

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

23rd OCTOBER 2019

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

19/0678/OUT

Myton House Farm, Ingleby Way, Ingleby Barwick

Application for outline planning permission with some matters (appearance, landscaping, layout and scale) reserved for the erection of five units for A1/A2/A3/A5 and D1 use and ancillary development on land adjacent to Myton House Farm, Ingleby Way, Stockton-on-Tees.

Expiry Date: 28 October 2019

SUMMARY

The Site forms part of the land ownership of the Myton Public House within the defined Local Centre of Myton Way. The surrounding area contains a mix of uses which include commercial, educational and residential premises, to the north, east and west of the Site an area of defined public open space forms the eastern and southern boundary to the Site.

Outline Planning Permission, with all Matters Reserved except for access, is being sought for the erection of five commercial units. The proposal is to include a range of uses, namely A1, A2, A3, A5 and D1 and the relevant ancillary development. The gross internal floor space of the proposed development would be (approx.) 613 sqm. This would be split between; three units of (approx.) 102 sqm, one unit of (approx.) 139 sqm and one unit of (approx) 167 sqm

The car park will be reconfigured in part to make a more suitable parking arrangement. There will be 28 car parking spaces for customers and staff, of which 2 will be for disabled use. In addition, there are a further 49 car parking spaces on the wider site around the public house which will also be available, and of these, 2 are for disabled use.

A total of 30 letters of objection has been received. The objections are principally raising concerns over the loss of the 'community space', highway concerns, amenity and that the development is not required. All of which are summarised within the report.

It is considered that given the nature of the proposal and the business model that the proposed development satisfies the requirements of planning policy, in that there are currently no sequential preferable site available and that there is no evidence that the associated impacts will have any significant detrimental impacts on the vitality and viability of Thornaby and Stockton Town Centres.

The proposed development is also considered to be acceptable in all other regards and the application is recommended for approval as set out below.

RECOMMENDATION

That planning application 19/0678/OUT be approved subject to the following conditions and informatives detailed below;

- 01 **Approved Plans:**
The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date on Plan
10345 03 A	2 April 2019
10345 05 A	2 April 2019

Reason: To define the consent.

- 02 **Reserved Matters:**
Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

- 03 **Time Limit for Submission of the Reserved Matters:**
Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning.

- 04 **Time Limit for Commencement:**
The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

- 05 **Control over Uses:**
Upon implementation of the hereby approved development, no more than a total of two units shall fall within use classes (A3, AA, A4 or A5) as defined by the Town and Country Planning Use Classes order 2015 with the remaining three units falling within use Classes A1, A2 and D1.

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

- 06 **Surface/foul Water Drainage:**
The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Suitable Surface Water Drainage Scheme and a foul water drainage scheme have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

IV. Details of adoption responsibilities.

Reason. To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Local Plan Policy ENV4 and the National Planning Policy Framework.

07 Construction Management Plan:

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)**
- (ii) the parking of vehicles of site operatives and visitors;**
- (iii) loading and unloading of plant and materials including any restrictions on delivery times;**
- (iv) storage of plant and materials used in constructing the development;**
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,**
- (vi) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;**
- (vii) measures to control and monitor the emission of dust and dirt during construction;**
- (viii) a Site Waste Management Plan;**
- (ix) details of the HGVs routing including any measures necessary to minimise the impact on other road users;**
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.**

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason. In the interests of highway safety and residential amenity

08 Dust Emissions

Prior to commencement of the development hereby approved a scheme should be provided to control dust emissions, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection

Reason: To protect the amenities of nearby residents.

09 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason. Historical potentially contaminative features located within 250m of the proposed development.

10 Construction Hours

No construction/ site preparation works 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.

11 Site Levels

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

12 Tree Protection

An Arboricultural Method Statement and Tree Protection Plan should be submitted in support of the Reserved Matters application. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations
2. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

13 Opening Hours

The hereby approved units shall not be open for business outside the hours 08:00 – 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

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

14 No subdivision/ Amalgamation

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

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

15 Ecology Survey

If work does not commence within two years from the date of the submitted ecology survey, a maximum of three months before works commence on site a suitably

qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required prior to the works commencing on Site.

Reason: To conserve protected species and their habitat where necessary

16 **Scale**

Notwithstanding the submitted information the approved development shall be restricted in height to a maximum height of 6.5 metres. No unit should exceed 150sqm, with the total footprint of the development not exceeding 613sqm

Reason: In the interest of the visual amenities of the area.

17 **Energy Statement**

Notwithstanding the submitted information, the Reserved Matters application should be supported by an Energy Statement, demonstrating that the proposed development, hereby approved, would be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.

Reason: in the interest of minimising the effects of climate change, in accordance with Policy ENV1.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Surface Water (Reason for Pre- Commencement Condition)

The Lead Local Flood Authority must be satisfied that the developer is able to provide a surface water drainage system that will manage the additional surface water runoff generated by the proposed development. The surface water management plan should have a clear timetable / programme highlighting when the main surface water infrastructure will be provided and how surface water runoff from the development will be managed during construction phase of the site, this is to manage potential flood risk during construction phase but also reduce the risk of silt from the development entering receiving water body, watercourse or public sewer.

Informative: Surface Water

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates (5l/s) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by

the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

Informative: British Gas

The applicant is advised that Northern Gas Networks require the promoter of these works to contact them directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

SITE AND SURROUNDINGS

1. The application site, hereby referred to as the Site, is approximately 0.26 hectares (0.64 acres) in size. The public house 'Myton House Farm' operates on the north end of the site. The Site the subject of this application is defined by the applicant as being '*currently a vacant and surplus area*' of grassed land associated with the public house.
2. Access to the Site is taken from Ingleby Way to the north, which joins Myton Way to the west and forms a roundabout with Barwick Way to the east.
3. The Site is within the defined Myton Way Local Centre, A group Tree Preservation Order covers a large proportion of the wider Local Centre.

PROPOSAL

4. Outline planning permission, all Matters Reserved except for access, is being sought for the erection of five commercial units to include a range of uses, namely A1, A2, A3, A5 and D1 and the relevant ancillary development.
5. The gross internal floor space of the proposed development would be (approx) 613 sqm This would be split between; three units of (approx) 102 sqm, one unit of (approx) 139 sqm and one unit of (approx) 167 sqm.
6. The car park will be reconfigured in part to make a more suitable parking arrangement. There will be 28 car parking spaces for customers and staff, of which 2 will be for disabled use. In addition, there are a further 49 car parking spaces on the wider site around the public house which will also be available, and of these, 2 are for disabled use. The layout of these parking places is shown under the submitted site layout plan. The proposed development would result in an overall net less of two existing car parking spaces.

CONSULTATIONS

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

Ted Strike – Local Ward Councillor

I am massively against the building of these units on this land which is used most days by children of parents who visit the pub for a drink. I will however confine my objections to other issues having already expressed my views on the loss of a facility for the customers directly to Marston's.

1) The access/egress into and out of the car park is very narrow, and I have witnessed a number of near misses whilst sat inside looking out of the window. The access is not sufficiently wide enough for the amount of increased traffic.

2) The traffic at the Tesco roundabout is already the busiest junction on the estate, and this is BEFORE the increased volume of traffic which will be generated by the leisure centre when it eventually opens next year. Add to this the proposed LIDL supermarket which currently is

under consideration by the planning dept. In my opinion NO MORE development should be considered at or near this busy roundabout until the FULL impact of the leisure centre can be measured by an actual road traffic survey NOT an estimated one which has been offered with the LIDL application and this application.

3) We have recently had a massive increase in anti social behaviour on our estate culminating in a major incident in Tesco car park. ALL our shopping areas attract an element of youths hanging around in groups, many of which are no problem but certain ones are trouble causers and intimidate people. I believe this would also happen if these units were given the go ahead.

4) We currently have one empty unit at the Myton shops, a former hair dressers which has been empty for several months. An empty unit at the Beckfields shops, a former Pet supply shop which relocated to Thornaby for cheaper rent and rates, this has been closed for over a year. I have been told today that the betting shop is to close in early June. The Beckfields pub is the only pub which shows the Racing Channel and is widely recognised as the pub for horse racing fans, why would anyone want to open a new betting shop when there is one 200 yards away, and the Myton is not known as a betting pub it is a family pub. The Sandgate shops which only opened 2 years ago have had a double unit close recently, (the cycle shop) This has had one of the units re opened as a hair dressers, the other is empty. The Butchers closed suddenly a couple of months ago and there are strong rumours at least one if not two more will close when the 5 year lease is up. In short we have too many shop units which we cannot fill already because of the combination of high rent and rates.

5) The application for yet another takeaway must be FIRMLY rejected we have 2 x Indian takeaways, 2 x Fish and Chip shops, 3x Chinese takeaways. 3x Pizza shops. We do not need anymore.

6) Car parking in the Myton is often full especially at weekends and bank holidays removing a large section of this for staff and customers will make parking extremely difficult. Customers often leave their cars overnight after enjoying a drink and sensibly getting a taxi home. Tesco car park is limited to 3 hours.

7) Delivery vehicles will be attempting to deliver in an area where children will be moving around freely and could be possibly putting lives at risk. There is NO separate delivery vehicle access available.

Do we need more shops? Answer no especially more of the same and definitely in this location.

- anti-social behaviour/crime*
- Car parking issues*
- development not suitable for area*
- loss of open space*
- means of access*
- over development of site*
- Traffic or Highways*

Highways Transport & Design Manager

A summary of the Comments have been provided below, the full response has been appended to this report.

General Summary

The Highways Transport and Design Manager raises no landscape and visual objections to the proposed development. Subject to the conditions set out below there are no highways objections to the proposals.

Site Access / Layout

The proposed development would utilise the existing access to the Myton House Farm public house which is taken from Ingleby Way. The access road, which is 7.3m wide, would serve the all the parking and delivery / service areas associated with the proposed development and the Myton House Farm public house.

The site access layout is considered to be suitable to serve the scale of the proposed development.

Highways Impact

The applicant has submitted a Transport Assessment in support of the proposals.

The TA has assessed the impact of the proposed development on the local highway network, during the peak periods for the development, utilising local junction assessments and the Ingleby Barwick Aimsun Model (IBAM).

It can be seen from the reported journey time results that the proposed development would not have a significant material impact, during the AM and PM peak period, on the operation of the existing highway network within the vicinity of the proposed development.

Taking into account the results of both the local junction assessments and the IBAM modelling it cannot be demonstrated that the proposed development would have a severe impact on the local highways network, within the context of the NPPF, and as a result an objection cannot be raised.

Site Layout / Car Parking

Whilst this is an outline application, with all matters reserved except for means of access, the applicant has submitted an indicative site layout and a car parking accumulation in order to demonstrate the proposals are achievable.

The proposed development will share the existing car park area associated with the Myton House Farm public house. A total of 77 parking spaces are shown on the indicative site layout drawing 10345 03.

A car parking accumulation survey has been undertaken which demonstrates that the maximum occupancy level for the car park, which would occur between, 17:00 and 18:00, would be 50 spaces. It is therefore considered that the proposed level of parking. Which is over and above that identified by the car parking accumulation survey, is appropriate to serve the development.

The indicative site layout, as shown on drawing 10345 03, is broadly in accordance with the Councils design guide and SPD3: Parking Provision for Developments

The final details of the internal layout, should the application be approved, will be agreed as a part of the Reserved matters application.

Construction Traffic Management

In order to minimise the impact of the proposed development during the construction phase a Construction Traffic Management Plan will be required and this should be secured by condition.

Landscape & Visual Comments

The site is located adjacent to the Myton Farm public house and close to Tesco within an existing retail area, and so will have minimal landscape and visual impacts other than

increasing the quantum of development. The site is partially screened from Barwick Way by existing mature vegetation, however views from the footpath/cycleway are more open.

There are existing mature trees and boundary planting along the western edge of the site. All trees within the development site are protected by a group Tree Preservation Order (TPO). A tree survey to BS5837 will be required as part of any application, and should be used to inform any detailed proposals. Existing site trees should be retained as part of any proposals and the development offset from these trees.

As an Outline application all matters relating to appearance, landscaping, layout and scale are reserved, however, indicative elevations have been provided. It is considered that the scale of the units should take reference from the adjacent public house, rather than the Tesco store, and that the roof line and proposed materials should be sympathetic to the adjacent building. The proposed draft elevations show signage to the front and side of the units. Signage should be limited to the front of the units only.

Full hard and soft landscaping details will be required showing connections to the surrounding footpath/cycleway network, and any soft landscape enhancement to the site. Enhancement of the landscaping to the rear would provide some screening to the rear of the buildings where service access, bin stores etc. would be located. Details of any new boundary fencing, street furniture etc. will also be required.

The Highways Transport and Design Manager raises no landscape and visual objections to the principal of development. However, as part of any reserved matters application further information is required regarding trees protected by a TPO

Environmental Health Unit – Contamination

I have reviewed historical environmental records held by this Local Authority along with the Phase 1 Environmental Report submitted by the applicant and have found no grounds for objection in principle to the application. I am satisfied that the applicant has identified all potential contaminative sources.

Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

Construction/ Demolition Noise
Dust Emissions
Noise disturbance from New Plant
Noise disturbance from vehicles servicing the premises
Waste Collection
Drainage - grease trap
Odour nuisance

PUBLICITY

8. Following the publication, a total of 30 objections were received. The full copies of the objections are viewable on the Public Access however, a summary has been set out below;

- Loss of green space,
- Loss of children's playing area.
- Impact on the traffic at Tesco Roundabout
- Not required, sufficient provision of uses proposed
- Loss of play space associated with the public house
- Anti-Social Behaviour

- Los of community events, such as Christmas Markets
- Existing empty units in Ingleby
- The access into the Myton Pub car park is poor
- Impact on the existing car parking at the Public House
- Old age pensioners who rely on visiting the pub for a daily meal may also feel unsafe and therefore may result in malnourishment
- Impact on the public house
- Increased litter
- Traffic within the site and conflict with customers
- Conflict service vehicles
- Noise

1. Mrs Yvonne Parkinson 9 Snowdon Grove Ingleby Barwick,
2. Jane Butler 2 Greenlee Close Ingleby Barwick,
3. David Bowron 10 Eider Close Ingleby Barwick,
4. Mr Philip Marshall 3 Winsford Court Ingleby Barwick,
5. Rob Mackey 15 Greenlee Close Ingleby Barwick,
6. Karl Brudenell 13 Gadebridge Close Ingleby Barwick,
7. Michael Charles 47 Cradoc Grove Ingleby Barwick,
8. Dave Bunn 16 Glevum Avenue Ingleby Barwick,
9. Jill Thompson 8 Whitchurch Close Ingleby Barwick,
10. Kylie Foxton 63 Beacons Lane Stockton On Tees,
11. Steve Jayne 5 Hilderthorpe Close Stockton On Tees,
12. Mr A Insall 1 Warbler Close Ingleby Barwick,
13. Mrs C Moore 21 Springhill Grove Ingleby Barwick,
14. Mrs Samantha Tullock 10 Woodchester Grove Ingleby Barwick,
15. Kristel Brown 31 Harrier Close Thornaby,
16. Rachael Fitton 62 Greensforge Drive Stockton On Tees,
17. Trisha And Stan Hardwick 94 Priorwood Gardens Ingleby Barwick,
18. Debbie Heads 33 Springhill Grove Ingleby Barwick,
19. Mr Chris Burnett 8 Hidcote Gardens Ingleby Barwick,
20. Mr Zacharias Kadis Beckfields Beckfields Avenue,
21. Kim ODonnell 40 Kirkbride Way Ingleby Barwick,
22. Aaron Donachie 49 Marchlyn Crescent Ingleby Barwick,
23. Mrs Emma Kelly-Wilson 28 Nevern Crescent Ingleby Barwick,
24. Lisa Turley 22 Trenholme Close Ingleby Barwick,
25. Mrs Xiaoyu Wu 10 Castlemartin Ingleby Barwick,
26. Mark Russell 2 Clydach Grove Ingleby Barwick,
27. Mrs Lynn Denton 1 Holystone Drive Ingleby Barwick,
28. Deborah Lofthouse-Mackey 15 Greenlee Close Ingleby Barwick,
29. D Ellison 109 Longleat Walk Ingleby Barwick,
30. Mr Antony Scott 48 Branklyn Gardens Ingleby Barwick

PLANNING POLICY

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 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 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. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

12. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Local Planning Policy

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

SD1 – Presumption in the Favour of Sustainable Development

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

SD2 – Strategic Developments Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

SD4 – Economic Growth Strategy

1. Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

2. Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time will be supported

13. 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 the Sequential and Impact tests set out in Policy EG3 alongside prevailing national planning policy, having regard to the catchment area of the proposal.

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

EG3 – Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:
 - a. Stockton Town Centre Primary Shopping Area; then,
 - b. Sites within the boundaries of Stockton Town Centre; then,
 - c. Sites within the ground floor shopping frontages of the District Centres; then,
 - d. Sites within the boundaries of the District Centres; then,
 - e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
 - f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
 - g. Sites within the Local Centres; and finally,
 - h. Sustainable out-of-centre locations within the limits to development.

2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:
 - a. Town and District Centres, and for office development only, Principal Office Locations;
then,
 - b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
 - c. Within the boundaries of the Local Centres; then,
 - d. Sustainable out-of-centre locations within the limits to development.

3. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available and suitable sites or premises in sequentially preferable locations, and that a flexible approach to scale and format has been applied.

4. Town centre use proposals on out-of-centre sites, which demonstrate that the format and scale of the development means it cannot be located in a town centre location, will be the subject of restrictive conditions to protect the future vitality and viability of the Boroughs town centres.

5. Convenience retail proposals in excess of 500 square metres (net), comparison retail proposals in excess of 1,000 square metres (net) and all other new retail development likely to have a significant adverse impact upon existing centres by virtue of its nature, location or likely turnover, will be required to submit a proportionate impact assessment. Such development will only be supported outside of the town centre hierarchy where it will not have a significant adverse impact, both individually and cumulatively, on:

- a. Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b. The vitality and viability of existing centres in the catchment area of the proposal, including local consumer choice and trade in the centre and wider centre up to five years from when the application is made (for major schemes, up to ten years from when the application is made).

6. Development proposals in out-of-centre or edge-of-centre locations for leisure uses will require an impact assessment where there is potential for the proposal to have a significant adverse impact upon either the vitality and viability of existing defined centres (including comparable facilities therein) or investment which is existing, planned or committed in town, district and local centres, by virtue of their scale, nature, format location and/or accessibility.

Policy T11 – Transport Infrastructure

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.
- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

ENV1 – Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through to meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems, then
 - v. Conventional energy.

Non domestic

4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:

- a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and
- b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

ENV4 – Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere; Flood risk is not increased elsewhere and will where possible, reduce flood risk overall;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield

runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application are the compliance with the development plan and national and local planning guidance as well as the impacts of the development on the character of the area, amenity of neighbouring occupiers, highway safety, heritage assets and the risk of flooding, such matters are discussed below;

Procedure - Community Engagement

14. Whilst community engagement is encouraged there is no formal requirement for applicants within the Localism Act 2011 to carry out a public consultation. Stockton on Tees Local Plan, Statement of Community Involvement (3) strongly encourages developers to engage in a robust public consultation. No Statement of Community Involvement has been submitted in support of this application.

Principle of development

15. The Site, as set out with the Site and Surrounding section of this report is within the defined Myton Way Local Centre, as designated within the Local Plan. The limits of the Myton Way Local Centre have remained unchanged from the former Local Plan. It is noted that the majority of the objections received are centred on the loss of the green space, which is currently used for a number of community events. However, this Site is privately owned land, which is not defined as open space within the Local Plan. Therefore, no weight can be attributed to its use as a community facility, as the owners of the Site could withdraw their permission for the use of the land for community events irrespective of this pending application.

16. An overarching aim of Local and National Planning Policy is to focus retail within the town centres, with the aim of ensuring the viability of Town Centres, Policy EG3 sets out that retail will be directed to suitable and available sites and premises in Defined Centres. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no available or suitable site or premise in sequentially preferable locations.

17. The application has, in line with the above, been submitted with the support of a Sequential Test and Retail Impact Assessment. However, following discussions with Officers the Sequential Test and Retail Impact Assessment was revised and the below assessment is based on the revised submission.

Sequential Assessment

18. The Sequential Test sets out the methodology employed in carrying out the Sequential Assessment. The LPA are satisfied that the approach taken is in accordance with the requirements set out within the NPPG.

19. Within the Sequential Assessment the applicant has adopted a five minute drive time, not only has this drive time been accepted by the LPA on a number of different proposals, including the recently approved Lidl store on Blair Avenue, it is considered to be a proportionate assessment when considering the position of the Site within an existing defined Local Centre. A Local Centre as defined by the Local Plan is;

Centres which serve a small catchment and, typically include a small supermarket/ convenience store and a range of other small shops, services and community facilities.

To have a wider drive time would undermine the function of the Local Centre and those it's intended to serve.

20. The Sequential Assessment has evidenced that there are no alternative, sequentially preferable sites to the planning application site for the development proposed by the applicant. The proposal therefore fully complies with the requirement of Policy EG3 for a Sequential Site Assessment to be undertaken for new development in response to the hierarchy, aimed at Protecting Centres not situated within a defined centre. The Local Planning Authority are unable to demonstrate that there are any more sequentially preferable sites which would better fit the local catchment which the Myton Way Local Centre already serves.
21. Para 90. Of the NPPF sets where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused. On the basis of the above officers are satisfied that the sequential test is robust and therefore should planning permission should not be refused on the basis of the sequential test.

Retail Impact Assessment

22. The NPPF sets out in para 89, a threshold of 2,500sq.m for a full impact assessment. The proposal falls below this threshold. The total proposed floor space of the development is (approx.) 613sqm, whilst noted that the proposed development is for a mix of town centre units, as the exact mix is not known at this stage the requirement of Policy EG3 (5) of the Local Plan were applied. Policy EG3 (5) sets out that convenience retail proposals over 500sqm will be required to submit a proportionate impact assessment.
23. The scope of the Retail Impact Assessment was agreed with officers, is considered to be a proportionate assessment based on the location within a defined Local Centre, limited footprint, scale of individual units, and the proposed mix use.
24. The conclusion of the Retail Impact Assessment is that *“the proposed development would serve the growing population of Ingleby Barwick. It is not anticipated that there will be any negative benefits on either Stockton or Thornaby. Indeed, creating main town centre development within a defined centre is fully policy compliant and will have a positive benefits on Ingleby Barwick as a whole”*
25. Whilst it is accepted that new units may result in some trade diversion from businesses providing similar services 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.

26. Notwithstanding any other material planning considerations, it is accepted that the provision of a the proposed development, which would offer both economic and social benefits through the investment value in constructing the store, increased consumer choice and associated job creation (both pre and post construction).
27. However, to fit with the definition of small scale, in accordance with EG6, it is recommended a condition is imposed on the development requiring that, notwithstanding the illustrative plans, no one unit should exceed 150sqm.
28. The proposed principle of the development in the location is therefore considered to be in accordance with Local and National Planning Policies, subject to the material considerations addressed later in this report.

Other Associated Benefits

29. In considering para 11 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 would have 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. These considerations therefore carry some weight in favour of the proposal in terms of the overall planning balance.

Access and Highway Safety

30. This application has been supported by a Transport Assessment and has assessed the impact of the proposed development on the local highway network, during the peak periods for the development, utilising local junction assessments and the Ingleby Barwick Aimsun Model (IBAM).
31. The proposed development would utilise the existing access to the Myton House Farm public house which is taken from Ingleby Way. The access road, which is 7.3m wide, would serve the all the parking and delivery / service areas associated with the proposed development and the Myton House Farm public house.
32. The site access layout is considered to be suitable to serve the scale of the proposed development.
33. The proposed development will share the existing car park area associated with the Myton House Farm public house. A total of 77 parking spaces are shown on the indicative site layout drawing 10345 03.
34. A car parking accumulation survey has been undertaken which demonstrates that the maximum occupancy level for the car park, which would occur between, 17:00 and 18:00, would be 50 spaces. It is therefore considered that the proposed level of parking. Which is over and above that identified by the car parking accumulation survey, is appropriate to serve the development.
35. The indicative site layout, as shown on drawing 10345 03, is broadly in accordance with the Councils design guide and SPD3: Parking Provision for Developments.
36. Based on the results of the reported journey time, the proposed development would not have a significant material impact, during the AM and PM peak period, on the operation of the existing highway network within the vicinity of the proposed development.

37. A number of objections have been raised with regards to proposed development and the impacts in terms of highway safety and traffic generation.
38. Taking into account the results of both the local junction assessments and the IBAM modelling it cannot be demonstrated that the proposed development would have a severe impact on the local highways network, within the context of the NPPF, the Highways Transport and Design Manager has confirmed that there are no highways objections to the proposed development.

Character and Appearance

39. The Site is within the defined boundary of the Myton Way, Local Centre. The proposed erection of five commercial units within a defined centre is considered to reflect the character and nature of the Site.
40. Illustrative plans have been submitted in support of this application which indicate a linear row of five single storey small scale commercial units. To ensure that a suitable level of landscaping can be achieved to ensure that the development is capable of being assimilated into the open space to the east and south of the Site, it is recommended the units are limited to single storey (maximum height of 6.5 m and the total footprint of the five units does not exceed 620sqm with no single unit exceeding 150sqm).
41. Planning conditions relating to matters of detail such as materials, hard and soft landscaping, materials and street furniture would fall to the reserved matters for consideration and if necessary could be controlled at that stage.

Amenity

42. Due to the proposed restrictions over the proposed scale, orientation, landscaping and intervening land use, it is not considered that the proposed development would adversely affect the amenity of the neighbouring properties in reference to overbearing, loss of light or privacy.
43. Whilst the closest residential properties are approximately 80m to the east of the Site, the Environmental Health Unit have recommended a number of conditions aimed at safeguarding the amenity of the surrounding residential properties. However, the scheme is indicative at present and these would fall to the reserved matters for consideration.

Crime and Anti-social behaviour

44. A number of objectors have raised concerns over the likelihood of the units attracting anti-social behaviour. 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.
45. The Police Design Liaison Officer has also been consulted on the application, however at the time of writing no comments have been received.
46. No details of an internal lighting scheme has been submitted in support of this application, this would be considered/secured at the reserved matters phase, ensuring this is integrated into the landscaping scheme.

Foul and Surface Water

47. The Site is within Flood Zone one and is not in an area at risk of surface water flooding. At this stage the applicant has not prepared a Drainage Strategy as the site layout and treatment of the site has not yet been finalised. A condition is therefore recommended to require the submission of a Drainage Strategy at the Reserved Matters phase.

Residual Issues

Energy

48. ENV1 (5) requires that all new non-residential developments of 500 sqm and above of gross floor space will be required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
49. As this application is for outline, all matters reserved except for access, no details of the final building design have been submitted for consideration. It is therefore considered that it would be more appropriate for the Energy Statement to be submitted at the Reserved Matters stage. A suitably worded condition is therefore recommended to be attached to an approval to secure this.

Ecology

50. A Preliminary Ecological Appraisal (PEA) was submitted in support of the application. The Site was found to have very little ecological benefits and no further survey works have been recommended. Due to the potential passage of time it is recommended that a condition is imposed onto and approval requiring that the Site is re surveyed prior to works commencing on Site. This survey should be submitted to and agreed by writing by the LPA to secure this.
51. In line with the NPPF it is expected that new development should seek to bring biodiversity benefits. A plan for a scheme for Biodiversity Enhancement should in accordance with local and national planning policy should be submitted in support of the Reserved Matters application, the enhancement shall then be carried out in full accordance with this plan.

Contamination

52. Subject to the recommended condition in relation to unexpected ground contamination, the Environmental Health Unit has confirmed that they raise no objection to the proposed development.

CONCLUSION

53. In view of the above material planning considerations and the submitted sequential assessment it is considered that the proposed development is in a suitable location and of an appropriate scale and design for the area. The proposal is also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers, flood risk or ecology.
54. 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.
55. In planning terms, the proposed development is considered to be acceptable in all other regards. The proposed development is therefore recommended for approval subject to those planning conditions set out in the report.

**Director of Economic Growth and Development
Contact Officer Helen Boston Telephone No 01642 526080**

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillor Ken Dixon
Ward Councillor	Councillor Ross Patterson
Ward Councillor	Councillor Kevin Faulks

IMPLICATIONS

Financial Implications:

N/A

Environmental Implications:

N/A

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 2019
Supplementary Planning Documents
SPD1 – Sustainable Design Guide
SPD3 – Parking Provision for Developments
SPD7 - Shop Front and Advertisement Design Guide