

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

6th September 2017

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

17/1278/COU

**7 And 8 Vickers Close, Preston Farm Industrial Estate, Stockton-On-Tees
Application for change of use from industrial (B2 use class) to gymnastics and fitness
facility to include industrial office (D2/B1).**

Expiry Date 24 July 2017

SUMMARY

The application site is 7 and 8 Vickers Close which are two units located within the Preston Farm Industrial Estate in Stockton. The units form part of eight industrial units which have 37 car parking spaces provided between the units. The access is a gated access off Vickers Close. The internal floor space of both units is approximately 788 square metres.

Planning permission is sought for the change of use of the units from the current industrial use (B2) to a gymnastics and fitness facility it includes the provision of an office space (D2/B1). There will be no external alterations to the premises. Supporting information provided with the application confirms the space is required due to the nature of the gym facility as the equipment required such as gymnastic mats and gym vaults require the large floor space and height provided by the industrial units.

There have been 57 support letters received, as well as support letters from Cllr Allan Mitchell and Cllr David Harrington. In summary, the support comments relate to the provision of facilities for young people particularly youngster and teenagers, the fact other gym facilities exist outside of town centres with no parking issues, easily accessible by foot or car share, benefit to having facilities under one roof and not split between sites as currently operates with the facilities being open outside of working hours so no traffic impact.

The applicant has submitted a travel plan and sequential test in support of the application. The travel plan confirms that the applicant has negotiated 18 additional parking spaces to the front of the application site for their use along with an additional letter from Powerleague on Westland Way which confirms that their overflow car park which provides 50 spaces which can be utilised during the day.

Although a letter has been provided from Powerleague that the overflow car park can be utilised by the applicant such provision would need to be secured by a section 106 agreement. To date and despite requests there has been no formal letter from Powerleague to confirm that they would be willing to enter into a section 106 legal agreement to provide designated parking provision for the applicant for the lifetime of the gym use. Without securing this formal agreement there would be no guarantee that the proposed use would be able to utilise the Powerleague overflow parking provision which could then be removed at any time which would then result in an under-provision of car parking for the proposed gym use, leading to off street parking and highway safety issues.

In addition, although the applicant has negotiated with the landlord 18 additional car parking spaces to the frontage of the site, these parking spaces still fall below the standard parking spaces required under SPD3. As a result the under provision would lead to on-street parking within the Industrial Estate which is considered to be contrary to Highway Safety particularly as a number of incidents have already occurred within the surrounding area..

RECOMMENDATION

Planning application 17/1278/COU be Refused for the following reason:-

- 01. In the opinion of the Local Planning Authority the proposed change of use would have insufficient car parking provision, which would lead to on-street parking within Preston Farm Industrial Estate resulting in a detrimental impact to the free flow of traffic and highway safety, contrary to Core Strategy policy CS2 and the guidance set out in Supplementary Planning Document 3 –Parking provision for Developments 2011.**

BACKGROUND

Previous planning permissions for the site include:-

98/1852/P - Erection of single storey building containing 5 no light industrial./warehouse units and associated offices, approved March 1999

00/1228/P - Erection of 5 no warehouse units with associated offices and car parking, approved, November 2000

01/0464/P - Revised application for erection of 8 No warehouse units with associated offices and car parking, refused December 2001

SITE AND SURROUNDINGS

1. The application site is two warehouse units located at 7 and 8 Vickers Close within Preston Farm Industrial Estate, Stockton. Vickers Close is a cul-de-sac located off Boeing Way. The application site forms part of eight industrial units with 37 parking spaces for the units located within a gated central courtyard. Separate individual access is provided from the turning head of the cul-de-sac to Henderson Engineering, Richardson - Moving and Storage and Lowe and Simpson.

PROPOSAL

2. The proposal is for the change of use of units 7 & 8 Vickers Close from Industrial (B2) use to gymnastics and fitness facility to include industrial office space (D2/B1). There will be no external alterations to the premises. Within the gated courtyard area there is 37 shared car parking spaces for the eight units.
3. The gymnastics facility is a not for profit organisation which provided gymnastic opportunities for members aged 6 months and above in primarily the Ingleby Barwick, Yarm and Eaglecliffe areas.
4. The gymnastic activities include all disciplines including bar, beam, vault, floor, trampolining, tumbling, general gymnastics and acro. The coaching teams operate on the gymnast coach ration of 16.1 per group session. The facility is ran on a membership only basis with the travel plan confirming the current membership is 120 with a waiting list of 300 member which would increase to 550 with this facility.

5. The academy is currently ran from the Ingleby manor Free School with a satellite academy at Eggescliffe Secondary School yet due to storage and timetable restrictions they require a new site.
6. The hours of operation of the gym will be Monday – Friday 9:00 -21:00, Saturday 9:00 to 17:00 and Sunday 9:00 – 17:00 although the applicant has confirmed that between 09:00 and 16:30 Monday to Friday there will be reduced operations from the site with the majority of the members being at school.
7. A sequential test, travel plan and internal floor plan layout has been submitted in support of the application.

CONSULTATIONS

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

Councillors

Councillor D C Harrington

As a neighbouring Ward Councillor to this development site, I would like to make a representation in support of this application. After visiting this area several times yesterday and first thing this morning to assess the impact to neighbouring sites alongside the traffic management plan that the owners have shared with me, I fully support this application.

My approach is consistent with other applications similar to this that I have supported across the Borough, most recently the CrossFit applications at Thornaby Industrial Estate that have proved to be hugely successful with many success stories playing out in the media at how the facility has changed people's lives for the better. With that in mind and the publication of a report this week looking at health inequalities and life expectancy in the north east, the only way in which we can tackle this is to be creative. This application ticks a number of boxes on the Council Plan to address Public Health issues.

I am supporting this application as it would be of significant interest to young people/families in my community.

Councillor A Mitchell

Apologies for the delayed response, still catching up after a busy election period.

I'd be happy to support any planning application you make.

Highways Transport and Design Manager

I refer to your memo dated: 23/06/17

General Summary

The Highways, Transport and Design Manager objects on the highway grounds detailed below.

Highways Comments

All recent correspondence with the applicant has been considered and the highway objection remains, as below.

While the description of the proposal is 'change of use from industrial (B2 use class) to gymnastics and fitness facility to include industrial office (D2/B1)' it is noted that the original permission (00/1228/P) was for warehousing B8 and there has been no permission granted for change of use to industrial B2. Therefore the extant use for parking comparison purposes is warehousing B8.

In accordance with SPD3: Parking Provision for Developments 2011, 788m² of B8 should provide 8 incurtilage car parking spaces (1space per 100m²), and 788m² D2 should provide 35 spaces (1

space per 22m²). This site provides 37 spaces shared between 7 units, 5.2 spaces per unit. Therefore units 7 and 8 have an existing under provision of 3 spaces; this proposal would increase that under provision to 30 spaces.

The applicant has submitted information stating that based on the floor area of each unit within the site this unit should be allocated 13 of the 37 spaces available. While this can be accepted, there would still be an under provision of 22 spaces based on the SPD3 requirement. It should be noted that issues such as the number of coaches/pupils or the operating timetable could not be controlled by condition.

The applicant has submitted a Travel Plan; this is an existing business therefore it would be expected that information on how the coaches and pupils travel to the existing sites and how they intend to travel to this site would be known. It would be expected that the Travel Plan would include baseline survey data and then from this SMART targets provided. Those provided appear to be arbitrary.

While it is acknowledged that the core operation will be after the other units at Vickers Close will have closed for the day the Travel Plan must account for the non-core operation period. How many coaches/pupils/parents will be onsite on weekdays between 08:00 and 16.30 and more importantly what are their modes of travel and how many cars will want to park in the car park. The Travel Plan would also need to account for any cross over time and how the car parking spaces will be managed during this period if applicable. It should be noted that the bus stop in figure 4.3 is currently not served. It is important that a Travel Plan includes up to date information for it to be successful. The Travel Plan also assumes that the majority of parking spaces within the site would be available for use by the applicant however these spaces are shared amongst the units. In its current state the Travel Plan submitted would not be acceptable

There is a large turning circle in the centre of the site to allow HGVs to turn within the site and re-enter the carriageway in a forward gear. Any additional or double parking would obstruct this turning circle forcing drivers to reverse into the carriageway contrary to highway safety.

Drivers can be seen to park on both sides of Vickers Close thereby reducing the available carriageway width and forcing HGVs across the centreline contrary to highway safety. Drivers also park partly on the footway thereby causing an obstruction to pedestrians, in particular those with visual or mobility impairments and those using wheel chairs or pushchairs. This can force vulnerable pedestrians into the carriageway or into conflict with vehicles contrary to highway safety.

An under provision of incurtilage car parking would increase on-street parking and thereby increase the likelihood of indiscriminate and injudicious parking contrary to highway safety.

In the 5 years to March 2017 there have been 2 recorded injury accidents (slight) in the vicinity of Vickers Close, both of which have included parked vehicles in the cause.

The proposed D2 leisure use would include businesses such as children's soft play which are known to have high levels of parking and there would be concerns over children accessing the site and being in conflict with industrial vehicles.

The Highways, Transport and Design Manager objects to this proposal due to the lack of incurtilage car parking which will increase on-street parking to the detriment of highway safety and the free flow of traffic.

The additional travel information the applicant has provided is noted however it is insufficient to remove the highway objections and previous comments apply.

While the description of the proposal is 'change of use from industrial (B2 use class) to gymnastics and fitness facility to include industrial office (D2/B1)' it is noted that the original permission (00/1228/P) was for warehousing B8 and there has been no permission granted for change of use to industrial B2. Therefore the extant use for parking comparison purposes is warehousing B8.

In accordance with SPD3: Parking Provision for Developments 2011, 788m² of B8 should provide 8 incutillage car parking spaces (1space per 100m²), and 788m² D2 should provide 35 spaces (1 space per 22m²). This site provides 37 spaces shared between 7 units, 5.2 spaces per unit.

PUBLICITY

9. There have been 57 support letters received from:-

Miss Natalie Laws - British Gymnastics, Lilleshall National Sports Centre, Newport.
Karina MacNaught - 12 Snowdon Grove, Ingleby
Kelly O'Malley- 45 Earsdon Way, Acklam
Sarah Siddaway- 17 Kenwood Crescent, Ingleby
Miss Jenna Percy- 16 Aspley Way, Ingleby,
Miss Jessica O'Leary- 22 Hampstead Road, Middlesbrough
Miss Kerry Walker- 14 Pennydarren Way, Ingleby Barwick
Mrs Alison Lonsdale- 7 Grassington Green, Ingleby
Mrs Kay Dover- 36 Hilden Park, Ingleby
Mrs Lyndsay Madden- 26 Lullingston Crescent, Ingleby
Mrs Lynn Brown- 49 Stonebridge Crescent, Ingleby
Mrs Marina Ryan- 96 Lullingstone Crescent, Ingleby
Mrs Carol White - 41 Lingfield Drive, Ingleby
Ms Emma Barwick -40 Hatchlands Park, Ingleby
Mrs Amanda Graham- 7 Acorn Bank, Ingleby
Clover Leaf Windows, Vickers Close
Miss Emma Smith – 3 fox Close, Ingleby Barwick
Miss Jennifer Hall – 22 Cradoc Grove, Ingleby
Miss Kay Heppenstall – 6 Cambrian Court, Ingleby
Mrs Alexandra Snowball – 6 Stainton, Middlesbrough
Mrs Emma Smith – 6 Calder Close, Billingham
Mrs Michelle Garbutt- 24 Stoneyhurst Avenue, Middlesbrough
Mrs Nikki Grayson – 41 Brecon Crescent , Ingleby Barwick
Ms Vanessa Kelly, 111 Thornwood Avenue, Ingleby
Clare Natrass- 7 Burdale Close, Eaglescliffe
Emiley Saint- 32 Rainsford Crescent Middlesbrough
Samantha Hall (no address provided)
Mrs Amy Clark – 28 Hillbrook, Ingleby Barwick
Mrs Karen McIntosh- 14 Forester Court, Ingleby
Mrs Lynn Brown- 49 Stonebridge Crescent, Ingleby
Mrs Taryn Allison, 29 Bromlee Close, Ingleby Barwick
Sarah Plews- 4 Arrenig Court, Ingleby
Isobel Moore- 10 Rochester Court, Ingleby
Janine Cusworth- 7 Prestwick Court, Eaglescliffe
Mrs Julie Bunting- 2 Glebe Gardens, Stainton
Mrs Kelly Saunders – 29 Rockbourne Way, Ingleby Barwick
Mrs Michelle Carr – 13 Galava Walk, Ingleby
Mrs Simone Allport – 3 Pennal Grove, Ingleby
Rebecca Horlock – 8 Ashville Avenue, Eaglescliffe
Zoe Heslop – 48 Pacific Drive, Thornaby
Mr Jonathan McKie – 3 Rockbourne Way, Ingleby
Lee Morgan – 11 Barle Close, Ingleby
Sharon Byron- 21 Northiam Close, hemlington

Claire Harding- 14 Tarr Steps, Ingleby
Miss Sarah Crowther- 5 Coquet Close , Ingleby
Mrs Emma Moffatt – 1 Littlecote, Ingleby
Mrs Katherine Langley- 33 St Davids Grove, Ingleby
Mrs Louise Peacock – 30 Tarr Steps, Ingleby
Mrs Sarah Bullock – 63 Greenfield Drive, Eaglescliffe
Mrs Susan Liversidge- 17 Littondale Court, Ingleby
Mrs Victoria Walker- 25 Cherry Garth, Ingleby
Mrs Alyssa Dale, 62 Castlemartin, Ingleby
Mrs Beth Bartles – 7 Brantingham Drive, Ingleby
Mrs Claire Gee- 2 Crummackdale, Ingleby Barwick
Mrs Lynne Burdon -17 Hillway, Ingleby
Mrs Maria Pindor- 4 Dunbar Drive, Eaglescliffe
Lisa Chadwick – 20 Brodie Close, Ingleby

In summary the letters of support relate to the following:-

- Facility will be membership controlled and not open to general public
- Gymnad is affiliated to British Gymnastics, coaches are fully qualified and this site would allow the gym to develop further and offer more opportunities for the local community
- British Gymnastics comment that vast majority of their dedicated facilities are out of town centres and uncommon for them to be under 500 square feet with Gymnad have been looking for suitable sites for some time.
- Provides facilities for local people particularly youngsters and teenagers
- Majority of the gymnastic facilities utilised by British Gymnastic members are outside of the town centres and uncommon for them to be in locations of less then 5000 square feet.
- Easily accessible by foot or bike and through car share
- Drop off provision/scheme within the site
- Facilities mainly utilised outside of school hours with no traffic impact
- There are existing gym facilities in similar industrial sites with similar traffic which co-exist.
- Day use will be office and administration for the business
- Current facility is split between sites so under one roof will save travel and provide improved facilities
- Clover leaf windows (adjacent unit) confirm they have no issues with parking outside Unit 10 outside of the hours of 8am to 4.30 pm

PLANNING POLICY

10. 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

11. Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. 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

12. The following planning policies are considered to be relevant to the consideration of this application.

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

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 4 (CS4) - Economic Regeneration

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification;
- ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 5 (CS5) - Town Centres

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

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

- ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
- iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- iv) Improving pedestrian links to the riverside.

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

Saved Local Plan Policy S2

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

- 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

13. The main considerations with this proposal are the principle of the development, the amenity of the adjacent premises, the impact on the character and appearance of the street scene and the impact on highway safety.

Principle of the Development

14. Paragraph 17 of the NPPF states that planning should find ways to 'enhance and improve places in which people live their lives' and should 'promote mixed developments' and 'support strategies to improve health, social and cultural wellbeing, and deliver sufficient facilities and services to meet local needs'.

15. The NPPF defines D2 operations such as gym facilities as being town centre uses and advises that these uses should be located within existing town centre or other defined centres within the Borough, unless it can be demonstrated that there are no suitable available sites or buildings to accommodate the use. The applicant has submitted a sequential test as part of the application to support the location of the use outside the town centre or other centres.
16. The business use requires large scale equipment such as gymnastic beams and a 12 metre by 12 metre sprung floor which given the scale of the apparatus the applicant comments cannot be readily accommodated within a standard town centre premises. The intended unit has a floor area of 788 square metres and the overall warehouse design provides the additional height requirements not available in a standard unit. Although the sequential test is relatively limited, the information provided includes the catchment areas of Thornaby District Centre, Ingleby Barwick Local Centre, Stockton Town Centre and Yarm District Centre. The information submitted highlights that due to the nature of the business and the equipment required for the business use that there are no alternative available units within the defined centres. The proposed use is therefore accepted on sequential grounds.
17. The NPPF requires impact assessments to be considered in instances where a proposed town centre use of 2500sqm or over is to be located in an out of centre location. This proposal is only 788 square metres and would not need to submit an impact assessment. Whilst the scheme will have some impact on the vitality and viability of Stockton town centre and the on-going investment within the centre, it is considered this would be negligible. Due to the sequential assessment having been considered on specific criteria relative to this type of gymnastic and fitness activity, in the event of any planning approval it is considered to be justified and necessary to restrict the use, otherwise any future use could operate without such requirements which would have otherwise being able to be located within the town centre.
18. Subject to the above considerations and appropriate control it is considered that the proposed use will be in accordance with saved Policy S2 of Alteration no.1.

Loss of Industrial Premises

19. Core Strategy Policy CS4 states there is a requirement for employment sites which are viable and attractive to the market to be protected from increasing pressure for re-development. Whilst noted, the premises are relatively small in industrial terms and there are other units available within the wider estate as well as development plots and it is considered that the change of use of the premises would not unduly affect employment land availability.

Character and Appearance

20. The proposal will not alter the external appearance of the units and as such there is considered to be no significant impact on the privacy or amenity of the neighbouring premises.

Amenity of the neighbouring premises

21. The application site is located within the Preston Farm Industrial Estate in Stockton. The site is located towards the end of Vickers Close cul-de-sac which has detached buildings and warehouses located towards the entrance with the units being a warehouse height with large external doors facing towards the shared car parking courtyard area. There will be no external alterations to the units or the parking area and therefore the proposed change of use is not considered to have a significant impact to the character and appearance of the street scene.

Highway Safety

22. The applicant in support of the application has submitted a travel plan detailing the business use, car share provision, coach travel arrangements and a car parking plan layout which includes propose drop off areas along with a letter from the landlord of the units which confirms the number of spaces which would be available.

23. The opening hours for the gym would be between Monday – Friday 9:00 -21:00, Saturday 9:00 to 17:00 and Sunday 9:00 – 17:00. Consideration has been given to the core hours of the business that will be after school hours rather than during the daytime and after the other units in Vickers Close have closed. However, the information contained within the current travel plan does not provide details of the number of coached, pupils or parents who will be attending the site during the day and assumes the majority of the shared spaces would be available for use by the business.
24. In assessing the associated impacts, it is noted that the units on Vickers Close were constructed with shared parking provision within the courtyard area. The travel plan reflects agreements which have been reached with the landlord that 18 spaces of the 37 spaces have now been allocated to the proposed gym use during the day with the units themselves covering 40% of the square footage of the compound. The spaces on appendix 1 which the landlord refers to as being available during the day are spaces 1-9, 15-17 and 32-37 with the remainder of the shared spaces available for use outside of the core working hours.
25. The Highways, Transport and Design Manager has assessed the existing under provision for the site, the travel plan information, the landlords letter and the total floor area of the unit (788 square metres) in comparison to the other units within the site and based on the proposed D2 use there would still be an under provision of 22 spaces based on the requirements set out in SPD3-Parking for Developments. More recently the applicant has submitted a letter from Powerleague located on Westland Way that they would permit the gym to utilise their overflow car park area during daytime hours which would provide 50 additional car park spaces.
26. Whilst this may in part address the concerns of the Highways, Transport and Design Manager, in order to ensure that the overflow car park at Powerleague could provide separate car parking spaces specifically allocated to the gym use for the lifetime of its use, the applicant and Powerleague would need to enter into a section 106 agreement. Failure to do so would mean that the additional parking provision could be removed at any stage resulting in the under provision of parking spaces detailed above. Despite requests to date, the applicant has been unable to produce a signed letter from Powerleague to confirm that they would be willing to enter into a legal agreement to secure the additional parking provision. Therefore this additional parking cannot be guaranteed and the recommendation of this application is made on that basis.
27. Alongside the concerns over a lack of parking provision there are highway safety concerns relating to the general area around the application site as a result of incidents involving parked vehicles. Any increase in off street parking would therefore increase the potential highway safety issues in this location. Although within the site there is a large turning area for HGV's to access the warehouses and turn within the site so they re-enter the highway in a forward gear. Any additional double parking on the street or outside the designated parking areas would obstruct the turning area forcing the HGV drivers to reverse on to the carriageway which is contrary to highway safety. Furthermore, any additional parking on Vickers Close would not only reduce the overall width of the carriageway forcing HGV's to cross the centreline contrary to highway safety but any parking on the footpath would obstruct pedestrian access which could result in pedestrians using the highway, contrary to highway safety.

CONCLUSION

28. In view of the above circumstances, it is recommended that application be refused on highway safety grounds as the lack of car parking provision for the intended gym use would result in on street parking which would result in a detrimental impact on highway safety which is contrary to the guidance set out in Core Strategy policy CS2 and the guidance set out in SPD3-Parking Provision For Developments 2011.

**Director of Economic Growth and Development Services
Contact Officer Miss Debra Moody Telephone No 01642 528714**

WARD AND WARD COUNCILLORS

Ward	Parkfield And Oxbridge
Ward Councillor	Councillor M Javed
Ward Councillor	Allan Mitchell

IMPLICATIONS

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

Supplementary Planning Documents:

SPD1 – Sustainable Design Guide
SPD3 – Parking Provision for Developments