

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

27 January 2016

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

15/2447/FUL

Nifco UK Limited, Yarm Road, Stockton-on-Tees

Erection of a foodstore (Use Class A1) and associated works including parking and landscaping.

Expiry Date: 29 January 2016

SUMMARY

The application site is the former Nifco factory which is situated off Yarm Road. The surrounding area contains a mix of uses which include commercial and residential premises, which lie to the north and east of the application site. To the immediate south of the site is an existing Abattoir and Council's own storage yard/depot.

Planning permission is sought for the demolition of the existing Nifco premise and for the erection of a new food store (Use Class A1) for the discount retailer Lidl. The associated works will include the provision of parking spaces and landscaping. The building will provide a total of 2,470sqm of internal floor space of which 1,424sqm will form the 'shop floor', the supporting information indicates that approximately 20% of the floor space (or 285sqm) will be for comparison goods.

A total of 18 comments have been received making supporting comments, representations and objections. Those comments received include a range of views from support for the regeneration of the site and new shopping facility through to an objection based around the impact on/loss of the existing Wellington Square store and associated impacts such as traffic and its visual impacts. All of which are summarised within the report, although the objections from the owners of Wellington Square are set out in full within the appendices.

Despite the concerns raised by the owners of Wellington Square, 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 Stockton Town Centre. The proposed development is also considered to be acceptable in all other regards.

RECOMMENDATION

That planning application 15/2447/FUL be approved subject to the following conditions and informatives;

Approved Plans

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

Plan Reference Number	Date on Plan
A(90)EXP010 REV 3	2 October 2015
A(00)GAE001 REV 4	2 October 2015
A(00)GAP001 REV 4	2 October 2015
A(00)GAP002 REV 3	2 October 2015
A(90)EXP001 REV 3	2 October 2015
1301 REV C	2 October 2015
A(90)GAP003 REV 15	23 December 2015
A(90)GAP002 REV 20	23 December 2015

Reason: To define the consent.

Materials:

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

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

Existing and Proposed Site levels;

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

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

Soft landscaping and car parking details;

- 04 **Notwithstanding the submitted information, a detailed car parking and planting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the car park to serve the hereby approved retail store. Such a scheme shall include details of the car parking layout and any trees to be retained and specify final tree/shrub types and species, stock size, numbers and densities. The approved car parking layout shall be constructed and completed to the reasonable satisfaction of the Local Planning Authority before the store is brought into use. The soft landscaping works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

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

05 **Tree Assessment:**

- Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable) all trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The**

assessment should concur with the latest site plans and include for the following information:

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.**
- b) A tree schedule as detailed in Ref. 4.2.6 BS5837:2005;**
- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.**
- d) Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.**
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.**
- f) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007**

Reason: To assess the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained

06 Tree Protection

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

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 existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality that should be appropriately maintained and protected.

Landscape Maintenance;

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

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

Hard Landscaping;

- 08 Prior to the occupation of the hereby approved store a scheme for all hard landscaping works shall be submitted to and be approved by the Local Planning**

Authority. *The development shall be undertaken in accordance with the approved scheme and implemented in full prior to the development being brought into use.*

Reason: *To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.*

Boundary treatments:

- 09 *All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority prior to the occupation of the hereby approved store. Such means of enclosure as agreed shall be erected before the hereby approved store is brought into use.*

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

Lighting:

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

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

Lighting:

- 11 *Within 24 months of the completion and commencement of operations of the development hereby approved in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the local planning authority, the applicant or operator shall within 28 days submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.*

Reason: *To ensure safety of the users of the railway.*

Demolition and Construction method Statements:

- 12 *Prior to the commencement of any demolition or development, a method statement for both demolition of the existing buildings and construction of the retail store shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall include provisions for details of the methods of demolition; any excavations and earthworks to be carried out near the railway undertaker's boundary; provision for cranes or other mechanical plant working to be carried out in a "fail safe" manner or other suitable arrangements to secure the safety of the railway; and, the storage and security of materials. The hereby approved development shall be carried out in strict accordance with those agreed details during the demolition and construction of the building.*

Reason: *To ensure that the safety and integrity of the railway is maintained*

Armco Safety Barriers

- 13 *A detailed scheme for the provision of Armco or similar barriers shall be submitted to and be approved in writing by the Local Planning Authority prior to the occupation of the hereby approved retail store. Such barriers shall be provided in turning area/roadway/car parking areas adjacent to the railway. The barriers shall be*

provided in accordance with those agreed details and be in situ ahead of the first use of those vehicle circulation areas.

Reason: To ensure that the safety and integrity of the railway is maintained

Hours of demolition/construction Activity;

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

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

Construction Management Plan;

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

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

10% Renewables;

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

Reason: To limit the energy requirements of the development

Travel Plan;

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

- (ix) *procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.*

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

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

Foul and Surface water drainage:

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

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

Opening times:

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

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

Servicing Arrangements:

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

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

Retail restriction:

- 21 *The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,424sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods and the number of lines that shall be available for sale in the store at any one time shall not exceed 1,800. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.*

Reason: The proposal has been justified solely on the basis of a 'deep discount operator' and in the interests of protecting the vitality and viability of the defined retail centres.

No subdivision:

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

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

Contaminated Land:

- 23 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

1) A site investigation scheme, based on the submitted Dunelm preliminary investigation report (January 2015) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure the risks to controlled waters are adequately addressed. Information within the desk top study identifies the potential for contamination to be present at the development site as a result of previous / current land uses, which may pose an unacceptable risk to controlled water receptors.

Ecology

- 24 All ecological mitigation measures within the Phase 1 Habitat Survey and Protected Species Assessment and Bat Survey, August 2015 shall be implemented in full in accordance with the advice and recommendations contained within the document.**

Reason: To conserve protected species and their habitat

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 and revised information to assess the scheme and by the identification and imposition of appropriate planning condition.

Environment Agency;

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground and/or surface waters.

Network Rail;**Drainage**

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence

adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

BACKGROUND

1. Much of the planning history relates to the existing building and manufacturing operations with planning permissions being granted for development including; new buildings, extensions, new openings, roller shutters and fencing (refs;92/1850/P 94/0974/P, 95/0621/P, 98/0626/P, 99/0098/P, 99/0515/P, 99/1851/P, 02/0032/P, 02/0545/P, 03/0335/P, 04/1165/RTC & 05/3266/FUL)
2. Since the relocation of Nifco to their purpose built factory at Durham Lane Eaglescliffe the building has become disused and is now vacant.

SITE AND SURROUNDINGS

3. The application site is the former Nifco factory which is situated off Yarm Road, which lies to the west. The surrounding area contains a mix of uses which include commercial and residential premises.
4. To the west and north are two railway lines and a relatively modern residential estate beyond the northern railway line. On the opposite side of the road is the former Visqueen site which is now well underway as a residential housing estate, with a number of properties fronting onto this site. To the south east of the application site lies an office block, Innovation House. To the immediate south of the site is an existing Abattoir and Council's own storage yard/depot with the A66 and the associated junction beyond.

PROPOSAL

5. Planning permission is sought for the demolition of the existing Nifco premise and for the erection of a new foodstore (Use Class A1) for the discount retailer Lidl. The associated works will include the provision of parking spaces and landscaping with the store being situated within the southern element of the site.
6. The Store itself will measure approximately 32m (wide) x 75m (long) and will reach a maximum height of 6.5 metres. The front elevation of the building will be predominately glazed with white render and cladding panels above. The building will provide a total of 2,470sqm of internal floor space of which 1,424sqm will from the 'shop floor', the supporting information indicates that approximately 20% of the floor space (285sqm) will be for comparison goods.
7. The application is accompanied by retail and planning statement and includes a sequential assessment and retail impact assessment which have been supplemented by a letter which addresses initial concerns expressed by officers.

CONSULTATIONS(In summary)

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

Highways Transport and Environment –

Executive Summary

The Highways, Transport & Environment Manager has considered the information submitted in association with this application and considers some aspects of the scheme should be conditioned to allow resolution at a later date. This includes:

1. Details of soft landscaping to reflect the updated layout;

2. Retention of mature trees along the Yarm Road frontage which enhance the development and maintain the attractive character of the road corridor; and
3. Construction methods within the root protection area of existing trees.

For completeness other aspects of the proposed development, which are considered acceptable, are set out below.

A Transport Assessment (TA) has been provided to support the proposed development, the scope of which was agreed with the Local Highway Authority, and the impact on the local highway network is considered acceptable.

The proposed site access, which would be formed by adding a forth leg to the to the A1027 Yarm Road / Queensgate signalised junction, is considered acceptable and final details would need to be agreed with Highway Authority as part of the Section 278 Agreement to deliver the access works and all costs would have to be met by the applicant.

Should the application be recommended for approval, the need to provide and agree a Construction Management Plan with the Highway Authority should be secured by planning condition to minimise the impact of any construction works on the public highway.

Confirmation is required of the method of providing 10% embedded renewable energy supply backed up with data on estimated energy demand and how this will be offset or reduced and this should be secured by condition.

Detail regarding the management of surface water runoff from the proposed development is required and this should be secured by condition.

Environmental Health Unit – have found no grounds for objection in principle to the development and no conditions are suggested from an Environmental Health perspective given there are no concerns regarding noise, odour or light nuisance from the site.

Although concerns remain regarding the siting of the development which is located adjacent to and downwind of the site of Cleveland Meats Abattoir, Odour complaints from this site are dealt with by the Environment Agency through their Regulatory Powers under the Permit on the premises. Consequently Environmental Health would be unable to take statutory nuisance action regarding any future complaints from this development. The applicants may wish to put proportionate measures in place to protect their site from any potential future malodour events but this would be a matter for the applicant to consider.

Contaminated land officer – having reviewed the Geo-Environmental Site Investigation and Risk Assessment, the details are considered satisfactory and I have no objections to the proposal subject to a conditions controlling aspects of land contamination and remediation.

Spatial Plans Manager - Paragraph 24 of the NPPF states that a sequential test should be required for applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 26 requires that retail development, over 2500 sq.m and outside of a town centre, be accompanied by an impact assessment. Paragraph 27 is also quite clear in that any application which fails to satisfy the sequential test or is likely to have a significant adverse impact should be refused.

Core Strategy policy CS5 sets out the town centres hierarchy and identifies Stockton Town Centre as the Boroughs main shopping centre and also that proposals for main town centre uses in edge or out of centre locations will be determined in accordance with prevailing national policy. Policy S2

of Alteration Number 1 to the Local Plan relates to major retail development outside of defined retail centres. This identifies a set of criteria which should relate to the application

It is noted that the application is seeking permission for the development of a food store with 2,470 sq.m gross which includes an internal area and net sales area of 1,424 sq.m with 80% of the floor area for convenience goods and the remainder for comparison goods. This site is within the limits to development and not allocated for an alternative use but is outside of the defined retail centres within the Borough.

The main issue relating to the development, in terms of planning policy, is the location of the proposal outside of the defined retail centres. The application has been accompanied by a sequential test and an impact assessment. These are considered below.

Business Model

The applicant considers that they are able to operate as a deep discounter and with a different model to other convenience retailers by cutting costs through displaying goods with original pallets and boxes. The proposed store is to have 2,470 sq.m gross internal area which allows for approximately 1000sqm of non-sales area including warehousing which appears contrary to its business model.

The Planning Statement states that Lidl stores have shorter opening hours than other retailers (07.00-22.00 Mon-Sat and 10.00-16.00 Sun) which limits their degree of competition however existing convenience retailers within the Town Centre operate similar opening hours.

Site Search

The retail assessment states that the Dairy Site Car Park, which is one of the options assessed for suitability, is not within the town centre. Equally the existing Asda, Farm Foods and Lidl Stockton stores are identified as being edge of centre sites. This is in fact not the case and all of the identified stores and the Dairy Car Park are located within the boundaries of the Town Centre as defined by the Local Plan.

The retail assessment considers a number of sequentially preferable sites as alternatives. However, the application site is currently occupied by the buildings associated with the former Nifco factory. As these buildings will have to be cleared to allow for the proposal, it is considered that the assessment should also consider sites with existing buildings that could be cleared or altered to allow for a suitable development.

Impact on Town Centre

The submitted Planning and Retail Statement explains that the existing Lidl store, located within Stockton Town Centre, will be retained this is recognising the fact that the lease on the existing store is due to expire in 2016, and especially as the identified catchment of the proposed store could overlap with that of the existing store.

The closure of the existing store would represent a major loss in a shopping centre with higher than average vacancy rates than the wider Primary Shopping Area, could exacerbate the problems which the centre owners are experiencing in attracting new operators to the centre. As the existing store is in a town centre location, expansion of this store is preferable to relocation to an out of centre store.

Conclusion

New investment is welcomed in terms of economic growth, both in terms of new jobs created as well as expenditure generated in the local economy, there are doubts over the retention of the two Lidl stores. It is advised that the assessments provided within the Planning and Retail Statement are revised to take into account the correct Town Centre boundary in relation to both the identification of potential sites and the assessment of the impact upon the vitality and viability of the

centre and also to consider a greater range of potential sites and the potential for a reduced floor area.

Northumbrian Water Limited – have assessed the impact of the proposed development on their assets and assessed the capacity within their network .An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. In our response it states foul water can connect between manholes 4301 & 3202. Surface water should be restricted to 104 Litres per second & discharge between manholes 4301 & 3201. Because the applicant has not submitted a drainage scheme with the application, NWL request that a planning condition be imposed to control the disposal of surface and foul water.

Tees Archaeology – there are no known sites of archaeological interest in this area.

Network Rail – Originally commented with regards to protecting the railway but were unable to support these proposals in their current format given the planting of species (Tilia Cordata) adjacent to the railway which should not be planted near to our boundary for reasons including the safety of the operational railway. A variety of comments are made with regards to a number of matters including Landscaping, drainage, machinery operations, railway security, demolition, lighting and encroachment

Further comments received; In relation to the additional documentation provided, we note and appreciate the amendments to the landscaping proposals and removal of species that we would not wish to see planted next to the railway. In relation to the remainder of additional information supplied, we have no further comments to make other than those returned in response to the original application on 2 November 2015 which still apply.

The Environment Agency – has no objections to the proposed development but wishes to provide the following advice:

Disposal of Foul Sewage

As it is proposed to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Car Parking Areas

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soak away from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground and/or surface waters.

PUBLICITY

9. Neighbours were notified and publicity has been given to the application through a site notice and press advert. A total of 18 comments have been received making supporting comments, representations and objections. Those comments received are set out below (in summary);

Support comments:

- Will regenerate a deteriorating & derelict site
- Provide jobs

- Improve local shopping facilities
- Will improve sustainability for residents within the area instead of having to travel further afield
- Hope the remaining adjacent land is used for similar retail and community purposes.
- The new store will 'improve visual amenity'

Supporters:

1. Mrs Karen Ruddock - 19 Austin Avenue Stockton-on-Tees
2. Paul Harrison - 8 Cotherstone Road Stockton-on-Tees
3. Mr Andrew Duffell - 8 Cennon Grove Ingleby Barwick
4. Mary Jalleh - 16 Branksome Grove Hartburn
5. Mrs Sarah Little - 25 Water Avens Way Stockton-on-Tees
6. Christina Hesford - 20 Pennypot Lane Eaglescliffe
7. Spenart Controls Limited - Accounts Department 35 Oxbridge Lane

Objections:

- Does not wish to see Lidl in Wellington Square close as it is easily accessible by foot
- If does close will mean another empty unit in the Town Centre
- Existing store is always busy
- Do not need another supermarket in the area
- Increase in traffic, particularly to Yarm Road which is already busy and congested in peak hours
- Concerns with regards to the existing odour problems from the abattoir
- Increased noise through construction and the stores operation
- Land should be used for housing
- Whilst pleased site is to be redevelopment concerned over the brand of store rather than a store
- Another cheap store will have a negative and detrimental effect on the local housing area and harm the appearance to the 'Gateway to South Stockton'
- Concern that Lidl will not seek to retain its existing store at Wellington Square
- A larger format Lidl Store can be accommodated within the Town Centre, demonstrated by M&M's current proposal for Wellington Square
- Lidl's Yarm Road planning application is in an out-of-centre location and does not meet the requirements of the sequential test
- Light intrusion at night

Objectors:

1. Ian Weighell-Newton –7 Milbank Court Stockton-on-Tees
2. Mr And Mrs Asma - 25 Melrose Drive Stockton-on-Tees
3. Emma Medd - 18 Lime Road Eaglescliffe
4. Mrs Kay Steven - 7 Melrose Drive Stockton-on-Tees
5. Andrew Wainwright - 37 West End Way Stockton-on-Tees
6. Mr Steven Chatterton - 1 Corona Court Stockton-on-Tees
7. Lunar Stockton Sarl and M&M Asset Management (M&M) - owners of Wellington Square
8. Craig Minto – 19 Corona Court Stockton-on-Tees

General Representations:

- Lidl is already in the Town Centre and Aldi within a mile, a Tesco, ASDA Sainsbury's / Coop / Waitrose is required/preferred
- Concern expressed regarding the time of deliveries
- Concerns expressed of existing traffic speeds along Yarm Road, particularly late at night (between 6pm and 11pm)

- Proposal will reduce the prospect of redeveloping the full site as a piecemeal development will be less attractive to potential developers.
 - Consideration should be given to providing a train station
 - A tunnel or bridge should be provided linking to the path along the meadow/conservation area
1. Mr Paul Cameron - 1 Carina Crescent Stockton-on-Tees
 2. Mr John Henderson - 10 Corona Court Stockton-on-Tees
 3. W A Bell - Vickers Construction Yarm Road

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

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

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

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

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

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

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

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

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

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

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

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

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

Core Strategy Policy 5 (CS5) - Town Centres

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

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

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

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

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

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

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

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

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

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

MATERIAL PLANNING CONSIDERATIONS

- 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 and the risk of flooding, such matters are discussed below;

Principle of development;

14. The National Planning Policy Framework (NPPF) sets out the governments aims for the planning system, at its heart lies a presumption in favour of sustainable development which is defined as having the three strands to it i.e. a social role, economic role and environmental role. A core planning principle of the NPPF (paragraph 17) is to “proactively drive and support sustainable economic development” to ensure that the homes, businesses and infrastructure the country needs are provided. Specific advice with regards to supporting a strong economy, protecting the vitality and viability of town centres and encouraging sustainable and inclusive communities are offered in chapters 1, 2 and 8 of the NPPF respectively.
15. In terms of the development plan and local planning policies the site lies within the limits of development and has no specific allocation under the adopted Local Plan. The site also lies outside any of the defined retail centres so from the planning policy perspective the main issues for consideration with regards to the acceptability of the proposal principally surround any implications for the defined retail centre in particular Stockton Town Centre.

Sequential Assessment;

16. The supporting planning and retail statement set out that the Lidl stores generally have a very limited catchment and that this store is aimed at serving the ‘south Stockton’ catchment area and is based on a 0-5 minute drive time, the applicant also considers that the proposed catchment area is reinforced by the existing Lidl store within Stockton Town Centre and Thornaby also the Aldi Stores in Norton and Stockton, it is therefore argued that residents to the north of Stockton Town Centre are unlikely to travel further and away from their existing discount retail provision. Without any evidence to prove that Lidl will not continue to operate a town centre store, in this instance and given the nature of the proposed retail store the 5 minute drive time is accepted as a basis for the catchment area.
17. As part of Lidl’s business model it is stated that Lidl are a deep discounter which is based on maximum efficiencies at all stages in order that savings can be passed onto the customer. In addition it is argued that Lidl have adopted a newer store model, resulting in larger stores and that such a business model has limited flexibility, although it does not rule out the demolition and rebuild of existing stores. It sets out that the store will have a product range of approximately 1600 product lines provide public convenience facilities and improved parking provision. In considering the business model, it is stated that the specific requirements for new food stores consist of the following;
 - A site which can accommodate a store in excess of 2,500 sq.m to allow for the provision of enhanced consumer choice based on a full product range offer.
 - A site that can allow for the safe manoeuvring of customer vehicles and delivery vehicles on site.
 - A prominent site with ability to attract passing trade.
 - A site that is easily accessible by a choice of means of transport.
 - A site that is able to offer benefits to its customers, including adjacent surface level car parking, so that customers can easily transfer goods to their vehicles.
 - Provision of a dedicated service area to the rear of the store, including ability to accommodate HGV’s.
 - A single storey, open and unrestricted sales floor area which benefits from a level/flat topography, or which has the ability to be developed as such.

18. It is accepted that discount retailers such as Lidl and Aldi do operate differently to traditional supermarket retailers and that this result in limitations of the flexibility of their business model, such an approach has been established and accepted within appeal decisions across the country.
19. Following concerns around the original sequential assessment, the applicants have considered alternative sites including those suggested by officers which are in and around the Town Centre. The applicants have subsequently considered the Alberto and Thompson Street car parks; The Dairy Site car park; Southern Gateway; the Victoria Housing Estate; Boathouse Lane; and, the wider North Shore site. As part of that sequential assessment process all sites have been dismissed. The Alberto and Thompson Street car parks are not considered to be suitable (being too small); the Dairy site is not considered to be available or suitable given access problems; the Southern gateway site is not considered suitable or available at this point in time; Boathouse Lane is not considered sequential preferable and is also not considered to be suitable, available or viable; while the wider North Shore site is also not considered to be sequential preferable and is neither suitable, available or viable.
20. Whilst the applicant may consider that a number of sites are out of centre, the LPA would disagree with this statement given the extent of the defined Town Centre Boundary. However, whilst they may in the opinion of the Local Planning Authority be more sequential preferable it would not overcome the other identified shortfalls and consequently the applicant's view that those sites such as the Dairy Site, the Southern Gateway, land west of the High Street or the Victoria estate are either not currently available or suitable are accepted. The existing Wellington Square site is also a town centre location and is also a sequentially preferable location to an out of centre location (as proposed) such considerations are covered in greater detail below;

Retention of existing Wellington Square store;

21. It is noted that the owners of Wellington Square raise some significant concerns regarding the potential for Lidl to leave Wellington Square (given the expiry of the lease on their existing store) and to leave Stockton Town Centre (copy of the objection is contained within the appendices). Officers share the concern for the impact on the vitality and viability of Stockton Town Centre and as part of the planning application queried a number of aspects including that relating to the retention of the existing store. The applicants have in response stated that it is Lidl's intention to "continue to trade from its existing Stockton Town Centre store in the immediate future" although it is also stated that this store does not accord with Lidl's business model.
22. To counter, Lidl leaving the existing site the owners of Wellington Square have now submitted an application which is focussed on providing a store which it is hoped would meet Lidl's requirements (ref; 15/2932/OUT). In the response to this application the applicant has stated that;

"Lidl will consider remaining at the store in the context of the proposed extension as the proposal will result in a floor plate similar to that proposed with the application site albeit smaller than the minimum required floor plate of circa 2,500sq.m specified as an operation requirement in Section 2 of this letter.

However, the existing store will still fail to meet Lidl's other operational criteria in terms of a larger scale back of house area to accommodate increasingly large deliveries, and a dedicated surface level car parking for Lidl's customers. At present, the only accessible car park available for customers is the busy town centre multi storey to the north of the store. A store extension of

this size will further increase demand on the limited car parking spaces available and further exacerbate the difficulties that Lidl's customers face in finding adequate parking provision close to the store.

Furthermore, the extended store will not facilitate the delivery of improved welfare facilities for staff and customers nor a contemporary store with significantly improved shopping environment proposed by the application, which could only be delivered by a full refurbishment/complete redevelopment of the site.

Consequently, in the event that store is considered unsuitable in terms of its size and format, after the extension is implemented, it would still be appropriate for Lidl to seek an alternative town centre store/site."

23. In considering the merits of the application, clearly a large aspect of the applicant's case rests on the proposed store providing for a different catchment area (i.e. South Stockton) and there being reliance on maintaining a Lidl store within Stockton Town Centre. This application can only be assessed on the information before the Local Planning Authority and without any evidence to the contrary the future intentions of Lidl cannot be questioned.
24. Detailed reasoning has been provided as to why the current Lidl store is not suitable to accommodating Lidl's business model even when considering an extended footprint and that they would need to consider a new town centre site. Whilst the flexibility of the business model may be a barrier to achieving a suitable outcome between the owners of Wellington Square and Lidl, the Planning Policy Framework only protects the defined retail centres and not individual sites within it.

Retail impact assessment:

25. The NPPF sets out at paragraph 26 a threshold of 2,500sq.m for a full impact assessment. The proposal falls just below this threshold and the LPA cannot therefore insist that an impact assessment is provided. The applicant also argues that this proposal differs to existing food retailers within the centre and that they also cater for a different catchment area.
26. Notwithstanding these views without any firm demonstrable evidence to indicate that the proposed store would have a significant impact on those retailers or the vitality or viability of Stockton Town Centre, there are considered to be insufficient grounds to warrant a refusal of the application based upon impact.

Associated Benefits of the proposal:

27. Notwithstanding any other material planning considerations, it is accepted that the provision of a new food store would offer both economic and social benefits through the investment value in constructing the store, increased consumer choice and associated job creation (both pre and post construction) are all benefits which weigh in favour of the proposal, although they need to be balanced against those other material planning considerations, including the wider planning policy context.

Visual impact;

28. With the immediate locality there are a wide range of building styles which include more traditional housing through to newer residential properties including the more modern frontage of the former Visqueen site. Commercial buildings are also located along Yarm Road and it is not considered that the surrounding area has a definitive character or style. The proposed building will be set back from the Yarm Road frontage and will be single storey, with a large

sloping mono pitch roof and it is not considered that it is out of keeping with the scale of the surrounding properties to have such an adverse impact on the visual amenity of the area.

29. Its general design and appearance is considered to be contemporary and the main eastern elevation will be fully glazed and will provide a relatively active and attractive frontage to the building and would be a suitable design for the location. The remainder of the building will include white render and high level cladding panels, with a Louvre detail also featuring within the northern elevation and overall the general appearance of the building is not considered to be out of keeping with the character of the area. Whilst comments regarding the visual impact of the Lidl brand are noted, such matters cannot be considered as part of the planning process.
30. Since the original submission a revised site plan has been received, this allows for an area of landscaping including tree planting to be provided to the front of the store adjacent to Yarm Road. Whilst some planting may have been removed from the western boundary of the site adjacent to the railway line, this is in part to address concerns which have been raised by Network Rail. In any case the principle elevation and most important area for new planting is considered to be the Yarm Road frontage where additional landscaping will complement the existing trees within this part of the site. The final details of any such landscaping scheme including the retention of any existing trees can be secured via a planning condition and agreed at a future date.

Amenity;

31. The proposed store is in excess of 80m from the front of the residential premise which front onto Yarm Lane and in excess of 40m from the rear of the residential properties of West End Way, which are situated on the opposite side of the railway line. The scheme is therefore not considered to have any significant impacts on the surrounding residents with regards to loss of light, privacy or appearing overbearing.
32. With regards to odour nuisance from the adjacent abattoir the Environmental Health Officers have considered the application and have no grounds for objection as odour complaints from this site are dealt with by the Environment Agency through their Regulatory Powers under the Permit on the premises.
33. It is accepted that the operation of the store, particularly with regards to deliveries can result in noise and disturbance to the surrounding residential properties. In order to prevent impacts at unsociable hours a condition can be imposed regarding the store opening and delivery times and therefore it is considered that the operations of the store would not give cause to such an adverse impact on residential impact that it would warrant refusal of the scheme.
34. It is also expected that there may be some short-medium term impacts arising from the construction of the store. In line with the Environmental Health Officers comments a planning condition is therefore recommended to control the hours of construction activity.

Access and High safety;

35. The Highway, Transport and Environment Manager has considered the submitted information and considers that the proposed access (via a forth arm added to the A1027 Yarm Road / Queensgate signal controlled junction) is acceptable. However, the site access would need to be agreed with Highway Authority as part of the Section 278 Agreement. The internal layout of the site is also considered to be acceptable and in accordance with the Council's Design Guide and Specification and allows for HGV to manoeuvre through the site. The proposal also includes 150 parking spaces which is considered to be sufficient parking to accord with the Council's Parking Supplementary Planning Document (SPD3).

36. In terms of highway impact, a Transport Assessment (TA) has been provided with the application and an assessment made of the current and future capacity of the existing junction within the locality. These assessments have demonstrated that all junctions would operate within capacity with proposed development traffic included and the Highway Transport & Environment Manager therefore has no objection to the proposed development in terms of the impact on highway capacity. Planning conditions can also be secured to require further details to be submitted for approval for a construction management plan and travel plan.

Protected Species;

37. The application is accompanied by a phase 1 habitat survey and bat survey which considers the impacts on protected species and their habitats. The phase 1 habitat survey sets out that the proposal will have no direct impacts on nearby designated sites, that the habitats on site have been evaluated as being of low ecological value and that the most obvious species likely to use the site would be birds and bats.

38. The submitted Bat Survey identifies that there is no evidence of bats roosting within building 1 or entering or exiting building 1 and that a Natural England bat development licence is not required. In addition, no droppings were located within building 1 and access for bats appears to be unreliable and with the bat survey results it is considered that the building does not support roosting bats.

39. In considering the submitted report, the advice contained within the NPPF and NPPG and Natural England's standing advice and without any evidence to the contrary, the proposed development is not considered to have any significant impacts on protected species or habitats providing a series of mitigation measures are adopted. These are identified within each of the submitted reports and a planning condition is recommended to secure such provisions accordingly.

Flood Risk;

40. The Council's Flood Risk Management section have considered the proposal and advised that the proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring site. It is advised that the discharge rates from the site should be restricted to the existing Greenfield runoff rates (QBAR value) 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 a 20% allowance for climate change. The management of surface water runoff can be controlled via a planning condition.

Residual issues;

41. In accordance with Core Strategic Policy 3 (CS3), the proposal will need to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite renewable energy equipment or design efficiencies and this information can be secured by a planning condition.

42. Comments in support of future retail and community purposes are noted however they would need to be considered on their own merits and against the policies of the development plan at the time of any application. The acceptability of this proposal would in no way indicate acceptability without a full assessment of those material planning considerations at that point in time.

43. Matters such as a new train station, new footbridge provision line fall outside the remit of this planning application as they do not directly relate to this application and in any case would be a

matter for network rail. They cannot therefore be considered as part of this determination process.

44. With regards to network rails comments about the impact of this development to their transport network and safety of all rail users, a number of planning conditions are recommended to ensure that the proposed development does not cause any risks to the safety or operation of the rail network.
45. Whilst comments surrounding alternative uses for the site i.e. housing and the future implications for developing the surrounding sites are noted, this proposal (and any other future proposal) must be considered against the development plan and its established policies and the National Planning Policy Framework

CONCLUSION

46. In view of the above considerations and despite the concerns raised by the owners of Wellington Square, it is considered that given the nature of the proposal and the business model, the proposed development satisfies the requirements of planning policy in that there are currently no sequential preferable site available and that there is no demonstrable evidence that the associated impacts will have any significant detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Stockton Town Centre. In addition the proposal is also considered to have some social and economic benefits which weigh in its favour
47. 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.

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

WARD AND WARD COUNCILLORS

Ward Parkfield and Oxbridge
Ward Councillor(s) Councillor M Javed

IMPLICATIONS

Financial Implications:

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

Environmental Implications:

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

Human Rights Implications:

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

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990
National Planning Policy Framework
Stockton on Tees Local Plan Adopted Version June 1997
Alteration Number 1 to the Adopted Local Plan – 2006
Core Strategy Development Plan Document March 2010
Regeneration and Environment Local Plan – Publication February 2015

Supplementary Planning Documents

SPD1 – Sustainable Design Guide
SPD2 – Open Space, Recreation and Landscaping
SPD3 – Parking Provision for Developments
SPD6 – Planning Obligations