

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
20 AUGUST 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/1815/COU

56 Skinner Street, Stockton-On-Tees, Cleveland

Change of use from B1 (light industrial) to Mixed use (restaurant and banqueting suite) with minor alterations and installation of extraction flue to rear

Expiry Date 5 September 2014

SUMMARY

The application site is a former light industrial premise (use class B1(c)) that was previously operating without planning permission as a retail premise, this use has since ceased operating and the premise remains vacant. The properties of Hartington Road lie to the west of the application site and are separated from the application site by an existing alley way. Immediately to the north and south lie public car parks. West Row and the western boundary of Stockton Town Centre lies approximately 130 metres to the east of the site (as the crow flies) with access to public crossing points linking to the western edge of the Town Centre boundary being provided approximately 210 metres from the site (walking route).

Planning permission is sought for the change of use of the premises to a restaurant with Banqueting Suite. The restaurant floor space is indicated as 291sqm with the banqueting facility operating from 368sqm as the banqueting area. The total floor area for the building is 940sqm (with each floor of the building is being 470sqm).

The application comes before the Planning Committee for determination following the receipt of 8 letters of support from occupants of Stockton and Middlesbrough citing the benefits the proposal has to the Asian community and the Town Centre.

The National Planning Policy Framework and the Borough's own local planning policies promote and support the maintenance and improvement of the vitality and viability of the Borough's retail centres, with town centres being recognised as the 'heart of their communities'. It is considered that the submitted sequential assessment does not satisfactorily demonstrate that alternative premises are not available and as a consequence 22 Wellington Square, Stockton; 84 Church Road, Stockton; and, 145-146 High Street, Stockton are all available and capable of accommodating the proposed use with a degree of flexibility in the format and scale of the business model, therefore in accordance with the guidance paragraph 27 of the NPPF, the application should be refused.

Whilst the cultural and community benefits afforded by the proposal have also been given due consideration, this must be weighed against the relevant national and local planning guidance. Officers have discussed the issue of demand/need for such facilities with the Council's Senior Cohesion and Diversity Officer, who has advised that whilst there is an existing problem across Teesside in providing venues for special/social occasions, particularly weddings, this is an issue for larger venues (1000+ capacity). It is considered that there are a number of alternative venue which are all capable of meeting demand for smaller numbers of people, these include venues such as

the Arc, the Salvation Army, the Masonic Hall and the banqueting Suite within the Mandale Triangle. Clarification has been sought from the applicant with regards to the capacity of the banqueting suite and it has been confirmed that the facility will cater for between 50 and a maximum of 200 guests which falls well below the capacity levels where there is an identified need. As a consequence it is not considered that a significant amount of weight can be attached to the need for this proposal, particularly within this location, when alternative sites are available.

RECOMMENDATION

That planning application 14/1815/COU be refused for the following reason;

01. In the opinion of the Local Planning Authority it has not been satisfactorily demonstrated that the proposed use(s) cannot be provided within Stockton Town Centre and would set an undesirable precedent which would make it difficult to refuse other similar applications, which both individually and cumulatively will adversely affect the vitality and viability of the Stockton Town Centre contrary to the provisions of the National Planning Policy Framework (paragraphs 23, 24 and 27), Core Strategy Policy CS5, saved Policy S2 of Alteration No 1 to the adopted Local Plan.

SITE AND SURROUNDINGS

1. The application site is a former light industrial premise that was previously operating without planning permission as a retail premise, this use has since ceased operating and the premise remains vacant.
2. The properties of Hartington Road lie to the west of the application site and are separated from the application site by an existing alley way. Immediately to the north and south lie public car parks. Further north lies a computer shop and to the south an industrial premise. To the west of the site also lies an additional public car park and existing tyre garage and retail shop (Skinnergate cycles).
3. West Row and the western boundary of Stockton Town Centre lies approximately 130 metres to the east of the site (as the crow flies) with access to public crossing points being provided approximately 210 metres from the site (walking route).

PROPOSAL

4. Planning permission is sought for the change of use of the existing B1(c) (light industrial use) to a Restaurant with Banqueting Suite. The restaurant would be provided at ground floor with associated kitchen, rest rooms, store, office and bar and a restaurant floor space of 291sqm. The banqueting facility would operate at first floor and have a separate external entrance from Skinner Street. This facility would also have rest rooms, store, two offices and a floor area of 368sqm as the banqueting area. The total floor area for each floor of the building is 470sqm.
5. In terms of the operation of the proposed business, it is expected that approximately 10 full time jobs and 5 part time jobs will be created. It is expected that the restaurant will accommodate 100 covers and the banqueting area will provide a maximum capacity for approximately 200 guests. The hours of operation of the business will also be 17.00 to 23.00 Monday-Sunday (including Bank Holidays).
6. Following a number of queries, the applicants have also clarified a number of aspects that relate to the proposed business model, these are set out below;

- That the restaurant will be the primary use to provide a viable economic business, with multi-cultural ceremonies taking place between February and October.
- Both elements are independent but will work in tandem with one another.
- Separate accesses are provided for health and safety purposes and to separate the banqueting facilities (and associated activities) from the restaurant.
- That the two elements cannot be disaggregated as religious beliefs set out that “the blessing and eating of food goes hand in hand with the religious ceremony along with dancing and ceremonial activities”
- That cultural and religious beliefs dictate that venues should be sited away from drinking establishments/night clubs and gambling establishments.
- That the rents and business rates for the town centre locations are considerably higher than the application premises.

CONSULTATIONS

7. The following Consultations responses have been received:-

Head of Technical Services

I refer to your memo dated: 16/07/14

General Summary

Subject to the comments below the Head of Technical Services raises no objections.

Highways Comments

There is no incurtilage car parking associated with this property however there are public car parks adjacent to the site. This use will mostly operate on evenings when parking is free and there are likely to be sufficient spaces available to serve this use. It is considered that it in this instance the lack of incurtilage car parking will not create a highway safety concern.

Landscape & Visual Comments

This proposal has no landscape or visual implications.

Environmental Health Unit

I have no objection in principle to the development, and I am satisfied with the proposals for odour abatement, proposed opening hours, drainage and noise mitigation. However, I have some concerns and would recommend that the conditions as detailed below be imposed on the development should it be approved.

- Noise disturbance from function room

The Noise Report states that the level of sound insulation should ensure that the escape of internal music at 90 dB shall not exceed the background noise 1 meter from the façade of the nearest residential property. I am satisfied that his level should not adversely affect local residents.

The applicant should be advised that the premises should be checked for potential noise levels at the boundary of the premises, also in accordance with the Licensing Regime to prevent a public nuisance. Noise emitted from the premises should not contribute more than 3dBA to the existing background levels measured at the 1meter from the façade of any adjacent dwelling when calculated as Leq 10min.

- Noise disturbance from the air conditioning plant

The new plant should be subject to a noise assessment by a competent Noise Consultant to ensure that it shall not increase background levels of noise at the boundary of the site, particularly overnight when background levels are low. Before the plant is brought into use the

plant, if found necessary, shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority.

- Noise disturbance from access and egress to the premises

The opening hours should be limited to 17.00-23.00hrs Monday to Sunday (including Bank Holidays) to ensure that adjacent premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

- Drainage - grease trap

The drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.

- Odour nuisance

The proposed odour abatement measures and position of the flue are satisfactory. However, I would advise the following condition be imposed;

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

Local Ward Councillors (Coleman and Kirton)

No comments received

Development and Regeneration

No comments received

Spatial Plans Manager

No comments received

PUBLICITY

8. Neighbours were notified and a total 8 letters of support have been received, these are set out below :-

Mansoor Ahmed - 47 Edwards Street, Stockton-on-Tees

Supports the application as it will improve the area with a new business. The building has direct parking to meet the disabled requirement for ease of access and will bring a vacant premise back into use improving the character of the area.

Aovais Mazhar - 18 Park Road, Stockton-on-Tees

56 Skinner Street is the most suitable location for the new business which will bring many people into Stockton and many people go to Middlesbrough, South Shields or Newcastle. The site can provide convenient car parking which is easy to get too. I support the application.

Adeeb Din - 192 Abingdon Road, Middlesbrough

Supports the application as it will bring a vacant building back into use and enhance Stockton Town Centre. There is no wedding facility for multi-cultural use since the closure of Tall Trees

and Coatham bowl with users of such venues travelling future afield to areas such as Durham and South Shields.

Thaseen Din - 134 Waterlook Road, Middlesbrough

Supports the application as it will bring a vacant building back into use and enhance Stockton Town Centre. There is no wedding facility for multi-cultural use since the closure of Tall Trees and Coatham bowl with users of such venues travelling future afield to areas such as Durham and South Shields.

Mohammed Raffiq Din - 150 Victoria Road, Middlesbrough

Supports the application as it will bring a vacant building back into use and enhance Stockton Town Centre. There is no wedding facility for multi-cultural use since the closure of Tall Trees and Coatham bowl with users of such venues travelling future afield to areas such as Durham and South Shields.

Mazhar Hussain - 20 Park Road, Stockton-on-Tees

Supports the application and the new business project will not affect Stockton Town Centre regeneration but improve and bring new customers to the area, increasing the popularity of Stockton. There is good parking in the area with easy access.

Muhammad Naveed - 31 Park Road, Stockton-on-Tees

Supports the application as it would be beneficial to disabled people who may find the High Street frustrating due to the lack of convenient car parking. I also believe that night life in Stockton Centre is more suited to adults and is not family friendly. The chosen site is much more suitable.

Mehoona Ameen – Muslim Welfare Trust (MWT), Marlborough House 30 - 32 Yarm Road

The Muslim Trust support the application as our research shows that the Asian community are in need of a new development close to local services with good parking facilities such as this building to meet their cultural needs. It is close to Stockton Town Centre and local community centre on Yarm Road which will benefit from this development with customers arriving from many areas to utilise the restaurant and function hall.

PLANNING POLICY

9. 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
10. 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
11. The following planning policies are considered to be relevant to the consideration of this application:-

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

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

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

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

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 5 (CS5) - Town Centres

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

i) Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;

ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;

iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;

iv) Improving pedestrian links to the riverside.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

Core Strategy Policy 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

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

Proposals for new, or extensions to existing, major retail development outside the Primary Shopping Area within Stockton Town Centre and beyond the boundaries of the District and Local Centres, as illustrated on Proposals Map, will not be permitted unless : -

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve ; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites : -
 - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
 - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
 - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
 - 4) in other out of centre locations;
- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

Proposals for other key town centre uses in locations which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will also be required to satisfy the above criteria. In relation to Criterion (ii), other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within and/or on the edge of defined boundaries of the Town, District and Local Centres in the Borough.

Saved Policy S14 of Alteration No 1 of the adopted Stockton on Tees Local Plan

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

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

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

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

National Planning Policy Framework (NPPF):

12. 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;
13. 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.
14. The sections of the NPPF which are relevant to the determination of this application include;
 - Section 1. Building a strong, competitive economy
 - Section 2. Ensuring the vitality of town centres
 - Section 4. Promoting sustainable transport
 - Section 7. Requiring good design
 - Section 8. Promoting healthy communities
 - Section 10. Meeting the challenge of climate change, flooding and coastal change

MATERIAL PLANNING CONSIDERATIONS

15. The main planning considerations of this application are compliance with planning policy and the impacts of the development on the character of the area; amenity of neighbouring occupiers, access and highway safety and any other matters arising out of consultation. These are discussed below;

Principle of Development;

16. As Members will be well aware the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and sets out its definition, including its three roles; economic; social; and environmental. However, it goes on to state that these should not be considered in isolation. Within its core principles it also seeks to drive and support sustainable economic development and respond positively to wider opportunities for growth. In addition the NPPF and the Borough's own local planning policies promote and support the maintenance and improvement of the vitality and viability of the Borough's retail centres, of which Stockton is at the top of the hierarchy. In particular section 2 of the NPPF (Ensuring the vitality of town centres) sets out at paragraph 23 that town centres should be recognised as the 'heart of their communities' and 'pursue policies to support their viability and vitality'. Policy CS5 of the adopted Core Strategy is considered to be entirely consistent with this approach.
17. Building upon this approach paragraph 24 of the NPPF sets out that for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan a sequential test should be completed, this requires town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In taking such an approach, applicants and local planning authorities are advised to demonstrate flexibility on issues such as format and scale. Saved Policy S2 of the Local Plan Alteration is also considered to be consistent with this approach.
18. As set out within the NPPF, main town centre uses are considered to include the more intensive sport and recreation uses such as restaurants and culture developments which would include conference facilities. As a result both elements of the proposed development are considered to fall within the definition of a 'main town centre' use and as the application site is

located outside of the defined centre, there is a need to consider a sequential approach to site selection.

Sequential Assessment:

19. In considering the Sequential Assessment, the recently released national planning practice guidance sets out that it is for the applicant to demonstrate compliance with the sequential test and that the potential suitability of alternative sites should be discussed between the developer and local planning authority at the earliest opportunity. It also states that the suitability, availability and viability of alternative sites must be considered and that the applicant must demonstrate flexibility. It is therefore necessary for the applicant to show flexibility in the format and/or scale of the proposal.
20. In carrying out their sequential assessment the applicants have identified the “Asian communities” from across Stockton and Teesside as the “target users”. As part of the assessment process they have considered a number of vacant units within Stockton Town Centre with their search focussing on units of between 500sqm and 1000sqm. All the identified sites have been dismissed and brief description of each site and the reasons why those units have been dismissed are set out below;
 - **90 High Street, Stockton** (Former Post Office, ground floor sales area 749 sq.m)
The premise is considered to be available but is discounted as it does not meet the applicant’s floor area requirement of 940sqm. In addition its position adjacent to a former night club (Glam) is considered incompatible due to concerns over safety and “cultural beliefs”. Furthermore, the proposal has no “guaranteed” parking.
 - **Unit 22 Wellington Square** (545 sq.m)
The site is considered to be available but is discounted as the floor area at 545 falls below the require 940sqm.
 - **78 Church Road, Stockton** (Former garage, 642 sq.m)
Again the premises are considered available and is discounted on the basis that the 940sqm are not provided. In addition considerable investment would be required to convert the premise into the proposed use and the scheme is considered unviable as a result.
 - **84 Church Road, Stockton** (Former ‘Al-Murad’ tile centre, 668 sq.m)
The premise is considered available and is discounted on the basis of lack of floor space and having no “guaranteed” parking, particularly as a result of short stay on-street parking spaces.
 - **108-116 Yarm lane, Stockton on Tees** (837 sq.m)
Again the premise is considered available and is discounted on lack of floor space below 940sqm and the parking/one way restrictions on Leybourne Terrace. Pedestrian access is considered restricted and there is no “guaranteed” parking.
 - **78-82 Skinner Street, Stockton** (473 sq.m)
Property is being marketed as ‘investment opportunity and is not considered available, the floor space also falls below the 940sqm required and is too small.

Assessment of sequential approach:

21. Whilst a sequential assessment has been submitted it is relatively weak and does not provide any detailed or adequate justification for discounting the identified available units. In particular there is a concern with regards to the level of floor space provision required, as although the sequential assessment sets out a range of premise with a floor space of 500-1000sqm, no

justification have been put forward for the 940sqm floor space required. It is assumed that this floor space has been derived as it is the floor space of the application site. It is therefore considered that no flexibility has been shown in the business model when considering larger or smaller units which are available; these would include 90 High Street, 145-146 High Street (which has been put to the applicant by officers), Unit 22 Wellington Square and 84 Church Road. As a consequence it is considered that all of these units remain capable of accommodating the proposed use.

22. In addition, the applicants make reference to the lack of 'guaranteed' parking provision, whilst it is acknowledged that this application site lies adjacent to a number of public car parks these are outside the applicants control and there can be no assurances that such car parking will remain available. This situation is no different to any other location within the Town Centre and whilst the identified sites may not lie immediate adjacent to public car parking several lie in close proximity to large areas of public car parking as detailed below;

- 78 and 84 Church Road - Bath Lane (Splash), Bishop Street and The Square car parks
- 145-146 High Street - Wellington Square, Bath Lane (Splash) and Bishop Street car parks
- Unit 22 Wellington Square – Wellington Square car park and Bath Lane (Splash) and Bishop Street

Comments with regards to allowing ceremonial vehicles to arrive outside the –remise are also noted and it is again considered that premises and 78 and 84 Church Road and 145-146 High Street would also be capable of meeting this need when required, whilst unit 22 Wellington Square would require a short walk from the associated highway serving the car parks to the unit.

23. In terms of viability, no information has been provided to actually demonstrate that these units would be financially unviable with the exception of unit 78 Church Road (which it is stated would be too expensive to refurbish) with the justification given for dismissing a site on viability grounds often being as a result of 'suitability' i.e. lack of park parking. A more general comment is made with regards to associated costs whereby it is stated that the rents and business rates for the town centre locations are considerably higher than the application premises, although again no specific information or figures to demonstrate this point are given. It is also worth noting that any business rates would need to be re-assessed following the grant of planning permission.

24. In addition Members may also be aware that at present the Council is offering a number of support packages for businesses locating within the Town Centre which would include the Business Rate Discount Scheme which offers a 50% rate reduction on business rates for up to two years period. Through this scheme those business activities that are considered to be primarily 'A Use Classes', will be eligible to apply subject to some restrictions such as the unit being at ground floor, unoccupied and located within the primary and secondary retail frontages. In such cases a 50% discount on business rates payable will be awarded in Year 1 of the scheme and a further 50% discount will be awarded in Year 2, provided the eligibility criteria are met under the Scheme Qualification.

25. It is noted that the applicants supporting information also makes reference to there being a preference for retaining A1 uses within the primary shopping areas, and therefore some of the alternative premises being suggested cannot therefore be considered available. Whilst it is acknowledged that saved policy S4 seeks to protect retail provision, consideration would be given to allowing a change of use from A1 where it can be demonstrated that such a use would not affect the vitality and viability of the Town Centre. In additional provision of a restaurant may add some vibrancy to the High Street particularly as part of the evening economy, an element which is high on the regeneration strategies for the Town Centre. Subject to

appropriate justification it is not an option that would automatically be dismissed out of hand as indicated within the supporting information provided by the applicants.

26. In view of these aspects and the information provided, it is considered that it is has not been satisfactorily demonstrated that there are no sequentially preferable site available within the boundaries of Stockton Town Centre. It is considered that the premises at 86 Church Road, 145-146 High Street and unit 22 of Wellington Square all remain available, suitable and viable for the proposed use(s) and therefore should not be discounted.
27. Consequently and in line with the requirements of planning policy and also the advice contained with the National Planning Practice Guidance, it is considered that there are a number of flaws within the submitted sequential assessment. As detailed above, the onus for demonstrating compliance with the sequential test rests with the applicant. In this particular instance it is not considered that the submitted sequential assessment shows any flexibility in the format and scale of the business model and consequently it is not considered that those available units within Stockton Town Centre can easily be discounted on grounds of availability, suitability or viability. In line with paragraph 27 of the NPPF, where a proposal fails to satisfy the sequential test, it should be refused.

Economic Benefits

28. Clearly the proposed development is likely to have some economic and social benefits as a result of job creation and investment as well as occupying a vacant unit. However, as indicated with the NPPF, Town centres are seen as being at the heart of their communities and equally the proposed development would have some social and economic disadvantages are a result of not being within the defined Town Centre. Particularly as the proposed opening hours are 5pm-11pm and the main retail and services on the High Street are generally winding down by 5-6pm., as a result it is not considered that those benefits carry any significant weight in this instance.

Wider community benefits

29. It is noted that under Core Strategy Policy CS6, support is offered to the provision of facilities that contribute towards the sustainability of communities. Consequently there is some accordance with this policy as a result of the banqueting facility which would meet with the requirements of the community. Furthermore, it is noted that both within the applicants supporting information and the letters of support reference is made to the cultural needs of the community as justification for supporting such a proposal in this location. In addition it is noted that many of the supporting comments make reference to there being no wedding facility for multi-cultural use within the area. Consequently, officers have discussed the issue of demand/need for such facilities with the Council's Senior Cohesion and Diversity Officer, who has advised that whilst there is an existing problem across Teesside in providing venues for special/social occasions, particularly weddings, this is an issue for larger venues (1000+ capacity). It is considered that there are a number of alternative venues within the Borough which are all capable of meeting demand for smaller numbers of people, these include venues such as the Arc, the Salvation Army, the Masonic Hall and the banqueting Suite within the Mandale Triangle.
30. As a consequence, clarification has been sought from the applicant with regards to the capacity of the banqueting suite and it has since been confirmed that this facility will cater for between 50 and a maximum of 200 guests. Clearly this falls well below the capacity levels where there is an identified need. Whilst it is recognised that the banqueting facility would provide a service for a specific element of the community, it is considered that there are already a number of alternative venues within the Borough and the Teesside area that cater for such capacities. As a consequence it is not considered that a significant amount of weight can be attached to the need for this proposal, particularly within this location, when alternative sites are available.

Character of the Area;

31. In terms of the external appearance of the building, very few changes are proposed, with only the addition of an external flue and additional fire exit being proposed to the rear elevation. The main façade of the building will therefore remain as existing; the existing side elevations of the property (which are visible within the street scene) also remain unaffected by the proposed development. As a consequence it is not considered that the proposal would have a significant and detrimental impact on the overall character of the area.

Amenity;

32. In terms of amenity the Environmental Health Officers have considered the proposed development and note that the information provided by the applications will ensure that noise insulation would be provided and that odour abatement measures are also being proposed. As a consequence it is considered that the proposed development would not have any significant impacts on the amenity of the residents of Hartington Road subject to the imposition of a number of planning conditions.

Access and Highway Safety;

33. The Head of Technical Services has considered the information provided as part of the application and note that there is no incurtilage car parking associated with this property. However, it is recognised that there are several public car parks adjacent to the site and given the proposed uses will predominately operate on evenings when demand for public parking is less, consider that there will be sufficient spaces available to serve the proposal.

34. Notwithstanding the above, should the proposal operate within daytime hours, the Head of Technical Services also considers that the availability of public parking within the immediate area would be sufficient to serve the proposed use and any unauthorised parking would be a matter for the Council's Highway Enforcement Officers. Consequently it is considered that given the above, the lack of incurtilage car parking will not create a highway safety concern in this particular instance.

Residual Issues;

35. Whilst the various letters of support which has been received have been considered, the application is judged on its own merits and against the relevant policies of the both the development plan and the National Planning Policy Framework. The cultural and community benefits afforded by the proposal have also been given due consideration and the relevant degree of weight, however, they are not considered to outweigh the conflicts with the established planning policies.

CONCLUSION

36. The National Planning Policy Framework and the Borough's own local planning policies promote and support the maintenance and improvement of the vitality and viability of the Borough's retail centres, with town centres being recognised as the 'heart of their communities'. As required by the NPPF, main town centre uses that are not in existing centres require a sequential assessment to be completed. Having considered the information provided within the application, and also advice contained with the National Planning Practice Guidance (NPPG) it is considered that there are a number of fundamental flaws within the submitted sequential assessment and as a consequence 22 Wellington Square, Stockton; 84 Church Road, Stockton; and, 145-146 High Street, Stockton are all available and capable of accommodating the proposed use with a degree of flexibility in the format and scale of the business model and in accordance with paragraph 27 of the NPPF, the application should be refused.

37. Whilst the various letters of support are acknowledged the cultural and community benefits afforded by the proposal have also been given due consideration however, they are not considered to outweigh the conflicts with the established planning policies. Furthermore, acceptance of a substandard sequential assessment to justify an out-of centre location would undermine the Council's strategy for improving the vibrancy of the Town Centre, particularly on an evening and could set a precedent for similar out-of-centre proposals which cumulatively would undermine the vitality and viability of Stockton Town Centre.

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

WARD AND WARD COUNCILLORS

Ward **Stockton Town Centre**
Ward Councillor **Councillors D. W. Coleman & P. Kirton**

IMPLICATIONS

Financial Implications

Section 143 of the Localism Act and planning obligations as set out in the report.

Environmental Implications

As report.

Community Safety Implications

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

Human Rights Implications

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

Background Papers

Stockton on Tees Core Strategy

Stockton on Tees Local Plan

Stockton on Tees Regeneration and Environment DPD (Preferred options)

National Planning Policy Framework (NPPF)