

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

1 JULY 2015

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

15/0515/FUL

Allensway, Thornaby

Erection of an Aldi foodstore with associated vehicular, pedestrian and cycle access, car parking and landscaping

Expiry Date 9 June 2015

SUMMARY

The proposed site is situated to the south of Thornaby Town Centre and was formerly used as school playing fields associated with the former Tedder Primary School. The former school building is now used as the 'Highflyers' children's centre and lies immediately to the south of the site.

Planning permission is sought for the construction of an Aldi foodstore of approximately 1,850 sq.m with a net sales floor space of approximately 1250 sq.m. A total of 123 car parking spaces will be also be provided to the front of the store along with associated landscaping. The proposed store opening hours will be 8am-10pm Monday to Saturday and 10am-4pm on Sundays and it is estimated that up to 30 full time new jobs will be created.

A total of 41 letters of support and 1 letter of representation have been received. In the main support comments are based around the provision of increased choice and competition, prevent travelling to other Aldi stores areas boosting spend in Thornaby and the associated economic benefits such as job creation.

Although the site is classed as open space/playing field following discussions, Sport England have agreed to remove their objection subject to a financial contribution being secured through a s.106 agreement for a mitigation package. However, as the Council currently owns the site a Grampian style planning condition requiring the developer to enter into a section 106 agreement has instead been suggested. It is considered that such an approach can satisfactorily secure the highway and open space mitigation measures.

In terms of the provision of a retail store, its location is relatively well located adjacent to Thornaby Town Centre and with the provision of improved pedestrian connections from the store to aid movement to the Town Centre, there remains some potential for linked trips to occur. The submitted sequential assessment also identifies that this is the only site which is both suitable and available to accommodate the proposed store and its associated parking. Its overall scale is considered to be commensurate with Thornaby District Centre and its role within the Boroughs retail hierarchy. As demonstrated through the submitted retail impact assessment the store will have a relatively limited impact on Thornaby Town Centre and its retailers through any associated trade diversions. In view of these factors, the proposed Aldi store is in broad accordance with national and local retail planning policies and its impacts on the vitality and viability of Thornaby Town Centre are considered to be minimal.

RECOMMENDATION

That planning application 15/0515/FUL be approved subject to the following conditions and informatives;

Time Period for commencement:

- 01 *The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.*

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans:

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>0296-AL(0)05</i>	<i>5 March 2015</i>
<i>0296-AL(0)06</i>	<i>5 March 2015</i>
<i>0296-AL(0)07</i>	<i>5 March 2015</i>
<i>0296-AL(0)08</i>	<i>5 March 2015</i>
<i>0296-AL(0)09</i>	<i>5 March 2015</i>
<i>0296-AL(0)01 REV A</i>	<i>3 June 2015</i>
<i>0296-AL(0)02 REV A</i>	<i>3 June 2015</i>
<i>0296-AL(0)03 REV A</i>	<i>3 June 2015</i>
<i>0296-AL(0)04 B</i>	<i>5 June 2015</i>

Reason: To define the consent.

Grampian Condition – Planning obligations:

- 03 *No material operation as defined in Section 56 (4) (a)-(e) of the Town and Country Planning Act 1990 shall be carried out to begin the development pursuant to this planning permission unless and until a planning obligation pursuant to section 106 of the said Act relating to the land has been completed to provide for the following sums of money to be paid towards the cost of providing and/or making of improvements of the following infrastructure which are necessary as a result of the development hereby permitted:*

- a) a contribution of up to £75,000 towards the improvements to the Tedder Avenue/Allensway signalised junction, this payment to be made before the development is first brought into use*
- b) a contribution of £65,000 towards the provision of new playing pitches or improvements to existing playing pitches in the vicinity of the development, this payment to be made before the development is first brought into use*

Reason: in the interests of securing appropriate mitigation measure to satisfactorily address impacts on the public highway and towards the provision of new playing field provision.

Materials:

- 04 *Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).*

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

Existing and Proposed Site levels:

- 05 Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.**

Reason: To define the consent and to ensure that the development does not adversely impact on the visual amenities of the area

Soft landscaping details:

- 06 Notwithstanding the submitted information, a detailed planting scheme shall be submitted approved in writing by the Local Planning Authority prior to the completion of the hereby approved retail store. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

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

Landscape Maintenance:

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

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

Hard Landscaping:

- 08 All hard landscaping works shall be installed in full accordance with drawing AL(9)102 REV A. 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.

Boundary treatments:

- 09 All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.**

Reason: To ensure that the details do not adversely impact up the visual amenities of the locality.

Lighting:

- 10 **Details of the external appearance of all external lighting of the building and car park area, including colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation of the hereby approved car park.**

Reason: To avoid light pollution in the interests of the visual amenities of the area

Hours of demolition/construction Activity:

- 11 **No construction/demolition activity or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).**

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

Opening/delivery times:

- 12 **The hereby approved retail store shall not be open for business outside the hours 08:00- 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.**

Reason: In the interests of the amenity of the neighbouring residential premises.

Servicing Arrangements:

- 13 **Before the development hereby approved is completed and occupied, details of a scheme for the servicing and receiving of deliveries including hours of operation shall be submitted to and approved in writing with the Local Planning Authority. Thereafter all servicing or deliveries to the store shall be in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order to prevent noise and disturbance to the surrounding properties from vehicles servicing the premises at unsocial hours, thereby safeguarding residential amenity.

Delivery bay - no storage

- 14 **Notwithstanding any details submitted as part of this application there shall be no storage of any materials, including any associated waste materials, within the delivery bay.**

Reason: In the interests of the visual amenity of the surrounding area.

Construction Management Plan:

- 15 **A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development. The construction plan shall detail the routing of all HGVs movements associated with the construction phases; set out how dust emissions and dirt from the site works will be controlled including earth moving activities, control and treatment of stock piles, wheel cleansing and sheeting of vehicles; show parking areas for use during construction; including measures to protect any existing footpaths and verges; and, offsite dust/odour monitoring and communication with local residents.**

Reason: In the interests of both highway safety and the occupiers of adjacent and nearby premises.

10% Renewables;

- 16 No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.**

Reason: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy, PPS1 Delivering sustainable Development, PPS22 Renewable Energy and government guidance on climate change.

Travel Plan;

- 17 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:**
- (i) the appointment of a travel co-ordinator**
 - (ii) a partnership approach to influence travel behaviour**
 - (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site**
 - (iv) provision of up-to-date details of public transport services**
 - (v) continual appraisal of travel patterns and measures provided through the travel plan**
 - (vi) improved safety for vulnerable road users**
 - (vii) a reduction in all vehicle trips and mileage**
 - (viii) a programme for the implementation of such measures and any proposed physical works**
 - (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.**

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Foul and Surface water drainage;

- 18 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any surface water drainage scheme shall include details of discharge rates with sufficient storage within the system to accommodate a 1 in 30 year and a 1 in 100 year event without surcharging the drainage system or a watercourse; micro Drainage design files; and, any flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event. Thereafter the development shall take place in accordance with the approved details.**

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Retail floor space restriction:

- 19 ***The hereby approved premise shall have a net retail floorspace (net sales area) of 1,254sqm.***

Reason: To define the extent of retailing and for the avoidance of doubt.

No subdivision:

- 20 ***The premises shall not be sub-divided into independent units without the prior written consent of the Local Planning Authority.***

Reason: To define the extent of retailing and for the avoidance of doubt.

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative: Delivery reversing – word better

The applicant/occupier is advised to prevent night time deliveries between 23.00 and 7.00 and during this period use of reversing sirens is avoided in order to prevent noise disturbance to residential premises.

SITE AND SURROUNDINGS

1. The proposed site is situated to the south of Thornaby Town Centre and was formerly used as school playing fields associated with the former Tedder Primary School, it is current fenced off by a low melled mesh fence and has no formal public access to it. The former school building is now used as the 'Highflyers' children's centre and lies immediately to the south of the site with its own outdoor play space fenced off.
2. The Adult training centre is situated immediately to the north of the proposed Aldi site with the commercial and retail premises which forms Thornaby Town Centre less than 300m to the north.
3. Residential properties also lie in close proximity to the site. To the north-east and east lies those residential properties of Leahope Court, while to the west lies further residential properties

SITE HISTORY

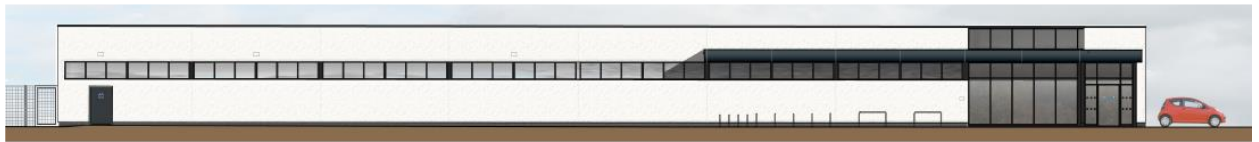
4. The application site originally formed part of Tedder Primary School which formally closed in 2002, although 5 pupils remained at the school until c. December 2004. Planning permission was then grated for a change of use from the school to a 'Surestart' children's centre and crèche (ref; 03/2022/P), which is now known as the Highflyers children's centre.

PROPOSAL

5. Planning permission is sought for the construction of an Aldi foodstore of approximately 1,850 sqm with a net sales floor space of approximately 1250 sqm. The proposed site layout will also allow for landscaping to the periphery of the site and for the provision of 123 car parking

spaces. The proposed store opening hours will be 8am-10pm Monday to Saturday and 10am-4pm on Sundays, it is also estimated that up to 30 full time new jobs will be created.

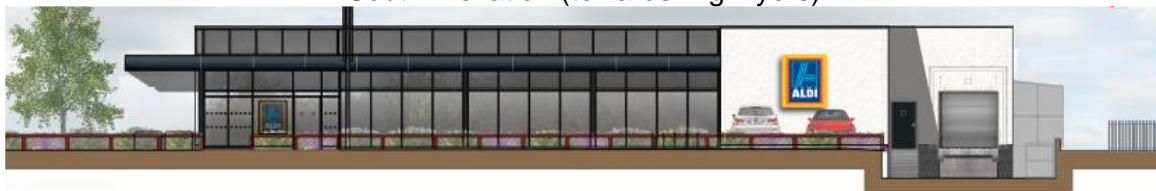
6. The proposed building is a relatively modern and contemporary design, which has been rolled out elsewhere across the country (included the store currently being developed adjacent to Billingham Forum).



North Elevation (facing towards the Adult training centre)



South Elevation (towards Highflyers)



West Elevation (towards Tedder Avenue)



East Elevation (facing towards Leahope Court)

CONSULTATIONS

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

Highways Transport and Environment – The Highways, Transport & Environment Manager has considered the information submitted in association with this application and supports the proposed development subject to the following:-

- The applicant entering into a s.106 and/or s.278 Agreement for:
- The proposed alterations to the site access including the repositioning of the existing pedestrian crossing point, on Allensway, and the provision of a central island.
- The proposed alterations to the Tedder Avenue / Allensway signalised junction to allow all movements

Detailed design of the layout of proposed highway mitigation would need to be undertaken, to the satisfaction of the Highway Authority, and agreed as part of a Section 278 Agreement. All costs of the highway works would have to be met by the applicant.

- Provision of Construction Management Plan, to be agreed with the Highway Authority, to minimise the impact of any construction works on the public highway (to be secured by condition).
- Provision of a suitable landscape buffer, with a minimum width of 2.5m, along the southern boundary of the site to soften views of the store from the High Fliers centre.

The proposed building will need to be moved north, within the site, to accommodate the required landscape buffer along the southern site boundary.

- Further tree planting to be provided on the eastern site boundary within the grassed space just east of the store building, to soften views of the store building from the bungalows on Leahope Court.
- Provision of evergreen hedging species, together with a number of small trees, along the northern site boundary to soften views of the site from the Adult Training Centre to offset the planting removed at this location to realign the site boundary.
- Provision of further information on the predicted resource use data, detail of re-usable heat scheme (if employed), confirmation of renewable technology measures, final predicted CO2 savings and confirmation of how the 10% predicted energy demand from renewables will be met (to be secured by condition).
- Provision of further information to ensure the surface water drainage solution provided is acceptable (to be secured by condition).

Environmental Health Unit – Following consideration of the noise report, no objections subject to planning conditions to address the following matters;

- Construction/Demolition - Open burning
- Construction/Demolition Noise
- Noise disturbance from access and egress to the premises

Spatial Plans Manager – The following is a summary of policies from the adopted Core Strategy (2010) and saved Local Plan Alteration Number One (2006) that are relevant to this application.

- Core Strategy Policy CS5: Sets out the hierarchy of Town, District and Local Centres. The Core Strategy identifies Thornaby Town Centre as a district centre; however, saved local plan policies do not include the site within the boundary of the town centre.
- Saved Local Plan Policy S2: Relates to the tests for major retail development including the sequential and impact tests.
- Core Strategy Policy CS6: identifies that the quantity and quality of open space, sport, and recreation facilities throughout the borough will be protected and enhanced.

It is recommended that in determining the application you also review these policies in full. The Spatial Planning team consider the policies in the plan to remain up to date in accordance with national planning policy. In addition, the emerging policies in the Regeneration and Environment Plan will replace the saved local plan policies. However, at this moment in time this document can only be given limited weight.

National Planning Policy

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 tests which remain a key plank of national policy in paragraphs 23 – 27 of the NPPF.

The NPPF defines open space as ‘All open space of public value, including not just land, but also areas of water ... which offer important opportunities for sport and recreation and can act as a visual amenity.’

Paragraph 73 of the NPPF also identifies that planning policies should be based on up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Paragraph 74 of the NPPF continues to state that 'Existing open space, sports and recreation buildings and land, including playing fields should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Sequential Test

The applicant sets out a catchment area which focuses on Ingleby Barwick and Thornaby. Given the existing provision of Aldi stores in Yarm and Stockton and the size of the proposed store this approach is considered to be reasonable. The sequential test undertaken by the applicant is therefore limited to Thornaby District Centre and Ingleby Barwick Local Centre, concluding that there are no suitable, available or viable sites within either centre.

The assessment concludes that the next most sequentially preferable location is the application site. However, it should be noted that the applicant has not undertaken an assessment of the suitability and availability of the application site. Clearly the site would be unsuitable if the open space designation on the site prevents development.

This provides three potential outcomes to the sequential test:

- The loss of the open space is acceptable in principle. The site is considered suitable and passes the sequential test.
- The site is considered to be an important open space that should be protected and the site would not be suitable for retail development. Planning permission should be refused.
- The need for the development coupled with the lack of suitable and available sites in the sequential test, is so significant that the sequential test over-rides the value of the open space designation. This outcome would require strong justification.

Impact Test

Despite the application being beneath the 2,500 sqm NPPF threshold for the impact test, the applicant has submitted an impact assessment with the proposal. The impact assessment utilises information in the most recent retail study (Stockton Retail Study Update note 2010) which is considered to be a proportionate approach for this application.

The key issue relating to this impact assessment is the suitability of assumptions relating to trade diversion from existing facilities to the proposed store. It may be appropriate to seek further clarification from the applicant on several of these assumptions prior to making a decision on the impact of this proposal on existing centres.

Open Space

The site is not directly identified in saved policies from the adopted Local Plan 1997. However, the Council's Open Space Audit identified the site as an 'Outdoor Sports Facility'. The Open Space Audit is a vital part of the evidence for Core Strategy policy CS6.3 which effectively protects the site as open space, this states that:

'the quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document [OSRL SPD]'.

The Councils OSRL SPD identifies that:

'There is no area in the Borough where all types of space meet the standard; therefore development on open space is not acceptable unless the loss is mitigated adequately.'

The site has not fulfilled the role for which it has been identified within the open space audit for numerous years. In this regard the site in its current form has limited public value other than to

those who are able to access the site. However, the 2014 update of the Councils PPG17 assessment identifies that Thornaby does not currently meet the quantity standards for outdoor sports facilities, amenity green space and allotments.

Therefore the open space element of the proposal should be considered against paragraph 74 of the NPPF, in particular the first two bullet points under this paragraph which states that open space 'should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location ...'

Without the above justification, or other strong material considerations in favour of the development, the proposed loss of open space cannot be supported.

Conclusion

In conclusion the Spatial Planning team recommends that before the application is determined:

- Issues relating to the open space designation of the site are fully assessed and considered;
- The sequential test is reviewed in light of the open space designation; and
- Additional clarification is sought regarding the submitted impact assessment.

Councillor Derek Brown – Supports the application and is satisfied that the concerns of the residents of Leahope Court will be taken into consideration

Councillor Sylvia Walmsley – Supports the application subject to there being no adverse impacts on existing businesses within Thornaby town centre. Is pleased to see the store has been moved away from residents on Leahope Court following the public consultation event. Concerns are also raised regarding the existing road layout at the junction of Allensway with Tedder Avenue, given contravention of highway regulations which take place.

Northumbrian Water Limited – consider insufficient information has been provided to fully assess the management of foul and surface water from the development and therefore request that a planning condition is imposed to cover these matters.

Northern Gas Networks – No objections

The Environment Agency – No comments

Natural England – no comments to make regarding this application.

Sport England – The applicant has agreed to provide a commuted sum to the Council to allow the playing field to be replaced in accordance with playing field policy (Exception E4). Sport England's objection can be considered withdrawn once the Section 106 Agreement, securing the replacement provision, has been signed.

PUBLICITY

8. Neighbouring residents and properties were notified and those comments received are set out below (in summary). A total of 41 letters of support and 1 letter of representation and 1 letter of objection have been received.

Support comments:

- Provides good quality and value food, fruit and veg.
- Will serve the nearby housing estate

- Increased choice and competition for ASDA/town centre businesses
- Will help to regenerate the area
- Enable shopping to be carried out in the various stores in Thornaby as opposed to elsewhere in Stockton
- Saving travel to Stockton Aldi
- Will attract more people to Thornaby increasing spend in the centre
- Will provide a public toilet which is a welcome addition
- Will create job opportunities

Supporters:

Mrs Angela Fenton - 9 Whitchurch Close Ingleby Barwick
 Keith Featherstone - 111 Hudson House Westdale Road
 Mr Alexander Layton - 100 Valiant Way Thornaby
 Kim Hawken - 48 Anson House Westdale Road
 Patricia Joyce Crossan - 40 Tedder Avenue Thornaby
 Glen Waterhouse - 57 Anson House Westdale Road
 John and Christine Layton - Christ The King School House, Tedder Avenue
 L Booth - 28 Grenville Road Thornaby
 M Johnson - 26 Sinnington Road Thornaby
 Mr Michael Carney - 17 Sapley Close Thornaby
 Mr C P Richards - 34 Leahope Court Thornaby
 Mrs S Lowe - 12 Ashdown Close Thornaby
 Mr and Mrs Gilchrist - 12 Baffin Court Thornaby
 Mr and Mrs D Herd - 29 Leahope Court Thornaby
 Mr Kenneth Taylor - 107 Hudson House Westdale Road
 Mrs L Tidy - 94 Vulcan Way Thornaby
 Olive Hardhan - 16 Wychwood Close Thornaby
 Mr and Mrs Foster - 108 Whitley Road Thornaby
 Mr H Godwin - 16 Lingdale Road Thornaby
 Mr Kenneth Heslop - 11 Kinloss Walk Thornaby
 Mr R Summerhill - 2 Baffin Court Thornaby
 Mrs J Ellerington - 164 Stirling Way Thornaby
 Mrs M Gardner - 64 Havilland Road Thornaby
 Mrs P Harris - 135 Hampden Way Thornaby
 Mrs Ruddy - 14 Whitley Road Thornaby
 Mr and Mrs Shearer - 87 Havilland Road Thornaby
 H Farnaby - 63 Vulcan Way Thornaby
 Mr and Mrs Jefferson - 3 Kinloss Walk Thornaby
 Mrs B O'Connell - 21 Shackleton Close Thornaby
 Pauline Thorpe - 88 Wolsingham Drive Thornaby
 M Shepherd - 46 Kinloss Close Thornaby
 Mr G Howsden - 83 Hovilland Road Thornaby
 Mrs A Johnson – No address given
 Owner/occupier - 123 Havilland Road Thornaby
 Mrs M Davis – No address given
 D Campbell - 22 Cunningham Drive Thornaby
 Mr D Myers - 31 Kinloss Walk Thornaby
 Mrs E Connell - 14 Kinloss Close Thornaby
 Mrs Green - 64 Anson House Westdale Road
 Stuart Heron and Family - 43 Kinloss Walk Thornaby
 Mrs Yvonne Quinn - 17 Anson House Westdale Road

General comments:

Supports the provision of Aldi, but has concerns over the access onto Tedder Avenue which allows for left and right turns with no enforcement taking place. Also raises issues with dumped shopping trolleys passing over this area.

Mr W Mason - 36 Lancaster Way Thornaby -

Objection comments

His property is the closest property to the proposed new store and it is stated that the boundary line is to be redrawn between new proposed Aldi store and adult learning centre. At present they are discussion with the adult training centre regarding the overgrown trees that hang over their boundary affecting light. Concerned that if additional garden is given to the training centre then light could be lost to the garden/property.

Mr David Waite - 8 Leahope Court, Thornaby

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.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

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

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

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

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

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

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

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

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

Core Strategy Policy 5 (CS5) - Town Centres

1. No further allocations for retail development will be made other than in or on the edge of Stockton Town Centre during the life of the Core Strategy.

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

i) Thornaby centre

ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

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

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

Saved Policy REC1 of the adopted Stockton on Tees Local Plan

Development which would result in the permanent loss of playing space will not be permitted unless:

(i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or

(ii) Alternative provision of equivalent community benefit is made available, or

(iii) The land is not required to satisfy known local needs.

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

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

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

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

National Planning Policy Framework

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;

For decision-taking this means:

- 1) approving development proposals that accord with the development without delay; and
- 2) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - o 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-
 - o specific policies in this Framework indicate development should be restricted.

MATERIAL PLANNING CONSIDERATIONS

13. The main material planning considerations of this application are compliance with planning policy and the impacts of the development on the development on the visual amenity of the area, amenity of neighbouring residents, highway safety, flood risk and other matters arising out of consultation.

Principle of development;

14. The National Planning Policy Framework (NPPF) sets out the governments aims for the planning system, at its heart lies a presumption in favour of sustainable development which is defined as having the three strands to it i.e. a social role, economic role and environmental

role. A core planning principle of the NPPF (paragraph 17) is to “proactively drive and support sustainable economic development” to ensure that the homes, businesses and infrastructure the country needs are provided. Specific advice with regards to supporting a strong economy, protecting the vitality and viability of town centres and encouraging sustainable and inclusive communities are offered in chapters 1, 2 and 8 of the NPPF respectively. Notwithstanding any other material planning considerations, it is accepted that the provision of a new food store would offer both economic and social benefits through the investment in the store, increased consumer choice and associated job creation (both pre and post construction) are all benefits which weigh in favour of the proposal, although they need to be balanced against those other material planning considerations, including the wider planning policy context.

15. In terms of the development plan and local planning policies the site lies within the limits of development and has no specific allocation under the adopted Local Plan. The site also lies out with the defined Thornaby District Centre boundary and has been identified as an “Outdoor Sports Facility” within the recent open space audit. The close proximity of the site to Thornaby Town Centre, existing public transport provision and pedestrian linkages mean the site is considered to be a sustainable location and the main issues for consideration with regards to the acceptability of the proposal therefore principally surround considerations with regards to the loss of open space and any implications for the defined retail centres, these are discussed in greater detail below;

Loss of Playing field/public open space;

16. Although the site is not allocated as playing field under saved policy REC1 of the adopted Local Plan, the open space audit identifies the site as an “Outdoor Sports Facility” resulting from its former use as the Tedder School playing field. The emerging Regeneration and Environment Local Plan (RELP) also identifies the site as ‘Urban Open Space’ under emerging Policy ENV1, in accordance with guidance within the NPPF the emerging policies can only be given limited weight at this stage. Nevertheless Core Strategy Policy CS6(3) states that the quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced and refers back to the adopted Supplementary Planning Document on open space, sports and recreation facilities.
17. Although the applicant’s question the suitability of the site as a result of a number of raised manholes on the site, lack of facilities and lack of public access to the site, paragraph 74 of the NPPF is quite clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it can be shown that it meets with one of three tests. In this instance only the tests of whether it is either; surplus to requirements; or, can be replaced by equivalent or better provision in terms of quantity and quality need to be satisfied.
18. Sport England has considered the proposal and following discussions with the applicant have since removed their objection. This is subject to securing a mitigation package for replacement provision. It is suggested that this be secured through a s.106 Agreement to provide £65,000 towards the provision or improvement of playing pitches within the vicinity of the Development or elsewhere within the Borough. However, as the Council currently owns the site a Grampian style planning condition requiring the developer to enter into a section 106 agreement has instead been suggested. It is considered that such an approach can satisfactorily secure the highway and open space mitigation measures. It is therefore considered that the proposed development will meet with the tests set out in paragraph 74 of the NPPF and that this accords with national planning policy.

Retail considerations;

19. Paragraph 23 of the NPPF sets out the Government sees town centres as being at the heart of their communities and that planning policies should support their viability and vitality. In order to achieve these aims paragraph 24 requires that a sequential test is applied to retail and main

town centre uses not within a defined centre or in accordance with an up-to-date development plan. Paragraph 25 then sets out the need for a retail impact assessment for developments over 2,500sqm where there is no local threshold. Building upon these two stands, the NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused (paragraph 27). Should matters are therefore considered below;

Sequential assessment;

20. The supporting planning and retail statement sets out that Aldi food stores typically serve a localised catchment area and that this store is aimed at serving the catchment areas of Thornaby, Ingleby Barwick, Maltby and Hilton. Given that the Borough is relatively well served with either an existing or under development Aldi store (currently there are stores in Stockton, Norton, and Yarm, with the Billingham store being developed), the focus of the sequential assessment on the centres of Thornaby and Ingleby Barwick is considered to be reasonable. The applicant sets out that to accommodate an Aldi store and the associated parking, a site of minimum size of c.0.8 hectares is required.
21. Within the submitted sequential assessment a number of sites have been identified within or on the edge of Thornaby Centre, with there being no identified sites either within or on the edge of Ingleby Barwick Local Centre. Two premises are identified as being vacant within Thornaby centre ((units 5 and 9), although these are considered to be too small at 79 sq.m and 112 sq.m respectively. The Golden Eagle, Phoenix House, Forster House and Keld House are also identified within the search although are dismissed as either being too small, not available or unviable due to re-development costs/relocation of existing telecoms infrastructure. The Northumbrian Water site has also been considered and whilst this is capable of accommodating the development given the site area of 2.2 hectares, it is larger than required and also has an existing business in operation. The site is therefore not considered to be available or viable.
22. Given the findings of the sequential assessment and as the Local Planning Authority also has no evidence to dispute the findings and conclusions of the sequential assessment in this instance, it is accepted that the proposed site is the most sequentially preferable location for the proposed Aldi food store as submitted.

Retail impact assessment;

23. Although the gross floor space of the proposal (c.1850sqm) falls below 2,500sqm threshold identified within the NPPF to require an impact assessment, Officers requested that an assessment be carried out to demonstrate that the proposal would not have an adverse impact on the vitality and viability of Thornaby Town Centre. The applicant's retail impact assessment identifies that the total available expenditure within the identified Thornaby area will be £215.63(m) in 2015, rising over £43(m) to the design year of 2020 to £259.06(m). It also outlines that the proposed Aldi store is considered to have a total sales floor density of just over £12,500 per sq. metre generating a total turnover of £8.63m.
24. In considering the associated impacts of the proposed retail store, it is recognised that the proposal is likely to impact in the main on the existing food stores within the Thornaby area and also 'claw back' some expenditure which would occur outside of the Thornaby area, i.e. from persons already visiting the existing Aldi stores in Stockton or Yarm. The total impact on Thornaby Town Centre is estimated to be 4% of its trade (£2.23m) of which Lidl will take the biggest percentage impact at 6% of its turnover (£300,000) followed by Iceland with a 4.2% impact (£120,000) and then ASDA at 3.8% of its turnover (£1.81m). Outside of Thornaby District Centre, it is anticipated that there would be a 3.6% impact, with Tesco's at Ingleby Barwick and the Morrison's store at Teesside Park seeing a 5.6% (£1.81m) and a 2.5% (£1.9m) impact respectively.

25. Members will be aware that Thornaby Town Centre has been subject to significant investment in recent years and as a consequence it is operating successfully with relatively few vacancies. Whilst the associated impacts from the proposed retail store on Thornaby Town Centre are noted, they are relatively small impacts and given that Thornaby Town Centre is currently trading well and overtrades the impacts of the Aldi store are considered to be limited and the proposed Aldi store is not considered to have any significant adverse impacts on the overall vitality or viability of the centre. Equally the Impacts on the Tesco store at Ingleby Barwick are also considered to be limited and would not have a significant impact on the vitality and viability of that particular centre.
26. With regards to the Morrison's store at Teesside Park, this is located out-of centre-and is afforded no protection under current national or local planning policies, the associated impacts on the revenue of the store are therefore given very little weight in determining this application. Nevertheless the associated impact on this store, at 2.5% is also considered to be limited and would not have any significant impacts.

Summary of policy considerations:

27. With regards to the loss of playing fields, Sport England is satisfied that subject to a mitigation package being secured that the loss of the playing field would be acceptable. The scheme therefore meets with the requirements of paragraph 74 of the NPPF. In terms of the provision of a retail store, its location is relatively well located adjacent to Thornaby Town Centre and with the provision of improved pedestrian connections from the store to aid movement to the Town Centre, there remains some potential for linked trips to occur. The submitted sequential assessment also identifies that this is the only site which is both suitable and available to accommodate the proposed store and its associated parking. Its overall scale is considered to be commensurate with Thornaby District Centre and its role within the Boroughs retail hierarchy. As demonstrated through the retail impact assessment the store will have a relatively limited impact on Thornaby Town Centre and its retailers through any associated trade diversions.
28. It is noted that the proposed scheme has many supporters as a result of increased choice and competition and through the employment opportunities it create during and post construction. Such matters are considered to have social and economic benefits and these would weigh in its favour when weighing up the various planning merits.

Visual Impact;

29. Paragraph 56 of the NPPF promotes Good design and states that it is a key aspect of sustainable development. Similarly policy CS3(8) of the Core Strategy requires that developments make a positive contribution to the local area. At present the open space nature of the site allows for open views across the site from the main approaches of Thornaby Town Centre and Tedder Avenue. Whilst the introduction of the proposed development to the site will have a visual impact and result in the loss of some openness, the proposed building is well set back from the highway and in combination with its a relatively low scale, the provision of landscaping and the associated car parking will maintain a relatively open aspect to the main vantage points, limiting an resulting harm.
30. In considering the visual impact of the proposed building, it is noted that within the surrounding area there are a mixture of property types, styles and scales, this also includes a mix of both commercial and residential properties as a result of the proximity to Thornaby Town Centre. In view of the variety of building styles it is considered that the surrounding locality does not have a particularly evident or strong character. Whilst it is acknowledged that the proposed building is relatively modern in its appearance, it is not considered to be out of keeping with its surroundings and its overall design, scale and use of materials is appropriate.

31. The Council's Landscape officer has considered the information supplied and raises no objections in principle. A series of amendments are requested with regards to the planting details particularly with regards to the southern and eastern boundaries. Whilst the landscaping details may at present not currently be in a satisfactory form, it is considered that there is sufficient space to accommodate the landscaping and accordingly a planning condition can be imposed to secure approval of a future landscape and planting scheme. Conditions are also suggested to secure landscape maintenance, boundary treatments and hard landscaping details. In view of all these considerations the proposed development is not considered to have a detrimental impact on the character and appearance of the surrounding area.

Impact on residential amenity;

32. The proposed development will be situated in excess of 30 metres from the properties to the east of the store (Leahope Court) and over 75m from the properties to the west on the opposite side of Tedder Avenue. The scheme is therefore not considered to have any significant impacts on the surrounding residents with regards to loss of light, privacy or appearing overbearing.

33. One objection has been received with regards to additional planting which may occur in the Adult Learning Centre site, whilst it is acknowledged that there will be a realignment of the Adult Learning Centre's boundary no additional planting is shown. However, such works would not require planning permission and would be an issue for the two landowners. However it is not considered that any additional planting would cause any significant impacts with regards to loss of light that it would warrant a refusal of the application.

34. It is accepted that the operation of the store, particularly with regards to deliveries can result in noise and disturbance to the surrounding residential properties. In order to prevent impacts at unsociable hours a condition can be imposed regarding the store opening and delivery times and therefore it is considered that the operations of the store would not give cause to such an adverse impact on residential impact that it would warrant refusal of the scheme.

35. It is also expected that there may be some short-medium term impacts arising from the construction of the store. In line with the Environmental Health Officers comments a planning condition is therefore recommended to control the hours of construction activity.

Highway Safety;

36. The Highways, Transportation and Environment Manager has considered the information submitted and the impact of the proposed development on the highway network. Whilst the highway network is considered to be capable of accommodating the associated vehicular trips, the submitted Transport Assessment makes no reference to the existing configuration of the Tedder Avenue/Allensway signalised junction and the illegal manoeuvres which currently take place. In order to improve access to the store and to ensure that the impact of the proposed development on the highway network remains acceptable it is proposed that the Tedder Avenue/Allensway signalised junction is altered to allow for all movements. A preliminary design has been prepared and the works are estimated to cost in the region of £75,000, it is requested that these works are secured through either a Grampian planning condition or a section 106 agreement.

37. The proposed access from Tedder Avenue and replacement access into the existing Adult Training Centre is considered to be acceptable and will also provide a pedestrian crossing point across it. In addition an additional pedestrian island is proposed along Allensway, to the north of the new access which will allow for improved connections with Thornaby Town Centre. The proposed access arrangements will also result in the relocation of some of the existing car parking provision for the Adult Training centre providing a net gain of 2 spaces, 912 new spaces are being provided).

38. The proposed service vehicle access is considered to be acceptable, whilst the associated parking provision is also considered to be in accordance with the Council's parking standards. A provisional travel plan has been submitted although it is recommended that a full travel plan should be provided, this and the requirement for a Construction Management Plan can be secured through a planning condition.

Flood Risk;

39. The Environment Agency and the Head of Highways Transport, and Environment have considered the impacts on flood risk, with the Environment Agency having no comments on the proposal. Head of Highways Transport, and Environment notes that there are no surface water flooding issues arising from the Environment Agencies surface water flood maps and that whilst the submitted drainage assessment is acceptable it does not confirm the point of discharge for the surface water runoff from this site nor have the discharge rates been agreed, it is therefore recommended that a planning condition is imposed to secure these details.

Residual Issues;

40. With regards to the sustainability of the building and the construction methods involved a generic Sustainability Statement has been provided. Whilst this may indicate 40% of the energy demand for the development will be provided from the waste heat re-used from refrigeration units and no provision for renewable energy is described. As this does not provide any site specific information on the resource use of the building such as energy data and water use, or measures to reduce demand as such no confirmation of how the premises will meet at least 10% of its predicted energy requirements from renewable energy has been provided at this stage. It is therefore recommended that this aspect be secured through a planning condition.

CONCLUSION

41. In view of the above considerations the proposed development satisfies the requirements of planning policy and it is considered that the proposal will not have any detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Thornaby. In view of these considerations the proposal is considered to have some social and economic benefits which weight in its favour and outweigh any limited harm that would arise out of the loss of the openness of the site.

42. In planning terms, the proposed development is also considered to be acceptable in all other regards. The proposed development is therefore recommended for approval subject to those planning considerations set out in the report

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

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications:

The Council may benefit from a capital receipt arising out of any agreement reached over the sale of the site.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal relates to the creation of a new superstore and its visual impacts, along with matters relating to traffic and associated noise and disturbance are considered and addressed within the report and are considered limited

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

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

Background Papers:

Stockton on Tees Local Plan Adopted 1997

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy – 2010

Emerging Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations