft-play in such a close proximity to an already established one will be detrimental to the business and as such the staff connected to it.

Miss Gemma Howard - 10 Denton Close, Acklam

To Whom It May Concern, I would like to offer my objection to this case. There is a perfectly good and well established business of the same kind not too far away from this one being proposed. And being a parent of a young child I will be keeping my business at the Crazy Corner, as I don't see how another business can benefit from being in the same vicinity.

Miss Helen Monks - Windsor Rd, Normanby

I would like to object to this application, there is already a soft play centre in this area and it will affect this business and the staff that work there. As a parent I use these play centres and feel there is a need for new ones to be opened in other areas not right next to an already established business.

Mr Anthony Cassidy -180 Tithe Barn Road, Stockton-on-Tees

I object to the above planning permission. There is already soft play area in the industrial estate and forcing two soft play areas to compete against each other in close proximity will only result in less money spent on the safety of the children who use these facilities. Can't we have something new and original instead of somebody coming along and wanting to 'copy and paste' something that is already in the area and providing a great service to the community that supports them

Mrs Val Pierce -18 Offerton Drive, Hemlington

I am commenting to express my objection to the application for planning permission (13/0471/FUL). The reason for my objection is the proximity of the proposed site to the already existing play centre, Crazy Corner. I do not believe that there is room for more than one play centre on this site.

This proposed site would not attract new business to the area; rather it would take customers away from already existing businesses. Stockton Council should be concentrating on supporting already existing businesses in the area rather than allowing for new businesses to be built so close that they threaten the stability of the already existing play centres.

As stated in the Development and Regeneration comment for this application, the Regeneration and Economic Development acknowledge that this development represents employment opportunities.... I strongly contest this. New employment may be offered at the proposed site; however there will be job losses at other existing play centres. A loss of customers at Crazy Corner will result in a loss of earnings which will inevitably result in job loss meaning yet more unemployment.

There is already a surplus of play centres in this area, with planning permission already been giving for a new play centre in Portrack. There is not room for one more and frankly I do not believe that the existing play centres will be able to cope with competition from one more play centre.

Emma Walker - 107 Lime Road, Normanby

I object to the above planning application. I feel there is already a well-established Soft Play centre no more than 500 meters from there. If another soft play centre was commissioned for business then I feel it would affect the business of the well-established Crazy Corner and in turn would have an impact on the income of both centres.

I feel another area within the locality would be a more business feasible venture. Somewhere, where there is not one established which will be better for that local community; creating local jobs. Maybe somewhere in the Middlesbrough area or closer to Stockton Centre where it is more populated, resulting in more business

Amy Dodds - 9 Park Avenue, Teesville

I wish to object strongly to the development of the above planning application as I feel there is already a well established Soft Play centre no more than 500 meters from there, if another soft play centre was commissioned for business then I feel it would effect the business of the well established Crazy Corner.

If another soft play business was to open this would have a major impact on the income of both centres.

I feel a soft play should be opened in a different area such as Middlesbrough, Billingham or closer to Stockton town centre.

Mrs H Ogden - Unit 38 Premier Court, Middlesbrough

I object to the above planning application as I feel there is already a well established Soft Play centre no more than 500 meters from there, if another soft play centre was commissioned for business then I feel it would effect the business of the well established Crazy Corner and in turn would have an impact on the income of both centres. I feel another area within the locality would be a more business feasible venture. Somewhere, where they are not one established which will be better for that local community creating local jobs. Maybe somewhere in the Middlesbrough area or closer to Stockton Centre where it is more populated resulting in more business

Olivia Calvert - The Cottage Teddys Nook, Marine Parade

I am writing to object to the above planning application, as I feel there is already a well established Soft Play Centre, no more than 500 metres from there, and if another Soft Play Centre was commissioned for business then I feel it would effect the business of the well established Crazy Corner, and, in turn, would have an impact on the income and success of both centres.

I work in Stockton and have young cousins, nieces and nephews that regularly go to Crazy Corner, and I would hate to think that a new company could affect their business. Everyone who works and lives in Stockton can see the amount of effort that is going into the regeneration of the area, and I feel that the premises would be better served to a venture totally separate to that of Crazy Corner, as it would not be steering business away from a successful establishment and could instead offer the Stockton community a new outlet, experience or business that is not currently available to them, without hindering a company that I feel has already been beneficial to Stockton.

I feel another Soft Play Centre within the locality would be a more feasible business venture, somewhere where there is not one already established, such as Saltburn and the Redcar area, which I feel will be beneficial to the area, as well as being more profitable for the business.

Mrs Emma Martin - 204 Church Lane, Eston

As an employee of an already existing adventure play centre on Teesside industrial estate. I am worried that the development of this play centre could result in job losses.

Mr John Burnham - 17 Vulcan Way, Thornaby

I would like to see more in the area for my children. Yes there is a play area in the same industrial estate but to be fair is now old, dated and worn out. I would like to see fresh exciting and up to date areas for my children. I would like to see how many people who have objected to this planning application actually work at crazy corner as not many people are even from Stockton! Nothing wrong with a bit of competition among companies. We need more for our children

Janice Rowland - 9 Oldbury Grove, Hemlington

I would like to express my objection to the above mentioned planning permission application. (13/0471/FUL)

It is far too close to an already established play centre and will almost certainly have a detrimental effect on people's jobs! Stockton already has enough provision especially now that there has already been permission granted to a new play centre off Portrack Lane. There is no need and simply not enough capacity for any more play centres.

L Glasper -10 Hutton Road, Longlands

I strongly object to this planning application as more focus need to be given to Stockton town centre! There is already an existing soft play centre on the industrial estate surely we don't need 2! there must be at least 8 play centre in the local area. we don't need another one.

Mrs Yvonne Cook -14A Perry Avenue, Teesside Industrial Estate

We are writing to express our objection to the above application for planning permission.

We are family run company who have recently purchased Crazy Corner Adventure Play Centre Ltd (December 2012) sited within Teesside Industrial Estate.

We are extremely concerned about the introduction of a new facility at such close proximity to ourselves for the following reasons;

The local area is already flooded with soft play centres including;

Crazy Corner - Teesside Industrial Estate

Noah's ark - Thornaby

Fun City - Stockton

Our Fun House - Middlesbrough

Wacky Warehouse - Stockton

Wacky Warehouse - Middlesbrough

Thornaby Pavilion - Thornaby

Splash - Stockton

This is by no means an exhaustive list but clearly represents the already bulging provision available.

In the current economic climate, businesses are already facing difficult trading conditions. With the introduction of a new play centre which is in the same catchment area as our already existing business this proposal could result in our company not surviving. Obviously any loss of revenue could lead to job losses for our existing staff.

Stockton Borough Council town centre regeneration policy.

We were interested in opening up a new soft play adventure facility before purchasing Crazy Corner. In the summer of 2011, we submitted an application for planning permission for a change of use for a property on Portrack Lane, Stockton. Planning permission was rejected, the reason being given to us was that Stockton council had a town centre regeneration policy and were aiming any new business within the town centre.

We therefore looked at existing provision and in December 2012 purchased Crazy Corner Ltd on Teesside Industrial Estate. The play centre had been established since 2003 and had 16 employees on the books all of whom we continue to employ.

We are already extremely disappointed that just recently, planning permission for a children's adventure play centre, just off Portrack Lane in Stockton had been passed. This building is within walking distance from where we were refused! Not in the town centre as per the Town Regeneration Policy! Now Stockton Borough Council are considering plans, again which are not within the Town Centre which could play a massive part in the continued existence of our established business. We would hope that the council would revisit their own Town Centre Regeneration Policy and would work to support and help sustain already existing local businesses that are providing employment to local people.

We would ask that Stockton Council refuse the current planning application (13/0471/FUL) for the concerns of which are stated above.

Terrienne Barrows - 11 Sefton Road, Thorntree Estate

To whom it may concern,

I object to the above planning application because there is one currently situated within the same area, and this would create competition. I am part of the Priory Day Care Group and feel it would be detrimental to the business

Anthony Cook – (2 letters, one from The Bungalow, Attlee Road and one from Top Tots Day Care Poplar Grove)

To whom it may concern,

I object to the above planning application as I feel there is already a well established Soft Play centre no more than 500 meters from there, if another soft play centre was commissioned for business then I feel it would effect the business of the well established Crazy Corner and in turn would have an impact on the income of both centres. I feel another area within the locality would be a more business feasible venture. Somewhere, where there is not one established which will be better for that local community creating local jobs. Maybe somewhere in the Middlesbrough area or closer to Stockton Centre where it is more populated resulting in more business

Alison Page - 21 Clynes Road Middlesbrough

To whom it may concern,

I object to the above planning application because it is too close to the existing play centre and the town centre needs to be concentrated on as this needs the most work

Kirsty Smith - 3 Jones Road, Southbank

To whomever it may concern,

I object to the above planning application because it is unattainable for me to access as I do not have transport and if i was to travel to that area I would use the well established Crazy Corner Soft Play Adventure Centre. I feel this will create unwanted competition for an area which does not need another soft play.

Stephanie Milsom -14 Langdale Crescent, Middlesbrough

To whom it may concern,

I object to the above planning application as I feel they are where it is situated is in the middle nowhere and is right next to a well established Soft Play adventure centre which would create direct competition.

Mr Ali Muzzaman - 91 Normanby Road, Middlesbrough

I would like to object to the above planning permission. As there is already an indoor play area close by I think it is utterly ridiculous to have another in such close proximity. I visited the current business a couple of years ago and came away pretty disappointed with the experience, however, recently it has been bought by another family business and they have done a brilliant job bringing life back in to the place, the place is clean, the staff are friendly and their main priority is the safety of the children. Having two play areas within such close distance of each other will have an effect on the standards of both businesses. At the end of the day they will be competing over business, and not over who has the cleanest, and the safest premises for parents to take their children.

I therefore object to the above planning permission and hope that another play area is refused, as the current one is doing a fine job.

Mr Andrew Raine - 6 Ashbourne Close, Eston

I would like to object to the proposal for the following reasons:-

1. The Stockton and local area already have a sufficient soft play centres. The proposal is within 500mtrs of a long established and superb soft play centres (Crazy Corner), and as other posts have stated others in Thornaby and Stockton (fun City and Noah's Ark for example) and several pub based soft play. Would you put 2 swimming baths next to each other? No! The acceptance of this centre will only effect the other centres to the detriment of them and the local community.

2. The proposed win of additional jobs would be a case of robbing peter to pay Paul. The long established centres in the whole Stockton and local area would be affected by this and any employment created by this would be offset by job losses in the other centres. So no positive effect by opening an additional centre for Stockton jobless!

3. This goes against Stockton's own vision of centre development. As planning officers have stated it's against the policy of development from the centre. This would set precedent on out of town planning approval! In previous years other planning applications have been refused because of this centre development reason. This would bring people out of town and that's against the council's vision! Having been a store manager in Wellington Square for 4 years, I have seen the decline of the town centre. This vision should be maintained to bring back the centre and give it a boost. This would be another nail in its coffin as would leave the council open to out of town approvals in future!

4. Stockton council should be trying to support the long established businesses in the area in a time of deep recession! Learn from mistakes that saturation of certain shop/business types has helped to ruin the centre. Support the established business to grow and develop for the benefit of the community and the business. The on going sustainability in a saturated market by adding an additional soft play would be negative and would be very short sighted of the council planners!

5. No positive effect on the Stockton area and the children! The soft play business is a finite market. The further saturation of the market wouldn't improve the offerings to the local areas children but have a detrimental effect. I have visited several of the current established business with my nephews and they deliver a superb service for the local community. Hindering their ability to invest and develop the established centres by just splitting the pie further wouldn't improve the offering to the community. I want these established businesses to invest in their centres and improve. They cannot do this if the business isn't taking the money as the finite money made is spread further! Stockton council should look to invest in the established businesses and support the safe and quality area for the children of Stockton and the local areas.

In conclusion, it's against the 'Planning Vision' and previous precedents set for out of town development. It's not going to increase jobs in the area...more likely have a negative effect. And the services offered to the children and parents of the area would be reduced because of the saturation effect of agreeing to this. So say NO! And invest in the established businesses

Mrs Sarah Ellis - The Grove, Middlesbrough

I note from this application that the applicant professes to have owned a soft play for several years yet it would appear from the website that the facility in Skelton opened in the autumn of 2012. I object to this application by an inexperienced operator based on the facts that as a new operator and company they have only experience the lucrative winter months, have no track record for health and safety issues, appear to have no compliance with ROSPA and have limited experience of the complexities of running a successful and safe children's play area. Running this kind of business requires a lot of safety knowledge, experience of child development and behaviour management. As there are already 3 local soft play areas with this relevant experience I think the risk of effectively limiting/diluting the profit and in turn the available money to spend on health and safety would be a great risk to the children of the borough.

As for the fact this would be new and not worn, that would be limited as the existing structure at Skelton is looking worn already and I would suggest is not bought from a British manufacturer but a Chinese manufacturer which is cheaper but less robust.

Whilst the site is with walking distance of a bus stop the majority of customers will arrive by car therefore increasing traffic levels on an already busy estate.

PLANNING POLICY

8. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.
9. 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.
10. 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

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.

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 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy S2 of Alteration No 1 of the adopted Stockton on Tees Local Plan

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.

National Planning Policy Framework

11. 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;

12. 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.

13. The relevant sections of the National Planning Policy Framework include;

- Section 1. Building a strong, competitive economy
- Section 2. Ensuring the vitality of town centres
- Section 4. Promoting sustainable transport
- Section 7. Requiring good design
- Section 8. Promoting healthy communities
- Section 10. Meeting the challenge of climate change, flooding and coastal change

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations of this application are compliance with planning policy and the impacts of the proposed development on the visual amenities of the locality; levels of amenity; access and highway safety and other matters arising out of consultations.

Principle of development;

15. The application site lies within an industrial area that is allocated for business and General Industrial uses (use classes B1 and B2) under policy IN1c of the adopted Stockton on Tees Local Plan. As set out within the NPPF main town uses include leisure and entertainment facilities and given the development is classed as a Town Centre Use the proposed development is also subject to saved policy S2 of the Local Plan Alteration No.1
16. The general ethos of the National Planning Policy Framework (NPPF) is to promote and encourage development that accords with the definition of sustainable development (made up of three components; social; economic; and environmental). The NPPF places a strong emphasis on promoting and supporting the vitality and viability of the town centres. Paragraph 24 sets out that a sequential test for main town centre uses not in an existing centre should be applied, the preference being for town centres, then edge of centre locations and only then if suitable sites are not available, should out of centre sites be considered. Preference is also given to those sites out of centre sites that are well connected to the town centre, although applicants are also required to show a degree of flexibility on issues such as format and scale. Such an approach is also reflected within the Authority's adopted Core Strategy policy CS5 and saved policy S2 of the Local Plan Alteration.
17. As part of the application a sequential assessment has been submitted, this identifies the basic requirements of the business model and identifies a broad catchment area of a 20 minute drive that would include areas such Stockton, Middlesbrough, Thornaby, Yarm, Berwick Hills, Coulby Newham. Such a catchment area is therefore not solely restricted to the area of the Borough where the application site is, although it is recognised it may be desirable from the applicant's point of view.
18. The submitted sequential assessment identifies twelve units that are considered to meet with the operational requirements of the business, none of which are within any of the defined centre boundaries. It is acknowledged that there are limited opportunities within Stockton Town Centre given the minimum height requirement and floor space size required and the Local Planning Authority has no evidence to suggest that premises within the High Street would be suitable or available. Appendix 1 of the supporting Statement identifies several of

the units with a simple matrix/scoring system outlining essential/required criteria along with other considerations. A score (out of 14) is then given. Appendix 2 also highlighted several units (Former Trade superstore, Portrack Grange Road, Black Path, Portrack Lane and Unit 2, Portrack Lane) of a similar size that appeared available and would meet with the appellant's requirements in terms of floor space and minimum heights. Rental values also appeared to close to the £40,000 target that was set by the applicant in their search. Further information was provided by the applicants, following discussions with officers in respect to these units which sets out that they are not available, suitable or viable for the proposed use. Consequently the applicant's sequential assessment concludes that the application site is the only available unit for the proposed soft play use.

19. Following on from the previous Planning Committee, the applicant and his agent have looked at the Richmond House site within Thornaby. Following on from this assessment, the site has been discounted from the sequential assessment as the premises is considered too large and split over two floors, fails to provide the minimum required eaves height and could not accommodate the required 70 dedicated parking spaces. For the purposes of the sequential assessment the building is therefore not considered suitable.
20. Whilst it is a common argument that certain leisure uses are better suited to industrial type units as a result of the large floor areas and ceiling heights, in this particular instance it is considered that there is a genuine case given that the submitted sequential assessment demonstrates that there are no other alternative premises available in sequentially preferable locations (i.e. within or on the edge of centres). The additional facilities such as the café and seating areas are considered to be ancillary to the main use and are unlikely to result in any significant impacts on the defined retail centres. As a result, it is considered necessary to limit the activities of the unit, solely to those of a soft play centre (thereby preventing any change of use within the D2 use class or other permitted changes) on the basis that this type of premise/location would not normally be considered appropriate for other types of leisure/entertainment facilities or town centre uses. A planning condition is recommended accordingly.
21. Whilst many of the objections received consider there being adequate provision for this type of facility and also raise concerns relating to the implications of approving the development on existing businesses and existing employment are duly noted, the planning system does not exist to prevent competition or protect the rights of any one individual (or company) over another and these issues are not material planning considerations that can be taken into consideration as part of the determination of this application.
22. Comments made by an objector in respect of a planning application that they made in 2011 and it being refused based on planning policies that direct such uses towards Town Centres are noted. Since that decision, the National Planning Policy Framework (NPPF) has been introduced which still requires sequential assessments to be produced for Town Centre uses that fall in out-of-centre locations. However, in the cases that are referred to and indeed in this case also, it is considered that the applicants satisfactorily demonstrated that there were no other sequentially preferable locations that are either; available; suitable; or viable. Should the Local Planning Authority not be satisfied that there are no alternative premises available, this would still constitute a valid reasons for refusal of the application.
23. In view of the above it is considered that there are strong factors that weigh in favour of the proposed development given the submitted sequential assessment that demonstrates there are no suitable alternative premises. Subject to an appropriate planning condition limiting its use, the proposed development is considered to broadly accord with the three elements of sustainable development set out within the NPPF and the requirements of policy CS5 of the Core Strategy and saved policy S2 of the Local Plan Alteration. As such the principle of the proposed use, in this location is considered to be acceptable.

Site sustainability;

24. As alluded to earlier in this report, the nature of the proposal and its likely high trip generation means that it falls within the definition of a 'town centre use'. These should be sited within central locations not only to protect the vitality and viability of defined centres, but to also encourage travel through sustainable methods of transport.
25. The supporting statement indicates that the site is in close proximity to bus stops and services and is readily accessible due to its proximity to Ingleby Barwick. However, it appears that only the 'Boroughbus 507' and the 'X6' services will serve the application site. The 'X6' service runs between Middlesbrough and Eaglescliffe and operates Mon-Sat on a half hourly service that makes a stop at the Industrial estate roundabout that is approximately 900m to the application site. The 'Borough bus 507' service runs between Stockton and Yarm and is more infrequent again operating Mon-Sat at approximately every two hours. The bus makes two stops near the site, one along Thornaby Road and the other along Low lane which is 850m away (adjacent to 'The Manor House').
26. In terms of access by foot, the submitted statement includes a 30 minute walk distance, and whilst this covers a large area of Ingleby and Thornaby and in the case of Ingleby would require Thornaby Road to be crossed, whilst access from Thornaby would require crossing of the A174 Parkway (which leads to the A19).
27. Whilst it is widely accepted that 400m is a reasonable walking distance, anything beyond this is likely to result in the use of the private car. Given the limited footpath linkages through Ingleby Barwick any walking distance is likely to be in excess of 1km and as a consequence it could be expected that the majority of patrons will arrive by private car to the site. Consideration has been given to cycling and on balance it is considered that access to the site would remain possible though the highway and existing footpaths/cycle links that surround the area.
28. In view of the above, it is recognised that the site has a degree of accessibility (albeit limited). To supplement this, the applicant is proposing a pick-up/drop-off mini bus facility for group bookings. Although the provision of a mini bus service is welcomed, this could not be permanently secured by a planning condition. It is therefore considered more appropriate to require the submission of a travel plan to ensure long terms measures are put in place to reduce car dependency, this may include measure such as the mini bus pick up/drop off service.

Economic Benefits;

29. It is recognised that the proposed use has some benefits in terms of inward investment, creating employment (approximately 25-30 jobs) and bringing back into use a vacant premise. These offer and provide for the economic and social roles outlined within the NPPF and weight in favour of the development, although they need to be balanced and considered against the planning policy considerations and definition of sustainable development as whole.

Character of the area;

30. The designs of the surrounding premises are fairly modern commercial units and are typically portal framed buildings. The proposal offers limited changes to the external appearance of the existing premise and the introduction of the new glazed entrance is not considered to be so significant that it would result in any significant harm to the visual amenity of the surrounding area so as to justify a refusal of the application.

Landscaping features;

31. The Councils Landscape Officers have considered the proposed development and the potential impacts on existing landscaping features and have no objections to the proposal subject to planning conditions being imposed for further information on soft landscaping/maintenance and hard landscaping details, these are recommended accordingly.

Amenity of neighbouring occupiers;

32. Given the commercial nature of the surrounding sites and the activities proposed as part of the development it is not considered that the proposed development would result in any impacts on the amenity of the neighbouring occupiers to justify a refusal of the application.

Access and highway safety;

33. The Head of Technical Services has considered the application and supporting information against the councils Design Guide and Specification and SPD3: Parking Provision for New Developments. The proposed use and level of floor space would require 66 spaces and as the applicant proposes 70 spaces to serve the D2 use and associated office. The proposed parking provision is therefore considered to be acceptable, provided a condition is imposed to ensure that the 70 curtilage car parking spaces are provided prior to commencement and to provide secure and covered cycle storage facilities. Subject to the imposition of these conditions there are no objections to the proposed development on highway safety grounds, again planning conditions are recommended to secure satisfactory arrangements with regards to these matters.

Planning Obligations;

34. It is noted that Policy CS11 and the Council's Supplementary Planning Documents (SPD) on Planning Obligations and Open space, Landscaping and Recreation often require section 106 agreements to be provided toward the provision of infrastructure as a result of the impacts developments may have. However, consideration must also be given to the fact that the proposed development is within an existing Industrial building which would be likely to generate a greater level of employment than that of the proposed use. In considering the nature of the proposed development and the level of employment that could be generated by the existing premise/use it is difficult to identify the harm that would result from the proposed development to open space, landscaping and recreation uses. Therefore, in this particular instance the tests under Regulation 122 of the Community Infrastructure Regulations 2010, whereby obligations have to be necessary to make the development acceptable in planning terms, have not been met.

Residual matters;

35. Objections received regarding the experience of the operator, health and safety and compliance with RoSPA criteria, are not material planning considerations. They are matters for the management of the facility and should the need arise would be addressed under the relevant legislation.
36. Whilst the comments of the Environmental Health Officers are noted with respect to noise disturbance and control over construction hours/delivery of materials, the application site is located within an industrial estate and is situated well away from residential properties, it is therefore not considered necessary or appropriate to impose planning conditions to control these matters. A condition to require details of any lighting is considered appropriate and is recommended accordingly.

CONCLUSION

37. Although the proposal is for a 'town centre use' within an out-of-centre location, the applicants have provided a sequential assessment that satisfactorily demonstrates that there are no

other sequentially preferable sites either within or on the edge of the defined retail centres. The site is located within close proximity to large area of residential populations and consequently any shortcomings over the sites sustainability in terms of modes of transport other than the car are given reduced weight.

38. The proposed development is therefore considered to be broadly in accordance with guidance with the NPPF and policies CS2, CS3 and CS5 of the adopted Core Strategy and saved policy S2 of the Stockton on Tees Local Plan. The proposed development is therefore recommended for approval subject to the conditions set out within the report.

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

WARD AND WARD COUNCILLORS

Ward Stainsby Hill
Ward Councillors Councillor Mrs Sylvia Walmsley & Derrick Brown

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act and planning obligations as set out in the 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
Stockton on Tees Regeneration and Environment DPD (Preferred options)
Draft National Planning Policy Framework (NPPF)