

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**22 FEBRUARY 2016**

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

**16/2445/FUL**

**Former Site of Blakeston School, Junction Road, Norton  
Hybrid planning application comprising 1) full planning application for A1 retail food store with car parking and associated ancillary development and 2) outline permission for circa 80 dwellings and associated access with all other matters reserved.**

**SUMMARY**

The application site previously formed part of the Blakeston School site although those school buildings have since been demolished. The site is currently vacant and laid to grass, although the application site did formerly contain the majority of the school buildings, hardstanding and parking areas. By way of further background, the site immediately to the west was recently given outline planning approval for a crematorium with associated memorial garden (ref; 16/0846/LAO).

The application site is situated on the corner of Junction Road (to the south) and Blakeston Lane (to the east). To the north of the site lies a railway line (running broadly east-west). Residential properties surround the site to the east and south, while to the immediate west lies the approved crematorium site with other commercial and community uses beyond.

Planning permission is sought for both for a retail store and a residential development under both a full and outline planning permission. The full planning permission is sought for the Lidl retail store and outline permission (with all matters except the means of access) being sought for the residential scheme.

The retail store will provide approximately 2,468 sqm of gross floor space, with a retail floor area of c.1424 sqm with the remaining floor space being utilised for storage and ancillary purposes such as office space. The vehicular access into the site is from Junction Road and a total of approximately 120 car parking spaces will also be provided. The outline residential permission seeks circa 80 dwellings with access into the residential estate being taken from Blakeston Lane to the north of the existing junction of Blakeston Lane/Blakeston Court.

The application site is located with the limits to development and is considered to be a sustainable site. Whilst the proposed developments will result in the loss of playing fields Sport England are satisfied that the Council is committed to ensuring sufficient playing pitches will remain elsewhere within the Borough and the proposal is considered to accord with the requirements of paragraph 74 of the NPPF.

The proposed retail store is considered to satisfy the requirements of national and local planning policy guidance and will not have any detrimental impacts on the vitality and viability of the Borough's retail centres. In addition the proposal is considered to have some social and economic benefits which weight in its favour and outweigh any limited harm that would arise.

In terms of the housing, the Council is only able to demonstrate a 4.5 years housing land supply the provision of housing to address the shortfall in the 5 year housing land weighs in favour of the scheme. As this application seeks only outline planning consent the final details will be subject to a future application although it is considered that a form of residential development can be accommodated on the site without significant affecting the character of the area residential amenity or highway safety and is therefore acceptable.

In view of the relevant material planning considerations the proposed development is considered to be in broad accordance with the relevant national and local planning policies and is considered to be acceptable in planning terms. However, in view of a press advert and associated consultation which is yet to expire (2nd March 2017) it is recommended that Members be minded to approve the application subject to no new material planning considerations being raised and subject to those conditions set out in the report above.

### **RECOMMENDATION**

**That members be minded to approve planning application 16/2445/FUL subject to no new material planning considerations being raised out of the consultation period and subject to the following conditions, informative and Heads of Terms below;**

#### ***A) Retail store permission;***

##### Approved plans;

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

Plan Reference Number	Date on Plan
1412 PL 101	22 September 2016
1412 PL 102 A	22 September 2016
1412 PL 103 A	22 September 2016
1412 PL 100 A	22 September 2016
1412PL 105 F	21 December 2016
A(00)GAE001 REV 4	8 December 2016
A(00)GAP001 REV 4	8 December 2016
A(00)GAP101 REV 3	8 December 2016
A(00)GAP201 REV 2	8 December 2016
R/1869/1A	20 December 2016

##### 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 retail store 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 of the retail store shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

Soft landscaping details:

- 04 Notwithstanding the submitted information, a detailed 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 specify final tree/shrub types and species, stock size, numbers and densities. The approved planting scheme shall be implemented and completed in accordance with the approved details with the soft landscaping works being 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.

Tree Protection:

- 05 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 5837:2012 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:

- 06 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:

- 07 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

- 08 All means of enclosure associated with the development hereby approved, including railing to the front of the premise 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:

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

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

Hours of demolition/construction Activity:

- 10 No construction/demolition activity or deliveries shall take place when constructing the retail store 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:

- 11 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:

- 12 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:

- 13 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:

- 14 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:
- 15 The hereby approved retail store shall not be open for business outside the hours 07:00-22:00 Monday to Saturday and 10:00 to 17:00 on Sundays and Bank Holidays.
- Reason: In the interests of the amenity of the neighbouring residential premises.
- Servicing Arrangements:
- 16 No servicing or deliveries shall be made to the hereby approved retail store between the hours of 23.000-07.00.
- 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:
- 17 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:
- 18 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.
- Ecological mitigation:
- 19 All ecological mitigation measures shall be carried out in full accordance with the advice and recommendations contained within submitted 'Ecology Habitat and Protected Species Assessment' (prepared by Tees Valley Wildlife Trust; July 2016).
- Reason: To conserve protected species and their habitat
- Noise disturbance from plant/machinery:
- 20 Prior to any plant or machinery being installed and being brought into use, details shall first be submitted to and be approved in writing by the Local Planning Authority. Where any plant is expected to increase background noise levels, it shall be enclosed with insulation or other appropriate sound control measures such as acoustic fencing including provision for an appropriate maintenance regime which must also first be

agreed in writing with the Local Planning Authority. Thereafter the plant and agreed sound control measures shall be maintained in accordance with the manufacturer's recommendations including the frequency of replacement of any acoustic screening or vibration mounts.

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

Land contamination:

- 20 No development shall be permitted to start until a report detailing staged intrusive site investigation and characterisation has been completed and submitted to the Local Planning Authority for approval. Where appropriate a risk management report including any remediation and validation reports may also be required and shall also be approved by the Local Planning Authority. Thereafter the proposed development will be carried out in accordance with those agreed details.

Reason: Contamination may exist at the site which may pose a risk to human health and controlled waters

***B) Outline residential permission;***

Approved Plans:

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

Plan Reference Number	Date on Plan
1412 PL 101	22 September 2016
1412PL 105 F	20 December 2016

Reason: To define the consent.

Time limit for submission of the reserved matters:

- 02 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.

Time limit for commencement:

- 03 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.

Reserved matters:

- 04 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.

Dwelling numbers:

- 05 The total number of dwellings authorised by this permission shall not exceed 80.

Reason: To ensure a satisfactory form of development.

Conformity with the submitted masterplan

- 06 The details of the reserved matters shall broadly follow the principles and parameters set out of drawing 1412 PL105 Rev F submitted with the planning application.

Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings and landscaping to be submitted are in accordance with the landscaping principles and to enable the Local Planning Authority to satisfactorily control the development.

Existing and Proposed Site levels:

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

Reason: To define the consent

Affordable housing:

- 08 Development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall deliver 15% of affordable housing provision unless supported by relevant viability evidence or an alternative provision as identified by government.

The affordable housing shall be provided in accordance with the approved scheme(s), which shall include:

- i. the numbers, type, tenure, mix and location on the site of the affordable housing provision to be made within the relevant phase;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or to ensure that the affordable housing is affordable to both first and subsequent occupants; ; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.

Reason: To ensure that affordable housing provision is provided as part of the development in accordance with the requirements of policy CS8(5).

Ecological mitigation:

- 09 All ecological mitigation measures shall be carried out in full accordance with the advice and recommendations contained within submitted 'Ecology Habitat and Protected Species Assessment' (prepared by Tees Valley Wildlife Trust; July 2016).



Reason: To conserve protected species and their habitat

Scheme for the protection of trees

- 10 No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. 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 which should be appropriately maintained and protected.

Foul and Surface water drainage;

- 11 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.

Construction Management Plan;

- 12 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of the occupiers of adjacent and nearby premises

Construction activity;

- 13 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

- Railway Construction Method Statement:
- 14 Prior to the commencement of any residential development, a method statement for construction of the residential development 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; provision for the notification of the Asset Protection Project manager; 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

- 10% Renewable energy requirement:
- 15 No development shall take place until details of how the hereby approved development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other alternative measures such as a fabric first approach, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3.

- Travel Plan:
- 16 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.

- Noise disturbance from adjacent rail traffic
- 17 Prior to the construction of any of the proposed dwellings, a noise report and mitigation scheme for the protection of the proposed dwellings from noise from the adjacent railway

line shall be submitted to and be approved in writing by the local planning authority. All works which form a part of such a scheme shall be completed before any of the permitted dwellings are occupied.

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

Land contamination:

- 20 No development shall be permitted to start until a report detailing staged intrusive site investigation and characterisation has been completed and submitted to the Local Planning Authority for approval. Where appropriate a risk management report including any remediation and validation reports may also be required and shall also be approved by the Local Planning Authority. Thereafter the proposed development will be carried out in accordance with those agreed details.

Reason: Contamination may exist at the site which may pose a risk to human health and controlled waters

## **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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

## **HEADS OF TERMS**

The applicant will be required to provide the following infrastructure requirements under the sale of the land (or such other Heads of Terms as may be agreed by the Director of Economic Growth and Development Services);

- Contribution towards primary and secondary education in line with Council's adopted formula
- Provision of a commuted lump sum of up to £172,700 for off-site provision at Newham Grange Park

## **BACKGROUND**

1. The application site previously formed part of the Blakeston School site and much of the planning history of the site relates to that previous use. However, the former school buildings have since been demolished and the site is currently vacant. Although the application site does form the part of the site which contained the majority of the school buildings, hardstanding and parking areas.
2. Most recently outline planning approval for a crematorium with associated memorial garden was approved at planning committee in September 2016 for the site to the immediate west of this application site (ref; 16/0846/LAO).

## **SITE AND SURROUNDINGS**

3. The application site is situated on the corner of Junction Road (to the south) and Blakeston Lane (to the east). To the north of the site lies a railway line (running broadly east-west), beyond which lies undeveloped agricultural land with a golf course to the north east of the site.
4. On the opposite side of Blakeston Lane to the east is Blakeston Court which includes a series of buildings, open space and associated parking with two further residential properties (Blakeston Cottage & Blakeston House) to the south east. Immediately to the south are further residential properties which include those properties of Runfold and Radyr Close, while to the west lies the crematorium site with commercial and community uses beyond, which include the Roseworth Community and Social Club, Jewson, McDonalds and the Tesco Supermarket.

## **PROPOSAL**

5. Planning consent is sought for both a retail store and a residential development, these aspects form two separate permissions with full planning permission being sought for the retail store and outline permission (with all matters except the means of access) being sought for the residential scheme. These aspects are discussed further below;

### Retail store;

6. The retail store measures approximately 75m x 33m and has a maximum height of approximately 7.5 metres. The store design is relatively modern and reflects Lidl's new approach to store design and layout. The overall store will provide approximately 2,468 sqm of gross floor space, with a retail floor area of c.1424 sqm with the remaining floor space being utilised for storage and ancillary purposes such as office space. The vehicular access into the site is from Junction Road and a total of approximately 120 car parking spaces will also be provided.
7. Since the original submission revised plans have been received removing the second access of HGV from Blakeston Lane due to concerns over highway safety and providing a greater degree of landscaping to the site improving the frontage and providing screening to neighbouring properties.
8. The supporting documentation also sets out that the proposed discount foodstore aims to fill a gap in the discount convenience retail market in the area to the north of Stockton, including Norton and provide increased competition between retailers as the market is currently dominated by the Aldi store on Darlington Lane, Norton

### Residential development;

9. Outline consent is sought for the proposed residential development of circa 80 dwellings with all matters except for access which is to be taken from Blakeston Lane to the north of the existing junction of Blakeston Lane/Blakeston Court.
10. The proposed plans show a housing layout however these are indicative only and are produced only to demonstrate that a similar level of housing can be accommodated on the site.

## **CONSULTATIONS**

11. The following Consultations were notified and any comments received are set out below (in summary):-

**SBC Highways Transport and Environment** - Subject to the comments below the Highways, Transport and Environment Manager has no objection to the Hybrid planning application comprising 1) full planning application for A1 retail food store with car parking and associated ancillary development and 2) outline permission for circa 80 dwellings and associated access with all other matters reserved.

The impact of the proposed application on the highway network has been assessed by the applicant, within the Transport Assessment (TA) submitted in support of the proposed development, utilising the Council's North Stockton Aimsun Model (NorSAM). This modelling provides a more informed response regarding the impact of the proposed development on the wider network and the results show that the impact is negligible and therefore acceptable.

The proposed site access arrangements, for both the retail store and residential development, have been considered, taking account of the proposed access arrangements for the extant crematorium permission, and are considered to be acceptable. These accesses, as shown on Drawing 1412 PL105 E, would be secured through a s278 Agreement.

The applicant has submitted the framework for a Travel Plan in support of the proposed application, and this draft is considered to be broadly acceptable. The agreement of a final Travel Plan should be secured by condition.

A Construction Management Plan should be agreed prior to construction commencing on the site and this should be secured by condition.

Further consideration of frontage enclosure is required along with the retention of the existing hedgerow along the eastern site boundary to minimise the visual impact upon residents on Blakeston Lane but this may be conditioned.

A gas main is shown on the submitted plans, running parallel to the site boundary, and the impact of this on existing and proposed planting should be clarified prior to discharge of conditions on retention of the existing trees and hedgerows. An arboricultural method statement will also be required to minimise the impact of the development upon existing mature trees to be retained, however this may be conditioned.

No on-site Public Open Space is proposed and as a consequence the development would have an impact on nearby open space provision at Newham Grange Park and Redbrook Park. A contribution of £172,700, towards additional play facilities and associated infrastructure at Newham Grange Park, should therefore be secured via a s106 Agreement.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information can be secured by condition.

As details of the proposed renewable energy equipment is yet to be submitted this policy requirement can be secured by condition.

Detailed comments and conditions are included below in the appendices

**Environmental Health Unit** - have assessed the documentation provided and have found no grounds for objection in principle to the development given the proposed levels of mitigation including acoustic barriers although any future maintenance must be considered by the applicant given they may deteriorate over time. Planning conditions are recommended to address the following matters;

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

In terms of land contamination a Phase I Report has been submitted which recommends that stage II and stage III assessments are carried out, there are no objections to this approach.

**Spatial Planning & Regeneration** - The development plan is made up of policies from the adopted Core Strategy (2010) and saved policies from Local Plan Alteration Number One (2006) of which Saved Local Plan Policy REC1 and Core Strategy Policies CS5 and CS8 are considered to be most relevant.

The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

The NPPF and local planning policy protects the provision of open space and playing fields. Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land, should not be built on unless it is surplus to requirements, replaced or the need for alternative sport and recreational provision outweighs the loss of the current use. This site is identified as Blakeston School Playing Field (Outdoor Sports Facility).

However, in accordance with guidance in the NPPG the Council have undertaken a Playing Pitch Strategy (2015) which will replace this element of the SPD. This sets out that Stockton Council are supporting greater football participation by juniors on artificial grass pitches (AGP's). As such the former Blakeston School has been identified within the strategy as a 'disused/ lapsed' once AGP provision is sufficient to accommodate mini/youth football.

### Housing

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date. Furthermore, the minimum amount of affordable housing which should be provided as part of this proposal is 15%.

### Retail

The NPPF and local planning policy recognises the importance of town centres and supports their vitality and viability. Paragraph 24 of the NPPF states that planning applications for main town centre uses that are not in an existing centre require a sequential test. A Sequential Test has been carried out for this application to demonstrate there are no other town centre or edge of centre sites which are suitable and available.

The Tesco v Dundee Council Supreme Court appeal states that the guidance 'advises that developers and retailers should have regard to the circumstances of the particular town centre when preparing their proposals, as regards the format, design and scale of the development. As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale may fit better with existing development in the town centre. It is considered that the alternative sites included in the sequential test covers the potential opportunities in the borough for this proposal. However, there are some inaccuracies in the statement in regards to the site area and also the size of sites which have been considered.

In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

**Stockton Police Station** – Regarding the outline planning for residential development there are no concerns although it is expected that all roads and parking areas including any shared driveways would comply with the requirements of BS589:2013. In relation to lighting.

**National Grid** – National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified and it is advised that no further work is undertaken at this stage. The developer is advised that the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

**Northumbrian Water Limited** - Have no issues to raise in relation to surface water provided that the application is approved and carried out in accordance with the submitted document entitled "Flood Risk and Drainage Statement" which states that surface water from the retail store will discharge at a restricted rate of 41.4l/sec to the existing surface water sewer at manhole 4301, whilst surface water from the residential development will discharge to the existing culvert. It is requested that the Flood Risk and Drainage Statement forms part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

With regard to foul flows, a pre-development enquiry was submitted to Northumbrian Water for the retail store, but did not include the residential development therefore a condition is requested to cover this aspect.

**SBC Children, Education and Social Care** – The proposed site is located within the admission zone of Rosebrook Primary (soon to convert to academy status) which is almost at capacity as are a number of schools in the immediate vicinity of it. Whereas the nearest admission zone secondary is North Shore Academy, which is not full at the moment. The normal formula base calculation regarding education provision should be applied to any proposed housing.

**Natural England** – No comments on the application but advise that this application should be assessed for impacts on protected species using the relevant standing advice or consult your own ecology services. The lack of comment from Natural England is made on the basis that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**Tees Archaeology** - We note the archaeological assessment that accompanies this application which dates from 2014, since then further work has taken place on an adjacent site (Harrowgate Lane) this revealed no remains of archaeological importance and consequently the conclusion in the archaeological assessment therefore holds good.

**SBC Housing Services Manager** – The Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties. Core strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision states: Affordable housing provision within a target range of 15 – 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.

We note from the Design and Access Statement that the applicant is proposing a total of 84no dwellings, based on the proposed residential market site scheme of 84 units, 15 - 20% affordable housing would equate to between 13 and 17 affordable units. The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2012 a high priority will be accorded to the delivery of smaller houses and bungalows. The requirement for affordable housing would therefore equate to the following at 15% provision;

No. of units	Size	Tenure
12 Units	2 bed	9 x Rented 3 x Intermediate Tenure
1 units	3 bed	1 x Rented 0 x Intermediate Tenure

**Network Rail** - Further to previous advice relating to the above proposals for the Blakeston School site at Junction Road in Norton, we would like to thank the developers for the additional information supplied to analyse the impact of these proposals upon the level crossing. Whilst we feel the rail traffic volume is irrelevant to such an assessment (it only takes one train for a collision/incident on a crossing) we are satisfied that the additional information demonstrates that the proposals will have little or no impact upon the crossing from traffic generated from the new residential site and food store.

We are therefore happy to confirm that we remove our objection to the proposals although our remaining comments below would still apply in relation to the outline elements of the application for development of the residential site adjacent to the railway boundary. Whilst we appreciate that these comments are perhaps more appropriate for the reserved matters stage, they are included as a reminder of issues that will need to be taken into consideration (listed in summary)

- Drainage
- Fail Safe Use of Crane and Plant
- Excavations/Earthworks
- Security of Mutual Boundary
- Armco Safety Barriers
- Fencing
- Method Statements/Fail Safe/Possessions
- OPE
- Vibro-impact Machinery
- Abnormal Loads



- Encroachment
- Noise/Soundproofing
- Trees/Shrubs/Landscaping
- Lighting
- Access to Railway

**Sport England** – It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years. Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception E4, which states:

- E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development

However, the Council has recently undertaken a Playing Pitch Strategy in accordance with Sport England methodology; this identifies a shortfall of football pitch capacity which could be addressed through a transition of competitive play to the Borough's FA approved artificial pitches. Should this transition not be achievable then there is the option to bring unused grass pitch sites back into use.

In either scenario Sport England has accepted the Council's commitment to replace the opportunity (for increased pitch provision) afforded by the application site with new pitches at the former Norton School site should they be needed. This commitment was set out in a letter to Sport England dated 3rd August 2016 from the Director of the Council's Transformation Team in relation to the application (on the current site) for the creation of a crematorium. The commitment from the Council is relevant to the current application and allows Sport England to raise no objection as provision will be made (if needed) for this proposal to meet exception E4 of Sport England's playing field policy.

## **PUBLICITY**

12. Neighbours were notified by letter, by site notice and through a press advert which will allow for comments to be made until 2<sup>nd</sup> March 2017. Seven objections and one indication of support have been received, these are set out below:-

**Mr James Booth, 38 Buckthorn Crescent, Stockton-on-Tees** – Objects to the retail store as no need for another within the vicinity with three available within a mile of his property which more than cater for existing needs. The proposal also causes concerns with regards to litter, parking, traffic and access.

Traffic in particular is considered to be an issue on Junction Road which is a main route for emergency services in the area and further developments will compound the issue. The current traffic lights would also not be fit for purpose whilst parking is already an issue around the Blakeston Court area.

As a resident of the Elms, is familiar with living on a building site and doesn't relish living next to another site for several years and being inconvenienced by site vehicles once again. Is also concerned that this development will make it more difficult to sell their property and reduce the value of it. Also considers that the development will disrupt wildlife and hopes that sufficient green space will be provided

**Mrs Helen Hollins, 2 Skipper Grove, Stockton-on-Tees** – As a resident of The Elms has concerns that the existing Blakeston Lane/Junction Road junction struggles to accommodate the existing traffic and additional properties will also make matters worse. In addition, Junction Road is already heavily congested with many using the Glebe to avoid the traffic. This proposal will add to existing congestion on junction Road given the narrow points and heavy traffic causing difficulties to emergency vehicles. While the ghost right hand turn will impact on the highway like the one at Tesco's does to the nearby roundabout.

The existing drain at the corner of Blakeston Lane and Junction Road regularly over flows after heavy rain and obviously cannot cope, increasing the traffic, potential for litter from a store and the debris from a building site which may block the drain further and lead to an incident of someone being splashed by a car or lorry after a heavy rainfall whilst waiting at the pedestrian crossing.

Concerns are raised about the increase in residential dwellings and whether there is enough capacity within the local schools for additional children. The existing secondary schools require improvement although Bishopsgarth has recently been taken over by the Outwood Academy Trust but has not been inspected by Ofsted. Concerns are also raised as to whether there are sufficient housing sites within the local area, several of which are not fully sold so where is the evidence that there is a need for more housing in this area? Finally concerns about the impact on light pollution are raised.

**Miss Charlotte Davison, 41 Buckthorn Crescent Stockton-on-Tees** – A food store will bring increased footfall to the area, meaning increased litter, noise and less desirable behaviour such as crime and anti-social behaviour

Also considers that whilst Blakeston Lane manages the demands of The Elms traffic is not equipped to service a further 80 houses AND a fleet of delivery trucks. To suggest access is shared hasn't been thought through and will all inevitably affect the house prices.

Has lived (and continue to live) on a building site and has had enough.

**Mr John Moore, 4 Fritillary Place, Stockton-on-Tees** – Objects to the scheme as Blakeston Lane and the existing arrangements cannot accommodate increased traffic given that at present vehicles wait to turn right from Blakeston Lane onto Junction Road holding up traffic wanting to turn left or go straight ahead. Considers that the road needs to be widened to provide separate left-turn/straight ahead and right-turn lanes.

Blakeston Lane is quite narrow at the junction and one of the submitted diagrams in the Traffic Assessment shows that large vehicles trying to turn left into Blakeston Lane will track into the right-hand lane of Blakeston Lane.

**John W Latimer, 1A Countisbury Road, Norton** – Stockton BC has confirmed that it remains the owner of the site subject to 16/0846/LAO and now 16/2445/FUL. Planning Committee Members, in determining application 16/0846/LAO, had significant concerns with regard to the proposed access, which led to the access arrangements being deferred to a reserved matters application.

Planning Committee Members must have the opportunity to finally deliberate upon the access to planning application 16/0846/LAO before any decision is made on this application as should the red line boundary remain the same for planning application 16/0846/LAO then the access at reserved matters stage will remain

Reference is made to not consulting Sport England and the requirement for an up-to-date 5 year housing land supply figure.

Concerns are also raised in relation to the "Sequential Test" not being publically available and the nature of a 'hybrid' application being unusual. Further comments are made in relation to Stockton BC having an overriding interest given it is the vendor of the site and has total control over it by choosing whether or not to sell the site.

**Martin Robeson Planning Practice, On Behalf Of Tesco Stores** - Raise concerns about the out-of-centre foodstore particularly with regards to the sequential test and retail impact test

In terms of the Sequential Test it is considered that the 3.3ha stated includes the size of the entire application site, including the residential element and that these two elements are not reliant on one another. It is argued that the "Eastern Gateway site" is sequentially preferable whilst Northshore is also located a stone's throw from Stockton's Town Centre and the Wellington Square Shopping Centre.

In terms of the Retail Impact Test it is argued that the NPPG makes clear that the threshold for a retail impact assessment is specific to the gross external area (GEA), and given the site confirms that the GEA would be 2,573m<sup>2</sup> a retail impact test is relevant.

It is further argued that the delivery of Northshore regeneration area is of primary importance to the vitality and viability of Stockton-on-Tees Town Centre, and the success of the wider town and can be classed as planned investment in a centre, for the purposes of the NPPF. It is claimed that the Northshore marketing website identifies that foodstore investment is being sought on the Gateway site and that a discounter-type foodstore could be accommodated and this proposal could have an adverse impact on the landowners ability to attract the interest of a discount foodstore operator

Concerns are also raised in relation to the impact on town centre vitality and viability with serious concerns over the trade diversion analysis put forward by the applicant. This is as a result of the turnovers of existing stores being based on company average sales densities and not reflective of actual shopping patterns in the local area as this masks the possible underperformance of stores, and consequentially results in a very unreliable trade diversion analysis which can have more serious implications. Also the applicant has used Mintel

Retail Rankings 2015 instead of Mintel Retail Rankings 2016 which would produce a sales density figure of £6,995/m<sup>2</sup>.

**Mrs Eileen Shaw, Blakeston Cottage Junction Road** – Always led to believe that the land was to be used for housing and at no point was a retail outlet ever mentioned. This will bring additional traffic, pollution, noise and litter. Local residents deserve better.

**Ann Marie Jefferies, 33 Rosslare Road, Stockton-on-Tees** – Support is offered for the proposal although no comments are made.

## **PLANNING POLICY**

13. 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**

14. 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**

15. 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**

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

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.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

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.

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

- i) Thornaby centre
- ii) Billingham centre

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

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

### **Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing**

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area    Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

### **Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision**

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

\_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

\_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

\_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

### **Core Strategy Policy 11 (CS11) - Planning Obligations**

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

\_ highways and transport infrastructure;

\_ affordable housing;

\_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

### **Saved Policy HO3 of the adopted Stockton on Tees Local Plan**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### **Saved Policy REC1 of the adopted Stockton on Tees Local Plan**

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

- (i) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii) Alternative provision of equivalent community benefit is made available, or
- (iii) The land is not required to satisfy known local needs.

## **MATERIAL PLANNING CONSIDERATIONS**

16. 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;**

17. Given the hybrid nature of this planning application and the two very differing uses (retail and residential) consequently the principle of each use are therefore considered separately below. Nevertheless, 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.

### **Retail use;**

18. The NPPF provides specific guidance 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 with paragraphs 24, 26 and 27 dealing with the sequential assessment and impact tests. In terms of the development plan and local planning policies the retail store site is predominately on a previously developed site and lies within the limits of development. The site also lies outside any of the defined retail centres so from the planning policy perspective the main issue for consideration with regards to the acceptability of the proposal principally surround those within saved policy S2 of the Local Plan Alteration and CS5 of the Core Strategy which broadly reflect the approach of the NPPF and any implications for the defined retail centres.



#### Sequential Assessment:

19. The sequential assessment is set out within chapter 6 of the applicant submitted planning statement, within it are Lidl's requirements for a development site, these are;
- A site that can accommodate a store in excess of 2,500 sq. m (gross external area), to allow for 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 HGVs; and
  - 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.
20. It is known that Lidl's business model as are a deep discounter is based on maximum efficiencies at all stages in order that savings can be passed onto the customer. In addition 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. Nevertheless it is accepted that discount retailers such as Lidl and Aldi do operate differently to traditional supermarket retailers and that this result in limitations on the flexibility of their business model, such an approach has been established and accepted within appeal decisions across the country.
21. The sequential assessment considers a number of sites within or in close proximity to Stockton Town Centre, these include; Land adjacent to West Row/High Street, the Southern Gateway site (Tower Street), Eastern Gateway site (Church Road), the Former Swallow Hotel, Stockton High Street, land at Boathouse Lane, North Shore and the land at St Mark's, Teesdale. All of the premise are considered to either not be currently available or suitable for the proposed development and are therefore dismissed. The objection comments with respect to the Eastern Gateway site and North Shore are noted however this site cannot be considered to be available as it is identified as a site for a new hotel a view which is subject to a planning application currently under consideration. Consequently the submitted sequential assessment is considered to be a robust assessment at this time and is accepted on that basis.

#### Retail impact assessment:

22. The NPPF sets out a default threshold of 2,500sqm for a full impact assessment unless a locally set threshold exists (paragraph 26), although currently there is no such threshold within the development plan. Nevertheless the applicants have carried out a capacity and impact assessment to demonstrate that the proposed is acceptable in retail impact terms and this has been updated following concerns from an objector.
23. The submitted impact assessment has considered the key impact test such as those on existing, committed and planned investment in a centre(s) within the catchment area; the impact on town centre vitality and viability; and the impact on trade in the town centre and surrounding areas. It is identified that the proposal will have no significant impact on a new retail foodstore at the former Redhill Road library as construction of the unit is well underway

and the store will soon commence trading. The health checks on Stockton Town Centre, Billingham District Centre, Norton Local Centre and Redhill Road Neighbourhood Centre also identify that these centres are trading well and appear to operate with a good degree of vitality and viability while the new store would provide increased consumer choice.

24. In terms of expenditure capacity and trade diversions these are based on the 5-minute drive time catchment area from the proposed store. It is indicated that the catchment area is likely to produce a total of £70.53m of convenience retail expenditure in 2016, rising to £75.69m by 2021, and £126.40m of comparison retail expenditure in 2016, rising to £157.87m by 2021. Turnover of the store is also expected to be £5.47m for convenience goods at 2016, rising to £5.64m by 2021, and from comparison goods will be £1.37m at 2016, rising to £1.41m by 2021. The assessment goes on to identify that the biggest trade draw will be on out of centre stores such as; the Aldi on Darlington Lane, Norton (£1.36m); and the Tesco Extra on Durham Road (£1.21m). For comparison the diversions from the main retail centres are £0.70m from Stockton Town Centre; £0.30m from Norton Local Centre; and £0.24m from Billingham District Centre
25. Whilst comments in relation to undermining the planned investment the North Shore development are noted, this is a mixed use scheme of the fringes of Stockton Town Centre which is to comprise of a mix of residential, commercial and leisure based uses, some of which are already constructed and occupied. Whilst the outline consent includes an element of retail floor space, this is envisaged as being an ancillary element with the permission featuring a cap on the maximum overall level of both retail and leisure floor space at just over 8,000 sqm. This standalone retail store is therefore not considered to undermine the planned investment in this strategic regeneration scheme.
26. From the above it is evident that the biggest impacts are on rival supermarket operators which already have out-of-centre retail stores. Whilst noting the comments/views of the objector without any firm demonstrable evidence to indicate that the proposed store would have a significant impact on those retailers within centres or affect the overall vitality or viability of the Borough's defined retail centres there is considered to be insufficient grounds to warrant a refusal of the application based upon retail impact, on the basis of the figures identified above.

#### Residential Use:

27. As above the NPPF sets out the governments objectives for the planning system and includes a number of a core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 further outlines the importance that the government place on boosting the supply of housing, while paragraph 49 states that where a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. The Council at present can only demonstrate a 4.5 years supply of housing land (with the 20% buffer added). The provision of housing to address this shortfall therefore carries significant weight in favour to this proposal.
28. In line with the Council adopted SPD on planning obligations the proposed development is required to contribute towards the provision of social infrastructure where developments are likely to have an impact on the site. Such requirements relate affordable housing, education provision (should there be no spare school place capacity at the time of implementation) and open space and should be secured through heads of terms within the land sale or by planning condition.

Loss of Playing field/public open space:

29. The application site forms part of the former playing fields of Blakeston School and is allocated as playing field under saved policy REC1 of the adopted Local Plan. Furthermore, paragraph 74 of the NPPF is quite clear that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless it can be shown that it meets with one of three tests. In this instance the relevant tests are whether the land is surplus to requirements; or, can be replaced by equivalent or better provision in terms of quantity and quality.
30. Sport England have considered the application in view of the requirements of the NPPF and also their own policy to protect playing fields. However they comment that recently the Council has undertaken a Playing Pitch Strategy in accordance with Sport England methodology which identifies a shortfall of football pitch capacity that is to be addressed through a transition of competitive play to the Borough's FA approved artificial pitches or should this not be achievable to bring unused grass pitch sites back into use. In either scenario Sport England have accepted the commitment to replace the opportunity (for increased pitch provision) afforded by this application site, with new pitches at the former Norton School site should they be needed. Such a position was also accepted for the adjacent crematorium site and therefore it is considered that both the requirements of paragraph 74 of the NPPF and Sport England have been satisfied.

Associated Benefits of the proposal:

31. 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). These are all benefits which weigh in favour of the proposal.
32. Similarly and as indicated above the fact that the proposal will contribute towards the five year housing land supply is a significant benefit which weighs in its favour of the scheme. In addition the proposal will offer economic benefits through investment and job creation particularly during the construction phase, as well as social benefits through increased housing provision and choice.
33. However both of these elements need to be considered and balanced against those other material planning considerations, including the wider planning policy context.

**Visual Impacts;**

34. The immediate locality consists of a variety of residential properties which generally face out onto Junction Road, whilst they vary in design and appearance they are all generally of a two-storey scale and include newer residential properties on the former harpers garden centre site to the east. Commercial buildings are also located along Junction Road to the west of the site approximately 400m metres away. In view of these circumstances it is not considered that the surrounding area has a definitive character or style.
35. With regards to the retail store this will be set back from Junction Road and will be single storey, with a large sloping mono pitch roof. Its general design and appearance is considered to be contemporary with the western elevation being fully glazed. The remainder of the building will include white render and high level cladding panels, with a Louvre detail also featuring within the southern elevation. 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 both the front and rear of the store helping to provide a better frontage to Junction Road/Blakeston Lane and also a degree of screening to the future residential development. The final details of any such landscaping scheme including the retention of any existing trees and boundary enclosures can be secured via a planning condition and agreed at a future date. In view of the revised details and given that the overall variety of building styles within the immediate area, it is not considered that the proposed building will be significantly out of keeping or have such a significant impact on the overall character of the surrounding area that it would justify a refusal of the application.

36. In terms of the residential development, as above a number of residential properties face out onto Junction Road with the significant majority of these properties being two storey in height. The indicative site plan shows dwellings fronting out onto Junction Road and this is considered to be an essential requirement of any future residential development as is an appropriate boundary treatment. Nevertheless much of the associated visual impacts of this part of the scheme would be a matter for future consideration although it is considered that a suitable scheme could be accommodated on the site. Matters relating to hard and soft landscaping, means of enclosure and landscape maintenance will be for the reserved matters stage and therefore conditions on these aspects are not necessary at this stage.

**Amenity;**

37. With regards to the impact of the proposed retail development on the amenity of the neighbouring properties, the nearest properties to the site are those adjacent to the eastern (Blakeston Court and two cottages, Blakeston House and Blakeston Cottage) and southern boundaries (Runfold and Radyr Close). The proposed retail use would be in excess of 80m from the front of the residential premise which front onto Junction Road and approximately 28m from those fronting onto Blakeston Lane and the retail scheme is therefore not considered to have any significant impacts on the surrounding residents with regards to loss of light, privacy or appearing overbearing.
38. 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 and planning conditions are recommended with regards to the store opening hours and delivery times and therefore it is considered that the operations of the store would not give rise to any significant impacts on residential amenity that it would justify a refusal of the scheme.
39. The indicative drawings of the housing scheme suggest that a housing development would be approximately 70m from the properties on the opposite side of Junction Road and 25m from those on the opposite side of Blakeston Lane. It is therefore considered that a residential development can be accommodated without there being any adverse impacts on the amenity (including privacy being overbearing or causing a loss of light) of the neighbouring residential dwellings although the final details regarding site layout and the external relationships with existing properties would be a matter for future consideration at the reserved matters stage.
40. The proposed housing to the north and west of the proposed store would be significantly closer to the proposed store although details of the final layout would not be known until the reserved matters stage. However a 5m planting buffer would be proposed along with acoustic fencing and the Environmental Health Officers are satisfied that there will be no

significant impacts. Nevertheless a condition is recommended to secure an appropriate acoustic barrier and maintenance regime.

41. The internal relationships between the proposed dwellings would also be assessed at the reserved matters stage to ensure that acceptable levels of amenity are provided for future residents of the proposed development, likewise this would detail the final number of dwellings which could be accommodated on the site although 80 is considered to be the upper limit given the description of the application.
42. Planning conditions can be imposed to address short to medium term impacts (i.e. dust and noise) associated construction activity should the development be approved and is not considered to be sufficient enough to warrant a refusal of the application.

#### **Access and Highway Safety;**

43. The applicant has submitted a Transport Assessment (TA) in support of the proposed development which has utilised the Council's North Stockton Aimsun Model (NorSAM). The Highways Transport and Environment Manager has considered this report and comments that the results show that the impact of the proposed development on the highway network is negligible and therefore acceptable.
44. The proposed site access arrangements, for both the retail store and residential development, have been considered, and have taken into account the extant crematorium permission, these access arrangements (including the widening of Junction Road to accommodate a protected right hand turn) are considered to be acceptable although the final details would be secured through a s278 Agreement.
45. Planning conditions would also be required for a Travel Plan and Construction Management Plan and these are recommended accordingly.

#### **Flood Risk**

46. The proposed development is in a Flood Zone 1 and the Environment Agency's map shows a risk of surface water flooding across a large part of the site. The Council's Flood Risk Management team have assessed the proposal and have commented that at this stage insufficient information has been provided regarding the management of surface water runoff from the proposed development and this information should be secured by condition. A condition is recommended accordingly

#### **Protected species;**

47. The application is accompanied by an Ecology, Habitat and Protected Species Assessment which outlines that no protected species have been recorded within the site although recommendations are made with respect to the retention of hawthorn hedges and mature trees on the eastern boundary or that any loss is mitigated and the any removal of trees, hedges and, potentially, grasslands should not take place during the bird breeding season February to July (inclusive).
48. In view of the findings within the submitted report and also within Natural England's response it is considered that the site is considered to have limited ecological value and that the proposed development will have no significant impacts on protected species. A planning

condition is however recommended so that the development is carried out in accordance with the recommendations of the ecological assessment.

**Features of Archaeological interest;**

49. An archaeological assessment has been submitted with the application and outlines that very little material of archaeological significance has been found within the study area with any features of interest relating to with the railway or with the 18th century farmhouses, none of which would be affected by the proposed development. Tees Archaeology have considered the submitted report and comment that although this dates from 2014 the conclusions hold good and therefore the scheme does not have any significant impacts on features of archaeological interest.

**Public Safety;**

50. In addition the site is located in close proximity to a railway (running broadly east/west) and therefore there is a requirement to consider the impacts of the proposed development on the safety of the railway. Network Rail have considered such issues including the proximity of the proposed access and degree of traffic and following the receipt of further information (particularly in respect of the level crossing) are satisfied that the proposals will have little or no impact upon the crossing from traffic generated from the new residential site and food store. A variety of comments with regards to specific issues are made although many of these relate to matters more appropriate for the reserved matters stage although any relevant matters are covered by planning conditions.

**Anti-social behaviour;**

51. 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 objectors may consider that the proposal would give rise to anti-social behaviour it is noted that Cleveland Police have no objections to the proposal. Consequently there is no evidence before the Local Planning Authority which would indicate that the proposal would give rise to crime or anti-social behaviour as it would be no different to any other retail or residential development within the area. In the event that any instances arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.

**Residual matters;**

52. Whilst it is noted that an objector considers that the sequential assessment is not available on line this is not the case as it forms part of the planning statement and is publically available and has been since the submission of the application.
53. Although the comments of an objector with regards to the merits and control the council have over the sale of the site are noted, this is not a material planning consideration. This application has been considered against the relevant planning policies and material planning considerations set out within the report and any recommendation is made with regards to the overall planning balance.
54. Matters relating to a loss of property value are not a material planning consideration and cannot be taken into account when determining this application.

**CONCLUSION**

55. The application site is located with the limits to development and is considered to be a sustainable site. Whilst the proposed developments will result in the loss of playing fields

Sport England are satisfied that the Council is committed to ensuring sufficient playing pitches will remain elsewhere within the Borough and the proposal is considered to accord with the requirements of paragraph 74 of the NPPF.

56. The proposed retail store is considered to satisfy the requirements of national and local planning policy guidance and will not have any detrimental impacts on the vitality and viability of the Borough's retail centres. In addition the proposal is considered to have some social and economic benefits which weight in its favour and outweigh any limited harm that would arise.
57. In terms of the housing, the Council is only able to demonstrate a 4.5 years housing land supply the provision of housing to address the shortfall in the 5 year housing land weighs in favour of the scheme. As this application seeks only outline planning consent the final details will be subject to a future application although it is considered that a form of residential development can be accommodated on the site without significantly affecting the character of the area residential amenity or highway safety and is therefore acceptable.
58. In view of the above considerations the proposed development is therefore considered to be in broad accordance with the relevant national and local planning policies and is considered to be accepted in planning terms with regards to the other material planning considerations. However, in view of a press advert and associated consultation which is yet to expire (2<sup>nd</sup> March 2017) it is recommended that Members be minded to approve the application subject to no new material planning considerations being raised and subject to those conditions set out in the report above.

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

#### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Roseworth</b>
<b>Ward Councillor(s)</b>	<b>Councillor J Beall</b>
<b>Ward Councillor(s)</b>	<b>Councillor Miss B Inman BEd BA ADPSE</b>

#### **IMPLICATIONS**

##### **Financial Implications:**

As the Stockton Borough Council is the current landowner of the site it stands to benefit financially from the uplift in land value and potential sale of the site following the grant of any planning consent.

##### **Environmental Implications:**

The proposal relates to a retail and residential development. The visual impacts, along with matters relating to the impacts on residential amenity (including potential noise and disturbance) are considered and addressed within the report, although in this instance they are not considered to have any significant impacts.

##### **Human Rights Implications:**

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

##### **Community Safety Implications:**

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

**Background Papers**

Stockton on Tees Local Plan Adopted 1997  
Alteration Number 1 to the Adopted Local Plan – 2006  
Core Strategy – 2010

**Supplementary Planning Documents**

SPD1 – Sustainable Design Guide  
SPD2 – Open Space, Recreation and Landscaping  
SPD3 – Parking Provision for Developments  
SPD6 – Planning Obligations  
SPD8 – Affordable Housing  
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