

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

16 APRIL 2014

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

14/0231/FUL

**Former Springs Leisure Centre, Haydock Park Road, Teesside Shopping Park
Erection of new retail store (Class A1) and ancillary use with office, associated parking,
access, servicing arrangements, landscaping and advertising.**

Expiry Date: 5 May 2014

SUMMARY

Planning permission is sought for the erection of a retail unit for Barker and Stonehouse in an out of centre location on Teesside Park, on the site of the former Springs Leisure club which is the extant use on site. The planning history shows refusal of a scheme in 2007 for a bulky goods retail use and two refusals for the erection of a hotel, restaurant and pub/restaurant on the site.

Retailing is a town centre use and this site is in an out of centre location. The submission included a sequential and impact assessment which has demonstrated that there are no known suitable and available sites within Stockton or Middlesbrough centres 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 including Stockton and Middlesbrough. The impacts are considered to be insufficient to warrant refusal of the scheme on these grounds. As such, the proposed retail development at the site is considered to be acceptable.

Adequate provision is made for access, servicing and parking whilst the building design is that of a modern retail premises with quality materials having been specified. The Head of Technical Services has raised no objections to the scheme.

The proposal has been considered against all consultees comments made, none of which raise an objection to the scheme whilst Thornaby Town Council have expressed their support for the scheme. The agents for the Castlegate Centre has supported the scheme subject to controls over the user and extent of goods being sold.

The proposed development is considered to be in accordance with national and local planning guidance for retail development in out of town locations and is therefore recommended for approval.

RECOMMENDATION

That planning application 14/0231/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;

<i>Plan Reference Number</i>	<i>Date on Plan</i>
A100-03	5 February 2014
SBC0001	31 January 2014
A10-00 A	31 January 2014
A20-03 E	31 January 2014
A20-04 C	31 January 2014
A30-11 E	31 January 2014
A30-12 D	31 January 2014
A20-02 E	31 January 2014
A20-01 F	26 th March 2014
A100-02 A	5 February 2014
A100-01 A	5 February 2014
A10-04 A	31 January 2014
A10-03 E	26 th March 2014
0585-1 A	31 January 2014
A30-01 D	26 th March 2014
A30-02 D	26 th March 2014

Reason: To define the consent.

02. Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the building and all areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To take into account the sites prominent position and its visual interaction with the surroundings in accordance with the principles of the National Planning Policy Framework.

03. Temporary Car Park for Workers

Prior to works commencing on site a scheme for a temporary car park and materials storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development.

Reason: In the interests of highway safety in accordance with the requirements of the principles of the National Planning Policy Framework.

04. 10% Renewables or fabric first

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, 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 superseding 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 unless otherwise agreed in writing by the local planning authority.

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

05. Landscaping Hard-works

Notwithstanding the details hereby approved, no hard landscaping works (excluding base course for access roads and car park) shall commence until full details of the proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme of hard landscaping shall include external finishing materials, construction details, colours, and fixings where appropriate. The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being brought into use.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

06. Soft Landscape Scheme

Prior to the development hereby approved being commenced on site a scheme of soft landscaping shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be restricted to providing a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers where appropriate. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The approved scheme shall be implemented in full in the first planting season following the completion of the building and creation of the car park or in 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.

07. Drainage - Run off rates

The construction of the new building hereby approved shall not be commenced on site until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme and shall aim to prevent any increase in existing run off rates from the site.

Reason: In order to minimise the risk of flooding within the surrounding area in accordance with the requirements of Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

08. Drainage - Car Parking Areas

The development hereby approved shall be undertaken in accordance with a scheme of drainage for the car park areas which has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of an Oil Interceptor.

Reason: In order to make adequate provision for surface water drainage.

09. BREEAM

The development hereby approved shall be constructed to achieve a BREEAM 'Very Good' rating unless an alternative scheme of works has first been submitted to and approved in writing by the Local Planning Authority. Any alternative scheme shall detail how the works would achieve the relevant principles of the BREEAM 'Very Good' standard as well as but not restricted to providing time periods for implementation, maintenance and monitoring regimes.

Reason: In order to accord with the principles of Stockton on Tees Core Strategy Policy CS3 - Sustainable Living and Climate Change having taken into account build related matters.

10. Construction and First occupation

The development hereby approved shall only be constructed and first occupied by the applicant.

Reason: In order that the new retail premises built in an out of centre location is done so on the basis of the specific justifications put forward by the applicant in accordance with the National Planning Policy Framework and Core Strategy Development Plan Policy CS5(7) 'Town Centres'

11. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement.

12. Lighting

There shall be no external lighting installed at the site unless it is in accordance with a scheme of lighting which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details in the interests of highway safety.

13. Boundary Treatments

Notwithstanding the details hereby approved, no boundary treatments shall be erected on site unless in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality in accordance with the principles of the National Planning Policy Framework.

14. 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. The travel plan shall make allowances for it being updated and maintained 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.

15. Cycle Parking

The cycle parking shall installed on site in the positions as detailed on approved plan A20-01 Rev F prior to the development being brought into use unless otherwise agreed in writing by the Local Planning Authority. The cycle parking 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 staff and 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.

16. Soft Landscape Maintenance

Prior to the development hereby approved being brought into use, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and any retained vegetation shall be submitted to and approved in writing by the Local Planning Authority. Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme of soft landscaping regardless of any phased development period followed by a long-term management plan for a period of 20 years and shall make provision for replacement of dead and dying vegetation within that period.

The management of soft landscaping shall be undertaken in accordance with the approved scheme unless the Local Planning Authority give written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity in accordance with Stockton on Tees Core Strategy Development Plan Policy CS3.

17. Extent of Retailing

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 its principal goods to be sold and ancillary items as detailed below:

Principal retail items

- *Furniture including sofa's, tables, chairs,*
- *Garden Furniture,*
- *Bedroom Furniture*
- *Bathroom Furniture*
- *Kitchen Furniture*
- *Carpets and Flooring*

Ancillary retail items

- *Rugs,*

- Lighting
- Cushions,
- Shelving, Picture frames,
- Home furnishings

The Net retailing area within the store shall not exceed 3310square metres.

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'

18. 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'

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: National Planning Policy Framework

The application has been considered against the guidance contained within the National Planning Policy Framework.

Informative 2 - Landfill

The Environment Agency have advised that the proposed development site is located approximately 60m to the east of a non-biodegradable waste landfill site previously operated by operated by Greenfield Excavations Ltd (now in receivership). It was operated from 1993 under the permit no EAWML 60120. As the site did not accept biodegradable waste, it is thought that landfill gas would not have an adverse impact on the proposal area.

Informative 3: Damage to Highway Verge

The developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149).

The developer should contact the Care For Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces and landscaping fronting the development.

Any need to prune or remove any of this existing planting to gain views of any Totem signage or for creating a pedestrian link to be into the car park from Teesside Park would need to be agreed with Stockton Council.

The existing roadside planting that runs along Teesside Park Drive and which falls within highway owned land could be enhanced by the development. The planting on the southern edge of the service area could be gapped up to allow for barrier planting to deter any pedestrian access through this area from Teesside Park Drive. Again this would need to be agreed with Stockton Council.

Informative 4 – Northern Gas Networks

Northern Gas Networks have advised that there may be apparatus in the area that should be identified prior to works commencing and suggest early contact is made to highlight these services.

BACKGROUND

1. Early planning history relating to extension and alteration of 'The Springs' is not detailed within the background as it is largely irrelevant.
2. 06/3648/FUL Redevelopment of site to provide 2090sqm of bulky goods non-food retail warehouse unit with associated car parking, access and landscaping. Refused on the 11th May 2007 and dismissed on appeal.

Refused due to insufficient justification being made for the out of centre retailing use.

Appeal dismissed. The Inspector considered that the grounds of appeal excluded any analysis of likely expenditure flows to the proposal from Middlesbrough and the impact on existing centres or committed developments and there was a lack of demonstration that other sites were not available. It was also highlighted that the site was not well linked by a wide range of transport modes.

3. 10/1533/FUL Construction of a 66-bed Travelodge, Nando's Restaurant and Harvester pub/restaurant with associated car parking. Withdrawn on the 13th September 2010.
4. 10/2762/REV Construction of a 66-bed Travelodge, Nando's Restaurant and Harvester pub/restaurant with associated car parking.
5. Refused on the 13th January 2011 for the reasons below and dismissed on appeal on 22nd Jan 2013.

In the opinion of the Local Planning Authority, the proposed development relates to Town Centre Uses within an Out of Town location and it has not been adequately demonstrated that the proposed use cannot be provided within either the defined centres within Stockton Borough or within an edge of centre location. The proposal is therefore considered to be contrary to saved Policy S2 of the adopted Stockton on Tees Local Plan and guidance of PPS1: Delivering sustainable development, PPS4: Planning for sustainable economic growth; and PPG13: Transport.

In the opinion of the Local Planning Authority the proposed use would be in an unsustainable location and it would place a high reliance on the private motor car taking into account the limited provision of bus services and suitability and attractiveness of the surrounding highway network for walking and cycling, thereby being contrary to Core Strategy policy CS2 (1) and the guidance within PPS1: Delivering sustainable development and PPG13: Transport.

SITE AND SURROUNDINGS

6. Teesside Park is an out of centre retail and Leisure Park on the border between Middlesbrough and Stockton, immediately to the south of the A66. Uses located there include numerous retail outlets and restaurants as well as a casino and multi-screen cinema. The site covers a significant area and has extensive areas of parking throughout.
7. The site subject of this application is located at the entrance to Teesside Park, adjacent to the highway access. The former leisure club building currently on site is a steel sheet clad building positioned centrally with surface level car parking surrounding it. The building has

been closed for many years and the overall site has a somewhat vacant and neglected appearance.

PROPOSAL

8. Planning permission is sought for the redevelopment of the existing leisure use site to provide a retail outlet for Barker and Stonehouse, including the re-provision of car parking areas, landscaping and pedestrian links within the site.
9. The proposed building is shown as including approximately 3300sqm of retail floor space, storage, office and a café on the first floor with access to a roof terrace. The submission indicates that the store would become the applicant's headquarters.
10. Materials for the building have been specified as including natural finish zinc panels, timber vertical boarding, brickwork as well as a split level roof which includes for part of it to be grass and sedum planted.
11. The car park is indicated as being laid to tarmac, having lighting columns within it and a post and rail fence around it adjacent to the landscaped perimeter. A total of 97 parking spaces would be provided which includes 5 disabled spaces and provision for staff. Cycle parking and a service area are also detailed.
12. The submission indicates store opening times would be 10 am till 8pm Monday to Friday, 9 am to 6pm Saturday and 11 am till 5pm on Sunday and that there would be approximately 40 employees at the site.

CONSULTATIONS

Consultees were notified and comments received are summarised below:-

Thornaby Town Council

Fully supportive of the application by Barker and Stonehouse to erect a new retail store on the former Springs Leisure Centre site at Teesside Park.

SBC Head of Technical Services

The Head of Technical Services has reviewed the information submitted and supports the application subject to agreement to minor changes to the proposed external layout as noted in the comments below. These revisions should be dealt with by imposition of controlling conditions.

Transport Comments

The proposed development is for a new Barker and Stonehouse store (use class A1) on land previously occupied by a Health Club (class D2) at Teesside Retail Park. The development would provide 97 car parking spaces including five disabled bays and eight cycle parking spaces.

Highway Impact

A Transport Assessment (TA) has been provided to support the development. The site would be accessed from the existing roads within the retail park and the routes previously used to serve the Health Club.

Traffic count data was collected on Teesside Park Drive in November and December 2012. Teesside Park Drive forms the only access into Teesside Retail Park. Surveys were undertaken during the Christmas period to capture the busiest time of year at the retail park.

The counts show that the weekday peak period occurs over lunchtime (12:00 – 13:00) when the average two-way traffic flow was recorded at 2,957. During the Saturday count, this increased to 3,190 vehicles. The traffic flows imply the retail park is very busy but there are three lanes on the entry road and two lanes (increasing to three) on the exit road and the flows are well within the recommended one-way hourly flows for urban roads as outlined in the Design Manual for Roads and Bridges (DMRB). For a two lane carriageway the one-way capacity recommended in DMRB varies between 2,300 – 3,600 and for three lanes this increases to 3,000 – 5,200.

To determine the level of additional traffic that would be generated by the development the TA uses data from the existing store in Knaresborough collected on Wednesday 15 and Saturday 18 January; these days also coincided with the January sale period.

The data shows that the weekday peak hour (15:15 – 16:15) recorded 22 two-way vehicle movements. This increased to 80 two-way trips during the Saturday peak hour (14:45 – 15:45). The Knaresborough store has a smaller floor area (3,060sq.m.) but the TA has derived trip rates for the store per 100sq.m. and applied these rates to the floor area of the proposed development. Table 1 outlines this information for the busiest Saturday period.

Table 1: Saturday Peak Hour (14:45 – 15:45) Trip Generation

	Knaresborough (3,060sqm)			Teesside Park (4,827sqm)		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Trips	39	41	80	62	65	127
Rate (per 100sqm)	1.275	1.340	2.614	-	-	-

Table 1 shows that during the Saturday peak hour the proposed development at Teesside Park would generate approximately 65 arrivals and departures. Based on the same methodology, the proposed development would generate 32 two-way vehicle movements (14 arrivals and 17 departures) during the weekday network peak of 12:00 – 13:00.

The site is currently vacant but was previously occupied by Springs Health Club. Using TRICS (national trip rate database) the TA forecasts that the Health Club would generate 37 two-way vehicle movements during the weekday highway network peak of 12:00 – 13:00. This is more than the 32 trips forecast for the proposed retail store development.

To inform the Saturday assessment, a survey from a gym in Wakefield was undertaken on Saturday 25 January between 14:00 and 16:00. The trip rate per 100 sqm has been calculated and when applied to the former Springs Health Club, the site is forecast to have previously generated 54 two-way movements. Therefore the proposed development would have a greater impact on the network during the weekend peak (127 trips) than the previous use (54 trips). A review of the baseline traffic flows during the Saturday peak shows that the additional traffic generated by the proposed development would represent a 4% increase; if trips associated with the gym were removed the net change in traffic would be a 2% increase over baseline conditions.

The assessment has not removed any trips that would be linked to existing land-uses. It is reasonable to expect some existing trips to the nearby furniture stores would be diverted into

the proposed development and not all trips to the proposed development would be new trips on the network.

Therefore in summary, having reviewed the highway impact assessment that considers both the existing use and the proposed use it is considered that the net change in traffic associated with the development could be accommodated on the existing highway network.

Service Vehicle Access

Goods would not generally be stored on site with the proposed development forming a showroom only. Deliveries of showroom pieces are forecast to be infrequent with approximately two to three trips expected per week. Swept path analysis of goods vehicles (up to 10m in length) using the service yard have been provided and demonstrate that a vehicle can turn and exit in forward gear.

Parking

The proposed development would provide 97 parking spaces (including 5 disabled bays, 5%). The extant use (Health Club) provided 198 car parking spaces and there would subsequently be a net loss of 101 spaces.

The Council's parking standards (*Supplementary Planning Document 3: Parking Provision for New Developments, 2011*) advises that the standards for retail stores selling bulky goods needs to be informed by the type of development. A1 use class can cover a wide range of activities resulting in differences in the level of parking demand. SPD3 therefore recommends that a parking range of between 2 to 7 spaces be provided per 100sq.m, with the provision to be agreed as part of the Transport Assessment. The floor area of the proposed development is 4,827sq.m. The 97 spaces proposed therefore equates to 2 spaces per 100sq.m, the lower end of the recommended 2 to 7 spaces range.

A car park accumulation survey has been provided within the TA from the existing Knaresborough store. The peak accumulation was recorded on a Saturday afternoon between 15:00 – 15:15 and based on the floor area of the proposed development the survey forecasts that there would be parking demand for 74 vehicles. With 97 spaces proposed the car park should be sufficient to accommodate the peak Saturday afternoon demand. Furthermore, there are expected to be some linked trips between this store and nearby furniture retailers which may reduce the parking demand for this site further. The level of parking is therefore considered to be acceptable.

Outside the main entrance there are two rows of parking separated by a landscaping strip. It is recommended that a footway be provided between these rows of parking to provide a direct pedestrian route from the northern extents of the car park to the main entrance. This may require the removal of up to two spaces to provide a pedestrian connection through the car park but this loss of spaces would be acceptable if it facilitated pedestrian movement around the car park.

Eight cycle parking spaces are proposed, two Sheffield type hoops located close to the main entrance for customers (providing four spaces) and an additional four spaces for staff in secure sheltered storage close to the staff entrance. In accordance with the parking standards, one space per 100 sq.m. of floor area should be provided, a total of 48 spaces.

It is acknowledged that these standards are based upon floor area rather than staff numbers and the requirement to provide 48 spaces is excessive for this proposal. The provision of four spaces for employees amounts to a 10% provision (40 employees forecast). There are no specific targets in the Travel Plan but according to the 2011 Census approximately 2% of local residents' cycle to work and therefore cycle parking provision based on a 10% cycling mode

share is acceptable. Cycle parking use should however be monitored as part of the Travel Plan and storage for staff cycles increased if required.

For customers it is recommended that five Sheffield stands be provided, this would provide parking for up to ten bicycles. This is still less than the parking standards require but is approximately 10% of the total car parking provision and would seem a realistic quantum of cycle parking to provide at the outset. It should be noted that the previous application on the site (for a hotel and restaurant) proposed 36 cycle parking spaces.

The location of the cycle storage is not indicated on the site layout plan but must be conveniently sited to encourage use.

Sustainable Travel

Given the nature of the land use it is recognised that many customers visiting the development are likely to travel by car. However, it is imperative that the site is accessible by alternative modes of transport particularly for employee travel and a Travel Plan has been developed for this site. This should be maintained and updated throughout the duration of the development.

The Travel Plan refers to the presence of two other similar stores to the east of the site – DFS and Sofa-works. Trips to all three stores for comparison purposes is probable and to reduce the vehicular impact of the proposed development it would be preferable to encourage trips between all three stores to be undertaken on foot. A footway is provided that links the site to these existing stores to the east.

To the north and west however there is no pedestrian link from the site back to Teesside Park Drive. Previous proposals for this site have included a new pedestrian link into the site from Teesside Park Drive which would provide a shorter pedestrian route for anyone travelling from the north. Reference is made in the TA to buses serving Middlesbrough Road to the north and there is evidence of people walking from Teesdale to the north to the retail park. It is therefore recommended that a new link be created that would enter the car park from Teesside Park Drive. The proposed link would run across an existing embankment that surrounds the site and into the car park at a location that follows the desire line to the store entrance (e.g. entering the site close to the location of the proposed totem sign). This would provide a shorter route for pedestrians travelling from the north and west that would otherwise have to travel around the site to access the main entrance.

Transport Summary

In summary, the proposed development would bring back into use an existing site. Whilst acknowledging that traffic flows into the retail park are high at peak times, the net increase in traffic associated with the proposed store would have a negligible impact on the overall traffic flows. The proposed layout encourages pedestrian connections between the proposed development and other local stores although it is recommended that pedestrian flows through the car park be better managed by the provision of a footway link between the northern most bays and the main entrance. It is also recommended that additional cycle parking be provided for customers and a pedestrian link be provided into the car park from Teesside Park Drive to encourage walking and cycling to the site.

Landscape & Visual Comments

The principle of the development is supported which would provide an attractive building at the entrance to the Teesside Shopping Park enhanced by a green roof and green wall. The general layout indicated on the Landscape Master Plan drawing ref.0585-1 Rev A is broadly acceptable subject to the following comments.

Details of the new post and rail fence that runs along the north-eastern boundary opposite the service yard and staff entrance should be provided and designed to prevent any unwanted pedestrian access into the service vehicle areas.

The hedgerow within the proposed landscaping strip outside the main entrance should be designed to accommodate the requested direct footpath link to the main store entrance as highlighted in the highway comments above.

Land drainage may need to be considered where the site lies close to existing roadside embankments on Teesside Park Drive. To this effect the elongated landscaped area of species rich grassland on the eastern edge of the site could be utilised as a swale.

Any surrounding planting that is damaged during construction works should be reinstated as part of the development. Further details of offsite work are noted in the Informative section.

As regards the detailed landscaping, condition wording is suggested in the informative section below.

Environmental Policy

Solar PV and air source heat pumps along with heat recovery and high insulation standards are proposed to meet BREEAM 'Very Good' standard – this is compliant with Core Strategy Policy 3 (Sustainable Living and Climate Change). Energy use is to be monitored in detail over the first year of operation. The use of a green roof is also supported.

Flood Risk Management

An assessment of flood risk has been undertaken which outlines that the proposed development is located in flood zone 1 and has a low risk of flooding. The development was not affected in the recent tidal event in December 2013, which affected the nearby A66.

The development must not increase the risk of surface water run-off from the site or cause any increased flood risk to neighbouring sites. Any run-off must not exceed pre-development rates. Any increase in surface water generated by the development or existing surface water / groundwater issues on the site must be alleviated. Details of the design and calculations for the surface water drainage will need to be provided to the local planning authority for approval.

Head of Technical Services – *Response to revised plans*

The Head of Technical Services has reviewed the revised plans and has no objections to the revisions.

Drawing number A20-01 Rev F – the revised plan increases the amount of cycle parking provided as recommended by Technical Services (see memorandum dated 12/03/2014). The drawing shows that four spaces would be provided for employees and ten spaces for customers, an increase overall of six spaces.

Drawing number A10-03 Rev E – the revised plan addresses the issues raised on the parking layout by introducing a pedestrian route through the car park and provides a pedestrian link into the site from Teesside Park Drive. Whilst the provision of a footway reduces the parking provision to 95 spaces (from 97 spaces) the landscape benefits outweigh the loss of the two parking bays.

SBC Environmental Health Unit

I have no objection in principal to the application.

SBC Development And Regeneration

Regeneration & Economic Development support the application for this high profile location at the gateway to the Teesside Shopping Park. Given its prominent location, this site requires a building of high aesthetic quality, which we feel this proposal represents. The re-development of the site will reverse the negative contribution that its current condition makes to the local area, and will round off development of this area of the Park.

The high quality eco-design proposed will make a significant statement environmentally as well as economically, with such an investment from a top quality brand with longstanding Stockton links such as Barker and Stonehouse representing great confidence in the local economy. We welcome the employment opportunities that this development will generate throughout the construction process, and the permanent jobs associated with both the retail sector and operation of the headquarters of this company.

From the sequential test used, we accept that the sites examined would not be suitable in terms of availability, suitability or viability to accommodate the scale of the proposal. We are also of the opinion that the proposed retail store would not necessarily impact on the local town centres, as the sale of bulky goods (such as those proposed) would more often than not, take place in out of centre locations.

SBC Spatial Plans Manager

This response sets out and discusses the planning policy relating to the development, in particular the town centre use element of the application.

Proposal

The proposal involves the erection of a three storey 4,827sq.m (gross) retail unit which will also provide the headquarters for Barker and Stonehouse. The proposed building includes, amongst other things, the following key elements:

- a. Ground (1,820sqm) and first floor (1,490sqm) retail sales area: 3,310 sq.m.
- b. Third floor Café: 93sqm.
- c. Headquarter office: 223sqm.
- d. Storage and samples: 395sqm.

From a planning policy perspective it is quite clear that the main issue is the retail element of the proposal. All other elements of the store can be treated as ancillary elements. However, it is important to understand whether these elements increase the size of the proposal to a degree that prejudices the application of the sequential test

The impact assessment accompanying the application states that both existing Barker & Stonehouse stores in Darlington and Middlesbrough will remain open, and that the presence of these facilities will limit the appeal of the proposed store at Teesside Retail Park to residents of Darlington, eastern parts of Middlesbrough and surrounding areas.

However, there is no guarantee that this situation will occur, and it is entirely feasible that both in centre stores could be closed and merged in to an out-of-centre location. This could significantly impact on the evidence submitted with this application in terms of the impact test and additional job benefits.

As you will be aware the former Springs site has a lengthy planning history including appeals related to a new retail store (06/3648/FUL) and a hotel and restaurant development (11/2909/FUL). In determining the application, these cases should be reviewed and considered in order to understand whether there has been a material change in circumstances.

Policy Background

Stockton on Tees Borough Core Strategy (2010)

Core Strategy Policy CS5 sets out the town centres hierarchy, with Stockton Town Centre

identified to continue to be the main shopping centre in the Borough. In addition CS5.2.iii indicates that the centre will provide additional leisure opportunities in line with national planning policy.

Policy CS5.7 also states that proposals for main town centre uses will be dealt with in accordance with national planning policy.

Saved Local Plan Policies

As the property is located in an out-of centre location, saved policy S2 requires new town centre uses to, amongst other things:

Meet a clearly identified need for the proposed development in the catchment area;

There are no other locations in more central sites;

The proposal will not have an adverse impact on an existing centre or investment proposed in that centre.

The National Planning Policy Framework

Paragraph 215 of the NPPF which states that development plans adopted under the Town and Country Planning Act should give due weight to :

relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The relevant policies in the Development Plan are consistent with national planning policy as, they refer to the sequential and impact test which remain a key plank of national policy in paragraphs 23 27 of the NPPF. The remainder of this response therefore discusses the sequential and impact tests.

Practice Guidance

In addition, the Department for Communities and Local Government has produced detailed practice guidance which assists in the application of national policy. It is recommended that the information submitted in the application is assessed in light of this new guidance.

Sequential Test

The sequential test accompanying the site does not find any available or suitable alternative to the application site. Whilst the findings of the assessment is noted it is recommended that the sites put forward are given additional scrutiny as detailed below.

In order to successfully apply the sequential test, the format of the development must be assessed to understand the constraints affecting the development and the level of flexibility that should be applied when applying the sequential test. This issue was discussed at great length in the planning application and subsequent appeal reference 11/2909/FUL. This decision noted that there were alternative sequentially preferable sites that could physically accommodate the development. It is noted that the applicant has re-appraised these sites, and has not constrained the submitted sequential assessment by limiting the site size.

Middlesbrough

The views of the consultation response from Middlesbrough Borough Council will be a key consideration in determining the application, given the context of duty to co-operate. As the local authority for the area any views on the site suitability and availability in Middlesbrough should be given significant weight.

The statement explains that the existing store in Middlesbrough is likely to remain open in the event that a building is opened on the Springs site. There is no certainty that the store will remain open, especially as the new store will be a flag-ship store. This assumption means that very little consideration is given to redevelopment of the existing store. As this is a town centre location, expansion of the store is preferable to relocation to an out-of-centre store.

Further information is required relating to the constraining impact of the gas holders on the existing Cannon Park store. This issue should be discussed with Middlesbrough Council and, if necessary, the Health and Safety Executive.

Stockton

The latest appeal decision affecting the site dismissed the previous proposal as the inspector was of the view that a sequentially preferable site existed in the North Shore area. In addition, since the appeal, there has been further progress on the road realignment scheme at Southern Gateway a draft allocation in the Regeneration & Environment LDD. Another draft allocation, to the west of Stockton High Street may also progress further as the former GLAM nightclub is now on the market.

The Spatial Planning Team recommends that the Councils Regeneration Team and Tees Valley Unlimited are consulted to understand the availability of these sites, and other sites linked to Stockton Town Centre.

Other locations

The Spatial Planning Team recognises the limited availability of sites in Thornaby, Billingham and Yarm District centres and agrees with the statement, that there are no available or suitable sites in these areas.

However, the statement deems a number of locations at Portrack Lane as inappropriate because they are out-of-centre locations, even though they benefit from a planning consent. Whilst it is accepted that Portrack Lane is an out-of-centre location, it is considered that vacant sites and premises in these areas have a lawful use / planning permission and the suitability and availability of units in this area should be assessed, and the alternatives exhausted before a further out of town development is permitted.

The supporting statement also identifies the sustainability benefits of out of town centre development at Teesside Park, in comparison to Portrack Lane. However, these benefits are considered to be negligible, as both areas are dependent on the private car.

Impact Test

As stated above the proposal requires an impact assessment as the proposal, includes 3,310sq.m of retail floorspace, and therefore exceeds the 2,500sqm threshold set out in the National Planning Policy Framework. In line with this requirement the application includes a retail impact assessment which finds that the proposal has only low levels of impact and therefore passes the impact assessment.

Like the sequential assessment the findings of the assessment are noted. However, it is recommended that the assessment is scrutinised to ensure the proposal does not adversely impact a defined town centre, addressing whether the:

Catchment area of the proposal is suitable.

Forecast turnover of the store is realistic.

Methodology for predicting retail expenditure in the catchment area is appropriate.

Identified trade draw of the proposal from existing centres is realistic.

Impact of the proposed development on existing, committed and planned investment in town centres is appropriate.

Conclusion

The Spatial Planning team recommend that further information is sought to assist in the application of the sequential test, and that detailed scrutiny of the submitted impact is undertaken.

Should evidence be identified that there is a sequentially preferable site that is suitable and available, or that the proposal has an unacceptable impact on a defined centre, the application should be refused, unless there are other material considerations which suggest that the application be permitted.

If there are no sequentially preferable sites, and / or the impact assessment finds the application is acceptable, the development should be permitted.

Northern Gas Networks

Have issued standard comments indicating that they have no objections but there may be apparatus in the area which need to be taken account of.

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. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

The Environment Agency

The Environment Agency has no objections to the proposed development but wishes to provide the following information:

Landfill

This proposed development site is located approximately 60m to the east of the non-biodegradable waste landfill site operated by Greenfield Excavations Ltd (who entered receivership in 2003), at Teesside Golf Club. It was operated from 1993 under the permit no EAWML 60120. As the site did not accept biodegradable waste, it is not thought that landfill gas would have an adverse impact on the proposal area.

Car Parking Areas

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces, should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground/surface waters.

Disposal of Foul Sewage

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.

Highways Agency

No Objection

PUBLICITY

One response has been received in respect to the publicity exercise from the agent for the owners of the Castlegate Centre. In summary, they support the scheme due to the type of retailing having limited impact on the town centre. However, advise that any approval should be restricted to only be able to be operated by the applicant and subject to limiting the type of retailing.

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.

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

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.

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.

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'.

The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

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.

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.

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.

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.

The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 5 (CS5) - Town Centres

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.

Stockton will continue in its role as the Borough's main shopping centre. Up to 2011, the need for additional capacity can mostly be met through committed developments and the occupation and reoccupation of vacant floorspace. Beyond 2011, there may be a requirement to bring forward new retail developments within the town centre in the first instance, to improve quality and widen the range of the shopping offer in the Borough. The creation of specialist roles for Stockton, for example as a sub-regional historic market town, or through the concentration of a mix of ethnic retailers or small independent chrysalis stores, will be supported. Other initiatives will include:

Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
Improving pedestrian links to the riverside.

Elsewhere, within the local shopping centres of Billingham Green in Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

The use of upper floors above shops and commercial premises, particularly for residential purposes, will be encouraged, to support the viability and vitality of the centres.

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.

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

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.

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 :-

there is clearly defined need for the proposed development in the catchment area it seeks to serve ; and

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 :-

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

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

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

in other out of centre locations;

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

the proposal would be appropriate in scale and function to the centre to which it relates the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and

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 S13

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

Billingham Centre, for mixed use development

Thornaby Centre, for mixed use development

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.

Emerging Regeneration and Environment LDD (Preferred options stage)

Policy TC2 – Sites for major new retail and town centre use development

1. Land is allocated within Stockton Town Centre for major retail and town centre use development at:

- a. Land to the rear of 90-101a High Street, Stockton; and
- b. Southern Gateway.

3. The Council will expect development proposals at land to the rear of 90-101a High Street to be designed so that:

- the main pedestrian entrances into new buildings are located at suitable locations on the High Street;
- the historic setting of the site is conserved and enhanced with any buildings that make a positive contribution to the Conservation Area retained;
- new buildings and public realm respond positively to the historic environment of the High Street, Yarm Lane, West Row and Exchange Yard in terms of urban structure and scale and massing;
- vehicular access and servicing to new development come primarily from Prince Regent Street. In particular, the Council will support proposals which provide appropriate rear servicing to existing units on Stockton High Street.

4. The Council will expect development proposals for the Southern Gateway site to:

- ensure that the main entrance to any buildings are well connected to the primary shopping area of Stockton Town Centre;
- provide sufficient car parking to serve the new development and the existing retail units within the Castlegate Centre and town centre;
- have a positive impact on the physical environment and streetscape of the High Street Frontage, Bridge Road, Riverside Road and Tower Street;
- introduce improved pedestrian connections between Stockton Town Centre and the riverside area.

5. The Council will expect the developer to prepare a masterplan for these sites which reinforces the historic character and setting of the wider town centre and conservation area and reflects advice in the Stockton Town Centre Urban Design Guide.

Policy TC4 - New Town Centre Uses

1. The main uses which will be directed to Stockton Town Centre are retail (A1 use class), bank and building societies (A2 use class), food and drink (A3 and A4 use classes), offices (B1 use class) hotels (C1 use class) and leisure facilities (D2 use class). In addition, residential (C3 use), hot food takeaway (A5 use class) health facilities (D1 use class) and other appropriate uses (sui generis) will be acceptable in principle.

2. Within Stockton, the sequential test for Town Centre Development set out in national planning policy will be applied as follows:

- a. Proposals for retail (A1 use-class) development will be directed to the Primary Shopping Area;
- b. All town centre uses will be directed to sites within the boundaries of Stockton Town Centre and the various District and Local Centres;

If it can be demonstrated that there are no suitable and available sites in the areas defined in a) and b) to accommodate a proposed development, preference will be given to sites:

- c. on the edge of Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough;
- d. in Principal Office Locations (for office development only);
- e. in out-of-centre locations well served by a choice of means of transport or which have a high likelihood of forming links with the centre.

Other out of centre locations will only be considered acceptable in terms of the sequential test if it can be demonstrated that there are no suitable and available units in the areas defined in points c to e.

3. The Council will expect planning applications for town centre uses of more than 1000 square metres gross floor space located outside or on the edge of Stockton Town Centre and the District Centres, to be accompanied by an impact assessment demonstrating that the relevant centres will not be adversely affected by the development.

The key local impacts to be considered include the impact of the proposal on defined retail centres and specifically the delivery of:

- A major food-store linked to Stockton Town Centre Primary Shopping Area
- Office and leisure uses on the North Shore development
- Town Centre Gateways and the wider regeneration of the Core Area as defined in the Core Strategy
- Regeneration proposals at Billingham District Centre
- The continued regeneration of Thornaby District Centre
- The regeneration of High Newham Court Local Centre

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application relate to the principle of retail development on the site and its impact, 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

14. The National Planning Policy Framework (NPPF), Stockton on Tees Local Plan (STLP) and Stockton on Tees Core Strategy Development Plan Framework form the Policy Framework for considering the application.
15. 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.
16. 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.

17. 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. 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 required for the proposed development.
18. 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.
19. 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 and the practice guide is now no longer in existence.
20. 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.
21. In addition to the requirements of NPPF, Core Strategy Policy CS5 and Policy TC4 of the Regeneration and Environment Local Development Document (currently at preferred options stage and therefore only able to be given limited weight) 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. The appeal detailed in the background section of the report for use of this site as a bulky goods outlet was not based on a specific retailer with specific circumstances and the Inspector considered a need for such an outlet had not been established. Planning policy has changed since that decision whilst this application is considered against the applicants specific requirements and as such, the findings of the earlier appeal can be given little weight in determining this current application.
23. The Councils Regeneration and Economic Development Team have advised that from the sequential test used, they accept that the sites examined would not be suitable in terms of availability, suitability or viability to accommodate the scale of the proposal and that they are of the opinion that the proposed retail store would not necessarily impact on the local town centres, as the sale of bulky goods (such as those proposed) would more often than not, take place in out of centre locations.
24. The application has been submitted with a sequential and impact test and these are considered as follows;

Consideration of the sequential assessment

25. Importantly, the applicant has advised that they already have stores in Darlington and Middlesbrough and that this proposed store is not intended to result in the closure of these other stores but instead be an additional store which will act as a flagship store and which will be the headquarters for Barker and Stonehouse. The proposal is considered in this context and as such, from a sequential perspective, a new store in Middlesbrough or Darlington would not fit with this expansion plan as a new store in these adjoining centres would double up on the existing provision.
26. The scale of the store is relatively significant and as such it is clearly not a suitable provision within the smaller defined centres. The scale of the store required is accepted as providing the 'liveable' space to put on show the large items that are being retailed. Comments regarding the need for car parking are less definitive as within town centre locations, public parking would normally exist although clearly, service vehicles would need to access the site. In regards to servicing, it is assumed that the premises would not store any significant amount of items for shipping but be a showroom with most items being despatched from a separate location and as such, no significant service vehicle movements would exist.
27. In undertaking a sequential assessment, the applicant is required 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.
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;
29. Policy and guidance requires the sequential assessment to first consider sites in the defined centres of Stockton, Thornaby and Billingham and nearby centres adjoining the borough.
30. The submission references the need for the parking to be associated with the store and their assessment of site selection / consideration of the sequential test. However, as a town centre use, were a town centre site to be suitable and available for the proposed development, it is argued that existing town centre parking would provide adequate provision for the store, particularly as it relates to bulky goods whereby the majority of purchases will be too large for persons to carry to their vehicles in any event. As such, officers consider that the applicants indicated need for parking is not relevant to the site search within town centre locations. Furthermore, the café is considered to be ancillary but by no means essential. The Officer's assessment of the sequential test has therefore related mainly around the 3310sqm of retail space indicated as being required and not these other elements.
31. It is generally accepted that the proposal is to provide a new store to those already in Middlesbrough and Darlington which already provide for the applicant in those centres. Notwithstanding this, consideration has been given to the submissions consideration of sites in Middlesbrough.

32. The submission discounts units in the Cleveland and Dundas shopping centres as well as the Chicago Rock Café due to lack of space. These grounds are accepted as are the applicant's suggestion that there would be likely complications in converting the former Chicago Rock Café due to it being listed.
33. In respect to the suitability of units on the Gurney Street Triangle redevelopment, the sequential assessments comments are limited and do not appear to be well made. However, the site appears only to be available subject to comprehensive re-development and site assembly which would appear to render the site as being not available.
34. With regards to sites at Central Square East, it is accepted that the scale and nature of the proposed use is unlikely to be suitable within this area, particularly as retailing is intended to complement the civic space.
35. The sequential assessment suggests that the existing Sainsbury's supermarket is unsuitable. Although the site has an approval which may not specifically provide for the 'Barker and Stonehouse' requirements, it provides notable retail space with parking and includes for A3. There is no indication that an alternative submission to provide the scheme being proposed would not be successful. Notwithstanding this, it is appreciated that this only becomes available on the site being vacated by the existing operator and is therefore not available at the current time.
36. Whilst Cannon Park may offer some options for a large retail store selling bulky goods in the future it is accepted that the site is not currently available. The point made in respect to Barker and Stonehouse already having representation in this location is appreciated and a new store in this location would simply repeat the same provision rather than represent an expansion of the business. The reasoning for not seeking to locate at Cannon Park is accepted.
37. The sequential assessment suggests that nearby District Centres in Middlesbrough are of a scale below that which the Barker and Stonehouse offer is suitable for and this is generally accepted although some of the District Centres, such as Coulby Newham do have large product retailing such as Halfords. Notwithstanding this, there are no known units within these centres that would accommodate the scale of retailing that is being proposed by this submission whilst some sites are either allocated or have approval for alternative development types. It is considered that the proposed retailing would be out of scale with the District Centre at Berwick Hills.
38. Comments within the sequential assessment highlight units within Stockton Centre as being too small which is generally accepted. The reasoning put forward for discounting the town centres southern gateway site is not entirely accepted although there are currently several operational businesses within this area along with an existing car park. Site assembly would be required for the use to locate to this site and it is therefore considered that the site is not available at this time.
39. Teesdale has limited opportunity and is not a retail area and any location within this area would result in unsustainable trip generation.
40. Boathouse Lane is not envisaged, at the current time, in accordance with the development brief, as being suitable for retailing of the scale that is proposed by this submission.
41. The assessment of there being no suitable, available or large enough sites at Thornaby Place, Thornaby District Centre, Billingham and Yarm is generally accepted.

42. Portrack Lane is detailed in the sequential assessment as being less accessible from the town centre than Teesside Park, and walking trips between the two are particularly unlikely. Officers are concerned that not occupying vacant retail premises in out of centre locations will result in further and unnecessary dilution of retailing into out of centre locations, however, the applicant has pointed out that there is no additional requirement within the NPPF to go on to consider the availability, suitability or viability of other sites in out of centre locations if they are considered to be less accessible than the site being put forward. It is accepted that some sites in Portrack would have similar implications for access i.e. having to be by car, as would this proposed site.
43. The Councils Regeneration and Environment Local Development is currently at preferred options stage and can therefore be given some, but limited weight in decision making. This document identifies sites within Stockton Town Centre for new major retail development under Policy TC2, (land to the rear of High Street and around the southern gateway) although these are considered to not be available at this current point in time.
44. 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. It is considered therefore that the proposal has adequately complied with the need for a sequential site selection.
45. Having passed this test, 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.

Impact on existing and planned 'in-centre investment'

46. Consideration needs to be taken in respect to the proposed schemes likely impact on any planned investment schemes in existing centres.
47. With regards to Stockton, there is an on-going investment in the High Street and although locating the proposed store in the town centre would enhance foot fall, the assertions within the submission are accepted that the scheme would have no significant adverse impacts on future town centre turn over, operator demand or investor confidence due to the type of retailing being proposed not being a significant part of town centre retailing, with the majority of furniture retailing already being in out of centre in areas such as Portrack.
48. The Castlegate Centre has recently seen £1.5m of refurbishment and investment by its owners. The owners of the Castlegate centre have responded to the consultation exercise suggesting that the proposal will be beneficial to the local area and that the local business will not directly compete with the types of retailers that are situated in Stockton Town Centre. They do consider however that controls should be put in place to protect the vitality and viability of nearby allocated centres suggesting that these measures should prevent the future occupation of the unit by an alternative user and the range of goods to be sold be restricted. In this regard, the owners of the Castlegate indicate that occupation by a generic user would not be acceptable to them.
49. It is considered that impacts on investment in other centres are likely to be limited due to the more limited nature of specific retailing types within these centres which include Thornaby and Billingham and it is accepted that the greater impact is likely to be for non-town centre locations such as Portrack where greater levels of furniture retailing exist.
50. The submission's suggestion that the proposal is unlikely to have significant adverse impacts on Middlesbrough Centre and the Cannon Park areas are also understood in view of the amount of retailing intended within these areas and the nature of some of the

retailing anticipated. Importantly, there has been no objection from Middlesbrough Council in respect to the proposal whilst the applicant has advised that their Middlesbrough store would remain open.

51. 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 Barker and Stonehouse would have an impact on their existing store in Cannon Park. In terms of the overall extent of retailing however, it is considered that the overall impact would not be significant and this has been adequately demonstrated within the submission.

Impact on existing retailing

52. The submission has included an assessment of trade impacts on surrounding centres and areas of retailing. The submission suggested that trade impacts on Stockton, Middlesbrough and Billingham will be 0.2% and less on the lower hierarchy centres. Greater impacts are predicted for out of centre locations such as Teesside Park, Portrack Lane and Canon Park although all are less than 5%.
53. Officers raised a number of queries in respect to the trade impact figures which have been addressed. Notwithstanding the applicants assessment of the trade impact, due to the nature of retailing being proposed having limited representation within Stockton, Thornaby or Billingham Centres. The likely impact of furniture retailing is understandably going to be low.
54. In view of the predictions within the table, although reality of impacts may vary from these to a degree, 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, and Local Policies in this regard.
55. As the recommendation is based on the sequential assessment and impact assessments of the applicant's retail model and specific requirements, and significant change to this would have been considered differently, it is considered necessary and appropriate to both limit and control the extent to which the premises can undertake retailing. Three conditions have been recommended to address this. Firstly, a condition has been recommended to restrict goods to be sold from the site which will ensure its primary function is to retail furniture. Secondly, a condition is recommended requiring it to be retained as one retail unit under the control of a single retailer which should prevent occupation by several smaller retailers which arguably could locate within the smaller premises within the town centre. Thirdly, a condition is recommended which allows only the applicant to build out the store and be the initial retailer on site. This will prevent the applicant walking away from the site and not developing the store, leaving the site with an unfilled retail permission which could then be occupied by another retailer with a different set of circumstances to which this permission for an out of centre location has been considered.

Site Layout & Design and Appearance of Building

56. The site is accessed from the existing highway. Customer parking is to one side of the site with the building and servicing to the other. The layout is such that the building will become a prominent entrance feature into Teesside Park as viewed from the main access route, having formal landscaping to the front of the building and around the site. Materials for the building have been specified as natural finish zinc panels, timber vertical boarding and brickwork as well as a green sedum planted wall. This detailing will be of a particularly high

quality in comparison to other buildings within the Teesside Park. The indicative landscape master plan has been considered by the Head of Technical Services and is considered to be broadly acceptable. Conditions recommended require the detail of landscaping and surfacing to be further agreed.

57. The Councils Regeneration & Economic Development Team have indicated their support for the proposed development, considering that high quality aesthetics are required for this prominent location and the resultant reversal of the sites current condition.

Highway Related Matters

58. The site would be accessed from the existing roads within the retail park and the routes previously used to serve the Health Club. A total of 97 parking spaces would be provided along with cycle parking and servicing area.
59. The Head of Technical Services has considered the proposed development, its access, servicing and parking arrangements as well as pedestrian movements within and around the site. Several changes were requested through the submission period and the applicant has agreed to these changes and amended plans accordingly.
60. Based on traffic counts and the applicant's assessment of their similar formatted store in Knaresbrough, the vehicle movements have been predicted and show a 4% increase in traffic although discounting the site being able to operate as a Gym, would reduce the increase to only 2%. Furthermore, some of the trips to the proposed use would be likely to undertake linked trips with other uses on Teesside Park and would therefore already be accessing the Teesside Park site. The Head of Technical Services considers that the net change in traffic associated with the development could be accommodated on the existing highway network.
61. It is expected that there would be infrequent deliveries of showroom pieces and a small amount of storage items. Access and manoeuvring for service vehicles has been demonstrated without undue impact to highway or pedestrian safety whilst the 97 parking spaces proposed falls within the range for this type of use as required by the councils parking SPD. Pedestrian links have been provided along with some cycle storage which will further provide access for staff and customers.
62. Conditions are recommended in respect to the provision of a Travel Plan and the for a construction workers car park to be provided. These will assist in limiting the impacts of traffic to the site and ensure it operates in a sustainable manner in future years.
63. The Highways Agency has responsibility for the near-by Trunk Road have raised no objections to the proposed development.

Impact on surroundings

64. As the proposed building is set within an existing retail & Leisure park, where similar uses exist, away from residential properties and the use adequately provides for parking and servicing, it is considered that the scheme could be undertaken and operated without undue impacts on surrounding uses in accordance with the principles of the National Planning Policy Framework.
65. Visually, the existing vacant building currently has a negative appearance on the site and appears to be of an out-dated design, and its replacement with a well designed building of high quality materials and new landscaping will provide a significant enhancement, in accordance with the requirements of Core Strategy Development Plan Policy CS3(8).

Environmental Matters

66. Solar PV and air source heat pumps along with heat recovery and high insulation standards are proposed to meet the principles of BREEAM 'Very Good' standard. The applicant has highlighted several points of the BREEAM accreditation scheme as being difficult to achieve with this store format. In view of this and to achieve the principles of BREEAM standards a condition has been recommended allowing for an alternative scheme to be undertaken.

Flood Risk Management & Surface Water.

67. An assessment of flood risk has been undertaken which outlines that the proposed development is located in flood zone 1 and has a low risk of flooding. The Head of Technical Services has advised that the development was not affected in the recent tidal event in December 2013, which affected the nearby A66. Notwithstanding this, there is a need to control surface water run-off from the site. A condition has been recommended accordingly although it is anticipated that the existing building and expanse of car parking would already have a similar impact in this regard.

68. Northumbrian Water has raised no objections to the proposed development.

Other Matters

69. The redevelopment of the long term vacant site is likely to reduce the opportunity for crime and anti-social behaviour which are often associated with vacant or derelict sites.

70. 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.

71. The Environment Agency have suggested account be taken of a nearby landfill site and an informative has been recommended to address this matter.

72. The Environment Agency have also requested conditions be imposed in respect to drainage from car parking areas and in respect to foul sewage. A condition is recommended in respect to car park drainage whereas foul drainage will be dealt with under Building Regulations Legislation.

73. 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.

CONCLUSION

74. 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. 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. It is also accepted that this proposal is to be in addition to the applicants existing stores in the nearby sub regional centres of Darlington and Middlesbrough. Taking into account these matters, it is considered that the proposal adequately conforms with the

National Planning Policy Framework, the Saved Local Plan policies and the Adopted Core Strategy Development Plan Guidance.

75. It is considered that adequate access, servicing and parking has been proposed 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 economic investment, job creation and regeneration of the site
76. 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.
77. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

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

WARD AND WARD COUNCILLORS

Ward Mandale and Victoria
Ward Councillors S F Walmsley, T Large, Tracey Stott

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal will result in the redevelopment of a derelict site and result in an improvement to the surrounding area. New landscaping, drainage and other works will be undertaken which would improve the sites impacts on its surroundings. There are no immediate users which would be adversely affected by the use of the site which already has an established use.

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 views from interested parties following the consultation exercise. There are no anticipated adverse impact on 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. There are no anticipated adverse impacts on community safety as a result of this proposal to continue the use of an existing site. Arguably, replacing the long term vacant property on site is considered to be beneficial in reducing the opportunity for anti social behaviour.

Background Papers:

Planning History
Planning Policy Documents