

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

30 MARCH 2016

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

15/3136/FUL

Land at Sandgate The Rings, Ingleby Barwick

Application for the erection of 12no. commercial units consisting of Retail and Non-Retail (Use classes A1, A2, A3 and A5) uses, to include a cafe/bistro (A3/A4 use with associated access, car parking and landscaping

Expiry Date 9 March 2016

SUMMARY

The application site is located on the eastern edge of village six, Ingleby Barwick. To the immediate east lie the residential properties of Bancroft Drive, which leads round onto Magnis Close. To the east lies a pedestrian footpath and an area of open space/highway verge with Sandgate roundabout and Myton Way beyond.

Planning permission is sought for the erection of 12no.commercial units with associated access, car parking and landscaping. The proposed uses will consist of a mix which includes shops (A1), Financial and professional services (A2); Restaurant and Cafes (A3); and, hot food takeaways (A5). This would include provision of a cafe/bistro (A3/A4) use. The proposal will allow for a combined floor space of 1,325sqm (14,262sqft), with the units being spread across 4 separate buildings and the majority of the proposed units are typically between 75-80sqm with the café/bistro and potential convenience store occupying larger floor areas. Since the original submission the applicant has revised the scheme to ensure that satisfactory levels of parking and servicing arrangements are provided.

Having considered the submitted sequential assessment and the main aim of delivering additional services and facilities for residents of villages 5 and 6 of Ingleby Barwick, it is accepted that this can only be achieved from developing this particular site. Whilst the number of commercial premises is higher than some of the other centres within Ingleby Barwick it is still considered to fall within the parameters of a neighbourhood shopping centre and would serve local shopping needs as opposed to competing with higher order centres such as the local centre in Ingleby Barwick. The proposal is considered to be acceptable in planning terms in all other regards and is recommended for approval subject to those conditions detailed within the report.

RECOMMENDATION

That planning application 15/3136/FUL be approved subject to the following conditions and informative(s);

Approved Plans;

1. The development hereby approved shall be in accordance with the following approved plan(s);

TPS001 rev C	18 March 2016
TPS006	18 March 2016
TPS005	18 December 2015
TPS004	18 December 2015
TPS003	18 December 2015
TPS002	18 December 2015

Reason: To define the consent.

Highway access arrangements/works:

2. The commencement of the development authorised by this permission shall not begin until:
- a. the local planning authority has approved in writing a full scheme of works and improvements to enable:
- (i) the widening of Bancroft Drive to 5.5m;
 - (ii) the provision for the entrance and egress onto Bancroft Drive;
 - (iii) Provision of the HGV loading and HGV exit only onto the Rings including control mechanisms to prevent regular usage
 - (iv) the introduction of waiting restrictions on the Rings adjacent to the junction with Bancroft Drive.
- and
- b. the approved works have been completed in accordance with the local planning authority's written approval and have been certified in writing as complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

Reason: To ensure a satisfactory form of development in the interests of Highway Safety.

Materials

3. The external walls and roofs of the building(s) shall be constructed of the following materials;

Walls;

Marley Eternit Cedral Lap Cladding (Light Oak)
Hathaway Brindle
Equitone (tectiva) Mineral Black
Anthracite grey or similar window/door frames

Roof;

GRP membrane colour grey

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

Existing and Proposed Site levels;

4. 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;

5. 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;

6. 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;

7. Prior to the occupation of the hereby approved store a scheme for all hard landscaping works shall be submitted to and be approved by the Local Planning Authority. 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.

Means of Enclosure;

8. Notwithstanding the submitted information 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 prior to the occupation of the hereby approved store. Such means of enclosure as agreed shall be erected before the hereby approved store is brought into use.

Reason: To ensure that the details do not adversely impact up the visual amenities of the locality and to ensure that the safety and security of the railway is maintained.

Cycle parking;

9. Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval.

The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

Lighting:

10. Details of the external appearance of any lighting to the building and car park area, along with the colour and luminance level 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.

Foul and Surface water drainage:

12. 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.

Opening times:

13. The hereby approved premises shall not be open for business outside the hours of 08:00- 22:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays unless otherwise stated below;
- Unit 10 (convenience store) – 06.00 to 23.00hrs Monday to Sunday
 - Unit 12 (Bistro) – 09.00 to 22.00hrs Monday to Thursday, 09.00 to 23.00hrs Friday and Saturdays and 09.00 – 20.00 on Sundays.

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

Loading/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.

Servicing, refuse and recycling:

15. Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of the servicing arrangements, refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.

Fat/grease trap:

16. Prior to the commencement of any food uses hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.

Reason: To ensure a satisfactory form of development.

Odour nuisance:

17. Notwithstanding any of the submitted details, before any hot food use(s) commence, details of a ventilation and fume extraction system shall be submitted to and agreed in writing with the Local Planning Authority for approval. Such details shall include 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. Such a scheme shall also detail that any flue is provided no less than 1 metre above the eaves of the main building and positioned at least 2 metres away from any window that is able to be opened. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To ensure a satisfactory form of development and to ensure that the neighbouring premises do not suffer from odour nuisance.

Noise disturbance from plant/machinery

18. Prior to any plant or machinery being installed and being brought into use, details shall first be submitted to and be approved in writing by the Local Planning Authority. Where any plant is expected to increase background noise levels, it shall be enclosed with insulation or other appropriate sound control measures which must also first be agreed in writing with the Local Planning Authority. Thereafter the plant and agreed sound control measures shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any acoustic screening or vibration mounts.

Reason: In the interests of controlling noise disturbance to protect the amenity of the occupiers of the neighbouring properties.

Construction Management Plan:

19. 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.

Travel Plan:

20. 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.

External roller shutters

21. Notwithstanding the submitted details, the full details of any external security shutters or grilles shall be submitted to and be approved in writing by the Local Planning Authority prior to any installation. Such a scheme shall include and make allowance for any shutters and grilles being of a perforated, punched or open mesh style and the shutters roller mechanism and casement box shall be colour powder coated. Any security shutters or grilles shall be installed in strict accordance with those agreed details and the shutters, mechanism and any casement box shall be retained in the agreed style and colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the design and colour of the roller shutter in order to protect the visual amenity of the area within which the site is located.

10% Renewables:

22. 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

Retail floor space restriction:

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order the hereby approved development shall have a maximum net retail floorspace (net sales area) of 1,233sqm.

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

No subdivision:

24. 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.

Control over extent of convenience shop:

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, the convenience store (unit 10) hereby approved shall not exceed a net retail sales area of 280sqm.

Reason: To define the extent of the retail unit to ensure that its scale remain appropriate within the development limiting impact on

Control over uses:

26. Upon implementation of the hereby approved development, no more than a total of five units shall fall within use classes (A2, A3, A4 or A5) with a maximum of two uses falling within use class A5 as defined by the Town and Country Planning Use Classes order 2006 with the remaining seven units falling within use Class A1.

Reason: To define the consent and in the interests of controlling the extent of retailing provision.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application

BACKGROUND

1. The application site forms part of the wider Ingleby Barwick settlement and was granted outline planning consent for residential development in 1979, this permission remains extant and in effect means that the principle of residential development has already been established on the site. The initial concept for Ingleby Barwick included the provision of facilities such as primary schools and retail facilities within each village. However, only villages one (Lowfields) and two (Beckfields) were built in accordance with such principles.
2. In 2009 a development brief for the remaining phase of Ingleby Barwick (village 6) was developed through a working party of Council Officers and Persimmon Homes, with additional consultation from Local Ward Councillors (at the time IBIS) and Ingleby Barwick Town Council. It is to be read in conjunction with the current Masterplan for Villages 5 and 6 which was

approved in 2002. The development brief sets out key principles for future housing development within Ingleby Barwick, including a number of guiding principles. The development brief was approved by planning committee on the 24th February 2010. It is however not a statutory development plan document and consequently carries little weight in the determination process.

3. Ahead of the finalisation of an updated development brief for villages 5 and 6 of Ingleby Barwick in 2009 and during consultation with the Local IBIS Ward Councillors, a desire for additional facilities within Ingleby and village 6 was expressed to cater for the growing community. These facilities included provision for a community centre and potential shop/pub. With the preferred site for a shop/pub being identified at the eastern edge (adjacent to Myton Road) so that the neighbouring residents of Broomhill, Broom Park and Hillbrook and Sand Hill (yet to be constructed) could also benefit from such facilities. However, it has heavily caveated that such development could only occur if the land was “procured via commercial terms appropriate to offset the lost residential value”.
4. Those planning application which relate to the approval of residential development in and around the application site include; 09/3024/REM; 11/1685/VARY; 11/0652/REM; 13/1833/FUL 13/2626/REM and 14/3035/REM.

SITE AND SURROUNDINGS

5. The application site is located on the eastern edge of village six, Ingleby Barwick. To the immediate east lie the residential properties of Bancroft Drive, which leads round onto Magnis Close. To the east lies a pedestrian footpath and an area of open space/highway verge with Sandgate roundabout and Myton Way beyond. To the south lies ‘The Rings’ distributor road with a further area of land with planning permission for residential development beyond, this area will form the last phase(s) of village six.
6. To the north of the site lie further residential properties of Bancroft Drive which at the time of the site visit were under construction. Many of the surrounding properties have however been constructed and occupied, with work currently underway of those plots which are to the immediate north of the application site.

PROPOSAL

7. Planning permission is sought for the erection of 12no. commercial units with associated access, car parking and landscaping. The proposed uses will consist of a mix which includes shops (A1), Financial and professional services (A2); Restaurant and Cafes (A3); and, hot food takeaways (A5). This would include provision of a cafe/bistro (A3/A4) use.
8. Across the site are four buildings, arranged around the northern, eastern and southern boundaries with a central parking area. Landscaping is also provided centrally within the site and to the peripheries these include tree and shrub planting. The proposal will allow for a combined floor space of 1,325sqm (14,262sqft), with a units ranging from a maximum size of 372sqm (4004sqft) for the indicated convenience store down to 73sqm (785sqft), with unit 12 which including two floors. However, the majority of the proposed units are typically between 75-80sqm.
9. Following discussions and requests by Officers the developers have revised the scheme to allow for alterations to the layout of the development and delivery arrangement for the premises. Furthermore the applicants have also agreed to increase the mix of retail (A1) units from 6no. to 7no. thereby increasing the overall mix of shop units within the development. This will now allow for 7no. retail units use class (A1); 1no. Financial and professional services units

(A2); 1no. Restaurant and Cafes (A3); 1no. Bistro (A3/A4); and, 2no. hot food takeaway units (A5).

CONSULTATIONS

10. The following Consultations responses were received as part of the consultation process, these are detailed below (in summary);

Councillors – No comments received

Parish Council – Neither support nor object to the proposal but raise concerns regarding the vehicular access given that it is a residential road. If the access is allowed to come off this residential road it is requested that the footpath on the east side of Bancroft Drive from the junction with 'The Rings' road to the turning head at the rear of units 1 & 2, be removed to provide additional carriageway width.

Highways Transport and Environment – The Highways, Transport & Environment Manager has considered the information submitted in association with this application and has no grounds for objecting to the proposed development subject to the following:-

- The applicant forming the proposed site access arrangements prior to commencement of the internal layout and buildings. This is required to ensure that a safe access is provided for the main construction phase of the proposed development.
- The applicant undertaking the required road widening on Bancroft Drive.
- The applicant forming the proposed service delivery exit onto The Rings.
- The introduction of waiting restrictions on the Rings within the vicinity of the junction with Bancroft Drive, the extent of which are to be agreed with the Highway Authority, to control indiscriminate and injudicious car parking in this area.
- Details of the design of the layout of proposed site access, the proposed widening of Bancroft Drive, the formation of the service access onto The Rings and the extent of the waiting restrictions would need to be agreed as part of a Section 278 Agreement, to the satisfaction of the Highway Authority, and all costs associated with the proposed highway works would have to be met by the applicant.
- Provision of a 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 Travel Plan (to be secured by condition).
- The provision of full landscaping details (to be secured by condition).
- The provision of a hard paved strip of width 1m should be provided within the landscaping to the rear of parking bays 15-21 and 25-30 to allow for access to the parked cars.
- Provision of information on 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).

Detailed comments and conditions, should the application be approved, are included within the appendices to this report.

Environmental Health Unit – No objections subject to the imposition of the following conditions:

- Construction/ Demolition Noise
- Noise disturbance from New Plant
- Noise disturbance from access and egress to the premises
- Noise disturbance from vehicles servicing the premises

- Waste Collection
- Drainage - grease trap
- Odour nuisance
- Position of flue

Northern Gas Networks (NGN) – advise that NGN have no gas mains within the area, although their records show other Gas Transporters may be present in the area.

Northumbrian Water Limited – The capacity of the sewers that have been laid to serve the adjacent housing development have factored in the proposed development during the masterplan of the overall site. Discharge rates and connection points into the sewerage system have been agreed with the applicant and no issues are raised.

Tees Archaeology – The area was subject to archaeological evaluation in 2013 and it was found to have low archaeological potential and there are no objections to the proposal.

PUBLICITY

11. Neighbouring residents have been notified of the application and a total of 32no objections have been received along with 1 letter of support and 1 letter of representation.

Objectors:

1. Maria Ferguson Planning Consultancy on behalf of Ingleby Barwick Land and Property developments
2. Stovell And Millwater Ltd on behalf of Yttrium Ltd (owners of Ingleby Local Centre)
3. Mrs Julie Adamson - 7 Woosington Drive Middleton St George
4. Mrs Emma Small - 11 Amberley Grove Faverdale
5. Mrs Hilda Hirst - 21 The Pasture Ingleby Barwick
6. Mr Gary Coates - 7 Spitalfields Yarm
7. Mrs Sharon Norwood - 8 The Rings Ingleby Barwick
8. Mrs Kirsty McLean - 49 The Rings Ingleby Barwick
9. Mr Paul Grimes and Miss Sarah Warrick - 51 The Rings Ingleby Barwick
10. Mrs Alex Barker - 53 The Rings Ingleby Barwick
11. Mr Graham Bevington - 67 The Rings Ingleby Barwick
12. Mr Sufri Weithers - 75 Lullingstone Crescent Ingleby Barwick
13. Mr Simon Beagrie and Miss Ellie Watson - 1 Magnis Close Ingleby Barwick
14. Ms Anne Joyce - 3 Magnis Close Ingleby Barwick
15. Mr Allan Hugill - 12 Magnis Close Ingleby Barwick
16. Mr Ross McCann - 23 Magnis Close Ingleby Barwick
17. Miss Charlotte Wilson - 26 Magnis Close Ingleby Barwick
18. Mr Jack Fenwick and Mr Mike Oakley - 2 Bancroft Drive Ingleby Barwick
19. Miss Anna Alessandro & Mr Ashley Kearney - 6 Bancroft Drive Ingleby Barwick
20. Mr Bradley Walker - 8 Bancroft Drive Ingleby Barwick
21. Mr Andrew Tunnacliffe - 12 Bancroft Drive Ingleby Barwick
22. Mr Sam Nixon - 16 Bancroft Drive Ingleby Barwick
23. Mrs Sam Barker - 17 Bancroft Drive Ingleby Barwick
24. Mr Christopher Abell - 18 Bancroft Drive Ingleby Barwick
25. Mrs Rebecca Noble - 23 Bancroft Drive, Ingleby Barwick
26. Miss Emma Warrick - 28 Rothbury Close Ingleby Barwick
27. Mrs Rachael Fitton - 10 Greensforge Drive Ingleby Barwick
28. Mrs Yvonne Abell - 15 Clydach Grove Ingleby Barwick
29. Mrs Louise Hoyland - 4 Binchester Court Ingleby Barwick
30. Mrs Adrienne Peacock - 36 Bernica Grove Ingleby Barwick
31. Cindy Lyth - 14 Lyme Park Ingleby Barwick Stockton-on-Tees

32. Mr Glenn Scott - 15 Kirkbride Way Ingleby Barwick Stockton-on-Tees

Objections:

- Conflict with development plan and national planning guidance
- No demonstration of need for the development
- Directly comparable to mix, number and size of units within the local centre
- Less than 450m from Ingleby Barwick Local Centre
- Have a harmful impact on the existing retail centres
- Access would cause problems for residents a different entrance/exit required, access should preferably be off the Rings or Myton Road and not a residential road.
- Bancroft Drive is insufficient to allow two cars to pass if cars are parked on the road.
- Widening Bancroft Drive to 5.5m is not in accordance with Council's Design Guide and Standards
- Bancroft Drive is unsuitable for larger vehicles such as emergency vehicles and HGV's
- Will increase traffic of non-Rings residents through The Rings.
- Will create a danger for pedestrian and children
- Insufficient parking for development – will worsen existing parking problems on Bancroft Drive & Magnis Close
- Noise disturbance from deliveries serving the units causing disruption to residents.
- Convenience shop illogically located due Tesco less than half a mile away
- Visual impact of development from property
- Impact of additional traffic from the Rings on noise levels within properties.
- Impact on amenity/living conditions of neighbouring home owners
- Great idea for shops/cafes but not enough space - more land and space on opposite side of the road
- Not the right place for this type of development
- More takeaways not required, only need a decent pub/bistro.
- Convenience store is large given Tesco's is close by (approx. 500m)
- When purchasing property informed land would be used as pub only/pub and 5 units
- Potential for anti-social behaviour
- Impact on property value

Representation:

Savills on behalf of Ellandi (owners of Castlegate Centre and the Parkway centre, Coulby Newham)

- Given the rationale is to serve the growing community of Ingleby Barwick, do not object.
- Controls should be imposed through planning conditions to ensure the development remains as intended.

Support:

Mr M Grounds - 33 Langleeford Way Ingleby Barwick

- Will create more jobs for the area and local community
- Shops look well designed and modern and would be an asset for Ingleby
- Streets are capable of accommodating HGV's for sofas etc...
- Parking would be as bad as the other shops as there is no pub
- Will make Ingleby a better more modern place to live and shop
- May prevent traffic having to go to the Beckfields or Tesco and causing more traffic build up

PLANNING POLICY

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires

the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

13. Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Local Planning Policy

14. 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

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.

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.

6. The existing roles played by Teesside Park as an out-of-town location, and Portrack Lane as out-of-centre site, are recognised. Whilst no additional retail or leisure development proposals will be encouraged in these locations or any other out of centre locations, any proposals which emerge will be dealt with as under 7 below.

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

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.

MATERIAL PLANNING CONSIDERATIONS

15. The main planning considerations of this application are compliance with planning policy and guidance and the impacts of the proposal on the character of the area; the amenity on the neighbouring occupier; access and highway safety; flood risk and crime and anti-social behaviour

Principle of development;

16. 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.

17. 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 other than as part of a housing allocation (Saved Policy HO1(f)). The site also lies outside any of the defined retail centres set out within Policy CS5 of the Core Strategy so from the planning policy perspective the main issues for consideration with regards to the acceptability of the proposal in terms of the principle of development surround justifying this out of centre site for development and any implications for the defined retail centres, in particular those within Ingleby Barwick. Although Policy S15 of the Local Plan Alteration allows provision for small scale convenience retail development this proposal is considered to exceed ‘small scale and therefore the policy is not considered relevant in the determination of this application.

18. As touched upon earlier within the report the 2010 development brief for villages 5 and 6 of Ingleby Barwick sets out support for the provision of additional facilities. These included a community centre (planning permission has previously been granted) and provision of a public house/shop in the area of the application site. This proposal goes significantly beyond the identified scale within the development brief and therefore carries little weight in the determination process. By way of justification applicant’s statement suggests that the ‘Anson Farm’ public house at Teesside Industrial Estate there was no interest for a public house on the application site. Further, as a result of the land value (in excess of £1m per acre) a scheme of this extent is required to make the proposed development financially viable or the likely consequence is that Persimmon Homes will seek to progress with housing on the site meaning that Ingleby would lose out on the potential for additional retail and leisure facilities.

Sequential Assessment

19. Notwithstanding the above, part of the applicants justification for the proposal is that there is a need for additional retail facilities within Ingleby Barwick and this scheme therefore seeks to provide services to meet that need through the provision of a new neighbourhood centre.
20. The submitted sequential assessment focuses on sites within the surrounding area including those at Thornaby and Ingleby Barwick; these include sites within and on those centres. Those sites within Thornaby (land at Allensway; Former Tedder Avenue School playing fields; and, the Northumbrian Water site) are not considered to be available given either their existing uses or recent development proposals which have been approved. It is considered that the view that these sites are no available is a reasonable conclusion to reach
21. With regards to sites in Ingleby Barwick, the assessment identifies Lowfield Green (area of open space); Whinstone Primary School Playing fields; Beckfields Car Park area; Land to the West of Tesco; and, land south-west of St Therese of Lisieux. These sites are dismissed on the basis that there are not available including those sites which provide open space/playing fields, being too small or not being viable given site constraints and costs.
22. In considering the sequential assessment it is accepted that the identified catchment area of the sequential assessment is reasonable given the intention to serve the community of Ingleby Barwick and in particular those of villages 5 and 6. Being realistic, if the intention is to serve the needs of the residents of Ingleby Barwick then the most appropriate and sustainable way to achieve this would be through a site within one of its 'villages'. However, as much of Ingleby has already been developed out, few vacant sites remain or appear to be available and the loss of school playing fields or open space would not be a practical or suitable compromise to achieve additional service provision. The findings of the sequential assessment as therefore considered reasonable and without any evidence dispute those assertions within the submitted sequential assessment, it is considered to be appropriate that there are no other alternative sites in this instance.

Retail impact assessment;

23. The NPPF sets out at paragraph 26 a threshold of 2,500sq.m for a full impact assessment. The proposal falls just below this threshold and the LPA cannot therefore insist that an impact assessment is provided. The applicant has also carried out a 'health check' on local and neighbourhood centres and identified that all units within Ingleby local centre and the Beckfields and Lowfields neighbourhood centres were occupied at the time of the site inspection. Whilst concerns are raised regarding the number of committed retail developments within the surrounding area such as the extension to the Tesco's Store, the new Aldi in Thornaby and the Lidl store on the former Nifco site, these are supermarket retailers and it is considered that given the nature and small scale of the units and development as a whole this proposal is unlikely to have any significant impacts on those retailers, some of whom are located out of centre and are afforded no protection under planning policy in any case.
24. Several objections state that saved policy S2 of the Local Plan Alteration raise concerns regarding the need for further facilities within Ingleby Barwick and also question its scale. Although Saved policy S2 does set out requirement to demonstrate a proven need this was formulated before the NPPF was introduced. The NPPF removed the requirement for retail developments to demonstrate a need and it is also the more up-to-date development plan
25. With regards to the overall scale of retail developments this is considered to cover a range of aspects including size of the centre; no. of retail units; total degree of floor space; as well as, other service provision included within it. As shown in the table below it shows that in general terms the proposal is more akin to a neighbourhood centre rather than of a scale which is similar to the Ingleby Barwick Local Centre (Myton Park). This is not only as a result of the differences between the retail provisions but also as a result of the extent of the centre and the

additional services available within it. For example the Ingleby Barwick Local Centre includes a public house, doctors surgery, offices, large gym/leisure facility, nursery and large supermarket. The proposed retail development is therefore not considered to have such a scale that it would compete with Ingleby Local Centre.

Table 1; Comparison of retail provision

Retail Location	Total area of shopping centre	No of retail units	Total floor space of retail units only (approx)
Ingleby Barwick Local Centre (Myton Park)	6.13 hectares	14 (retail units only)	1600 sqm (retail units only)
Proposed retail development	0.38 hectares	12	1325 sqm
Lowfields Neighbourhood Centre	0.8 hectares	9	635 sqm
Beckfields neighbourhood Centre	0.45 hectares	6	590 sqm

26. Although the overall floor space and number of retail units may be greater than that of the Lowfields and Beckfields Centres, it is important to note that the above table does not include the existing health centre or public house within each of these centres.
27. Whilst the concerns of objectors regarding the proximity of the proposal to the existing local centre (c. 400m) are noted, locating the proposed development further away from Ingleby Barwick Local Centre would be extremely difficult given much of the estate is already constructed. In addition, providing the development or retail proposals closer to Ingleby local centre may then increase its scale and attraction beyond the intention of the Core Strategy - meaning it could start to compete with Thornaby and Yarm district centres. The only remaining options to achieve the aim of increasing the separation distance from the Local Centre it would therefore have to involve either the loss of open space provision or result in a development on the periphery of the settlement, both of which would undermine sustainable development principles and the identified purpose within the development brief of providing additional facilities for residents of villages 5 and 6 of Ingleby.
28. Whilst it is accepted that new units may result in some trade diversion from those businesses operating similar businesses either within Ingleby or outside of Ingleby, given the relatively small scale nature of the proposed units it is not considered that there would be any significant impacts on the vitality or viability of the existing retail centre within Ingleby. Notwithstanding the views raised by the objectors without any firm evidence to indicate that the proposed shopping parade would have a significant impact on those retailers currently operating within Ingleby's centres or upon the vitality or viability of the centres themselves, there are considered to be insufficient grounds to warrant a refusal of the application based upon impact. In addition the planning system does not protect the rights of one individual over another and therefore competition is not a material planning consideration.
29. A number of concerns have been raised in relation the scale of unit 10 at 372sqm (or 4004sqft) and the implication this may have. However the intention is that this store is to provide a small convenience shop such as a Sainsbury's Local or Co-op which would help to meet daily needs for convenience goods. In order to ensure that such provision remains of an appropriate scale and remains focused on meeting the day-to-day needs of the surrounding residential properties, planning conditions are recommended to control the floor space of the unit to 280 sq.m ensuring that the legislative limits that permit all day Sunday trading are not breached and the remainder of the unit would remain for storage purposes. Planning conditions are also suggested to ensure that the overall mix of uses remains appropriate to again ensure that day-

to-day needs are met and to prevent the total retail floor space of the parade increasing to an inappropriate scale.

Other associated benefits:

30. In considering para 7 of the NPPF and whether the proposal represents sustainable development it is recognised that both though the level of private investment, job creation both during and post construction through the operation of the shops and additional facilities the proposal will have significant economic benefits both within Ingleby Barwick and the Borough as a whole. The provision of additional local facilities is also considered to have significant social benefits in serving the local needs of the community of Ingleby Barwick particularly those residents of villages 5 and 6. These considerations therefore carry some weight in favour of the proposal in terms of the overall planning balance.

Visual impacts

31. Within the surrounding area there are a mix of residential properties predominately these are all two storey in scale, with some flatted developments of 3 storeys on the opposite side of Myton Way. Planning approval also exists for flats of three and two and a half storeys on the opposite side of The Rings. The proposed scale and massing of the proposed units is therefore considered to be acceptable and will not appear significantly out of keeping with the surrounding buildings.
32. The design of the proposed units although modern in their style and appearance are considered to offer something different to Ingleby Barwick whilst also taking some influence from the residential nature of the immediate surroundings. It is therefore considered that the scheme will offer a high quality development with the indicated palate of materials being considered to blend and sit well with the character of the surrounding properties.
33. The proposed retail units are predominately arranged around the northern, eastern and southern boundaries of the site with a central area providing vehicular and pedestrian access, car parking spaces and associated landscaping. Further landscaping is also provided to the periphery of the site and the Council's landscape Officer considers that the general layout of the development is acceptable. Final details regarding planting details (i.e. species mix, stock sizes and planting density) and associated maintenance are required and such matters can be controlled via planning conditions. Equally matters relating to final means of enclosure and hard landscaping matters can be secured through planning condition also.

Amenity:

34. A number of residential properties which form Bancroft Drive lie immediately adjacent to the application site and the closest properties have a minimum separation distance of approximately 15 metres to the units within the application site. However with the exception of unit 10 the proposed units have a maximum height of 4.5 metres and it is not considered that they will cause any significant loss of daylight, privacy or appear overbearing to cause such a significant impact to residential amenity that it would justify a refusal of the application. In terms of unit 12 whilst this reaches a maximum height of 7.2 metres the roof slopes away towards to the north-east and the unit will remain approximately 15 metres from the front elevation and such a relationship is not considered to be significant different to the typical residential scenario where a minimum separation distance of 11 metres would be considered appropriate.
35. Notwithstanding the above, it is accepted that a commercial development is likely to have some different impact to that of a residential development, particularly through noise and disturbance from the nature of the uses and the associated comings and goings to the various stores. As part of the consultation process the Environmental Health Officers have considered the proposal and its proximity to the neighbouring residential properties and consider that a number of controls over the uses should be imposed to limit the associated impacts these include matters such as working hours, opening hours and fume extraction. Consequently

planning conditions are recommended to minimise noise disturbance during construction and to prevent other environment issues. In the absence of any objection it is therefore considered that satisfactory controls can be imposed to minimise any adverse impacts with regards to noise and disturbance.

Highway safety:

36. The Highways Transport and Environment Manager has considered the submitted information and assessed the proposal in line with national and local guidance and legislation. Whilst it is noted that a vast number of objections have been raised with regards to the suitability of the access and also for a preference for this access to be taken from The Rings or Myton Road rather than the residential estate road. It is however normal practice to take access to a new development from the lowest classification of suitable road and therefore the use of Bancroft Drive, to serve the development, is considered acceptable. In addition as part of the application it is now proposed to increase the width of Bancroft Drive to 5.5m which is in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) and Manual for Streets, and is considered to be suitable for two vehicles including a HGV to pass. It is therefore considered that an acceptable vehicular access to the proposed development can be provided from Bancroft Drive with the proposal providing an entrance/exit with an internal one way system and the HGV only exit out onto the Rings. A Transport Assessment (TA) has also been provided to support the development and it is advised that the scale of trip generation would be unlikely to have a significant or adverse impact on the highway network; therefore no objections are raised to the proposal on highway capacity or safety grounds.
37. In addition, those concerns raised regarding the ability of residents properties opposite the proposed site access to enter/exit their driveways. This manoeuvre has been checked using Autotrack for the existing 4.8m wide access road and it is shown that this manoeuvre would be unaffected, widening of Bancroft Drive to 5.5m will also not inhibit this manoeuvre.
38. With regards to the internal layout of the scheme this is considered to be acceptable and it has also been demonstrated that a 16.5m articulated goods vehicle and allow vehicles to enter and exit the site in a forward gear through a direct exit out onto the Rings. In order to prevent regular usage of this egress a series of bollards, including a mechanical up/down bollard(s) will be provided, this is subject to a condition. The Council's parking standards (Supplementary Planning Document 3: Parking Provision for New Developments, 2011), would require 56 car parking spaces and although only 49 car parking spaces have been offered, this takes into account a 20% reduction in parking requirement due to linked trips which is over and above the car parking demand profile and is therefore considered acceptable. The final details regarding car parking provision can be secured through a planning condition along with the need for a construction management details and a travel plan.

Flood Risk:

39. The Highways Transport and Environment Manager has commented that the site lies within Flood Zone 1 and must not increase the risk of surface water runoff from the site and that any increase must be alleviated by the installation of sustainable drainage system within the site. Such matters can be satisfactorily addressed via a planning condition and it is not considered that the proposed development will significantly increase the risk of flooding within the area.

Crime and Anti-social Behaviour:

40. Under the provisions of Section 17 of the Crime and Disorder Act, the planning system and the Local Planning Authority must do all that it reasonably can to prevent, crime and disorder in its area. Whilst the concerns of local residents are noted, there is no firm evidence before the Local Planning Authority which would indicate that this proposal would give rise to crime or anti-social behaviour. The proposed development is considered to have a good degree of natural surveillance from a number of areas and is considered to be in broad accordance with

the principle of secure by design. Should any anti-social behaviour issues arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.

Residual matters;

41. The comments from the Highways, Transport and Environment Manager with respect to Environmental Policy and need to provide 10% of its predicted energy requirements from renewable energy are noted and such matters are secured through the recommended planning condition.
42. Whilst comments in relation to loss of property value are noted, such matters are not a material planning consideration and cannot be taken into consideration as part of the determination of this application.
43. Concerns over the location of retail proposal are noted. However, the site was identified for two commercial uses (pub and shop) within the villages 5 and 6 development brief whilst the land on the opposite site of the Rings also has the benefit of a detailed residential planning permission for 477 dwellings (Ref;14/3035/REM)
44. Concerns with regards to a potential “mis-selling” and being informed of a smaller scale development are noted but would rest with the housing developer and are not a matter for the Local Planning Authority. However the neighbouring premises have been informed of this application and this application is judged on its individual planning merits.
45. Although a number of residents make reference to a loss of property value, this is not a material planning consideration and carries no weight in the determination of this application.

CONCLUSION

46. In view of the above considerations and the submitted sequential assessment it is considered that in this instance the main aim of delivering additional services and facilities for residents of villages 5 and 6 of Ingleby Barwick can only be achieved from this particular site. Whilst the number of commercial premises is higher than some of the other centres within Ingleby Barwick it is still considered to fall within the parameters of a neighbour shopping centre and would be to serve local shopping needs as opposed to competing with higher order centres such as the local centre in Ingleby Barwick.
47. In considering the NPPF and whether the proposal represents sustainable development it is recognised that the site is readily accessible to a range of surrounding residential dwellings and the provision of additional local facilities is considered to have significant social benefits in serving the local needs of the community of Ingleby Barwick. The proposal also has further social and economic benefits though the level of private investment, job creation both during and post construction. These considerations would weigh in favour of the proposal in terms of the overall planning balance.
48. The proposed development is also considered to be visually acceptable and with not have any significant or adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements are also considered to be acceptable and consequently the proposed development is recommended for approval subject to those conditions detailed within the report.

**Director of Economic Growth and Development Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West
Ward Councillor(s) Councillor K Dixon
Ward Councillor(s) Councillor Ross Patterson
Ward Councillor(s) Councillor David Harrington

IMPLICATIONS

Financial Implications:

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

Environmental Implications:

The proposal relates to a retail development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance are considered and addressed within the report. These are however considered to have a limited impact.

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
SPD3 – Parking Provision for Developments
SPD6 – Planning Obligations
SPD7 - Shop Front and Advertisement Design Guide