

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

6 FEBRUARY 2019

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

18/2404/FUL

Land To The East Of Bridge Road, Stockton-on-Tees, TS18 3AD

**Application for the erection of a food store with associated car parking and landscaping
(Demolition of existing buildings)**

Expiry Date 28 February 2019

SUMMARY

The application site is bound to the west by the High Street / Bridge Road, which runs north/ south through Stockton Town Centre, and to the east by the A1305 Riverside Road and the River Tees. To the north is the Castlegate Centre and Swallow Hotel. To the South is St Johns Crossing. Extending to 0.83 ha it is an irregular rectangular shape and is currently occupied by a number of buildings that are located along Bridge Road that include hot food takeaways, offices and retail units. The remaining part of the site is made up of hardstanding car parking with some landscaping located on the south eastern corner of the A1305 and Riverside.

The Site is within the defined development limits of Stockton Town Centre and in line with Policy EG1 has been identified as a mix use development site. Part of the Site is within the Stockton Town Centre Conservation Area. The Site is within Floodzone 1 and at a very low risk of surface water flooding.

Full planning permission is sought for the demolition of the existing buildings and erection of a Lidl store measuring 2,086 sqm gross external area (GEA) with a net sales area of 1,300 sqm, (Use Class A1) and associated works including parking (123 no. parking spaces including 8 disabled spaces, and 8 parent and child spaces), along with secure cycle parking underneath the store entrance canopy and landscaping.

The application has not received any letters of support or objection as a result of the public consultation, it is also noted that as a result of Lidl's Public consultation the proposal generated very little public engagement with only one objection being received. No objections have been received from any of the technical consultees.

It is considered that given the nature of the proposal and the business model that the proposed development satisfies the requirements of planning policy, and would bring a much needed foodstore into Stockton Town Centre. The business model is such that there is no evidence that the development would have any significant detrimental impacts on the vitality and viability of Stockton Town Centre. The proposed development is also considered to be acceptable in all other regards.

RECOMMENDATION

That planning application 18/2404/FUL be approved subject to the following conditions and informatives and detailed below;

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

Plan Reference Number	Date on Plan
A(90)GAP012 REV 1	15 October 2018
A(90)GAE001_REV5	25 October 2018
A(90)GAP001_REV3	31 October 2018
A(90)GAP002_REV1	15 October 2018
A(90)GAP010 REV 16	22 January 2019
A(90)EXP010_REV4	15 October 2018

Reason: To define the consent.

02 The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

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

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10, Local Plan Policy ENV4 and the National Planning Policy Framework.

03 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk & Drainage Impact Assessment Revision C dated 12/12/2018 and the following mitigation measures detailed within the FR&DIA.

- The discharge rate is restricted to 17l/s for all storm events.**
- The design of the surface water management system should have sufficient storage within the system to accommodate a 1 in 30 year storm and shall also ensure that storm water resulting from a 1 in 100 year event plus 40% climate change surcharging the drainage system can be stored on site.**

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10, and the National Planning Policy Framework.

04 No development shall take place (except for the purposes of constructing the initial site access) until that part of the access(es) extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Reason: In the interests of highway safety.

05 No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority.

This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- (i) Commencement of the development;**
 - (ii) or agreed phases;**
 - (iii) or prior to the occupation of any part of the development;**
- and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.**

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

- 06 No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.**

This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA 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.

- 07 No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.**

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publically accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period

followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

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

- 08 Prior to the commencement of development, details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenity of the locality.

- 09 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, (whichever is applicable) prior to the commencement of development, details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality

- 10 Recording of a heritage asset through a programme of historic building recording and archaeological works

A) No demolition or development shall take place/commence until a programme of historic building recording and archaeological works, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.'

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

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

Reason: In the interest of highway safety and to protect the amenity of occupiers of the surrounding buildings.

- 12 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

Reason: Possible land contamination and risk to potential users.

- 13 An intrusive site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- a survey of the extent, scale and nature of contamination;**
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;**
- an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's ' Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Possible land contamination and risk to users

- 14 No development shall take place, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan shall provide details of:**
- (i) the site construction access(es)**
 - (ii) the parking of vehicles of site operatives and visitors;**
 - (iii) loading and unloading of plant and materials including any restrictions on delivery times;**
 - (iv) storage of plant and materials used in constructing the development;**
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,**
 - (vi) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers, to avoid the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;**
 - (vii) measures to control and monitor the emission of dust and dirt during construction;**
 - (viii) a Site Waste Management Plan;**
 - (ix) details of the routing Within each of associated HGVs including any measures necessary to minimise the impact on other road users;**

(x) measures to protect existing footpaths and verges; and a means of communication with local residents.

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

Reason: In the interests of highway safety and residential amenity.

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

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

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

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

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

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

- 19 The development hereby approved, shall be built out in full accordance with the Discussions and Recommendations Chapter 5 of the Preliminary Ecological Appraisal as received by the Local Planning Authority on the 15th October 2018.

Reason: In compliance with the requirements of the NPPF.

- 20 The development hereby approved, shall be built out in full accordance with the Sustainability Statement as received by the Local Planning Authority on the 21 November 2018.

Reason: In compliance with the requirements of policy ENV1 of the Local Plan and the NPPF.

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.

Informative: s278 Works outside of the Site.

The developers attention is drawn to the requirement of a s278 agreement which may include alterations to highways, footway and landscape improvement that lies outside of the red-line boundary of the application site.

Informative: Hard Landscaping

The proposed hard landscaping to the rear of the store on Bridge Road should reflect the hard landscaping of the adjacent areas of public realm, as this area relates to Bridge Road rather than the store

Informative: Surface Water Discharge Guidance

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to 17l/s with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations; 1 in 30 year event; 1 in 100 year plus 20% climate change and 1 in 100 year plus 40% climate change.

- Drainage systems can be designed to include a 20% allowance for climate change;
- A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
- If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

Informative: Crime Prevention and Community Safety

The applicant is advised to implement the suggestions, where practical, from the Architectural Liaison Officer received by the Local Planning Authority on the 22nd November 2018.

Informative: British Gas

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

Informative: Asbestos

The buildings concerned were built before 2000 and therefore likely to contain asbestos material. The applicant's contractor should prepare a site specific Asbestos Survey of the buildings in advance of construction/demolition work. The survey should be carried out by a suitably qualified person, and provide sufficient information for an asbestos register and plan to be prepared, a suitable risk assessment to be carried out and a written plan to manage the risks to be produced.

Informative: Northumberland Water

We can inform you that multiple assets cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Informative: Archaeology

The developer is advised to contact Tees Archaeology in relation to the condition of for the recording of a heritage asset through a programme of historic building recording and archaeological works, to discuss the specific requirements as outlined within the consultation response.

BACKGROUND

1. 06/1440/OUT Outline application for development of Class A1 Retail foodstore, other commercial uses within classes A1, A2, A3, A4 and A5, replacement car parking. Approved. No reserved matters application was forthcoming.
2. 18/2583/ADV Advertisement consent for 3no. internally illuminated fascia signs, 2no. non-illuminated hoarding signs, 3no. externally illuminated hoarding signs and 1no. internally illuminated flagpole sign. Pending Consideration.

SITE AND SURROUNDINGS

3. The application site (hereby referred to as the Site) is bound to the west by the High Street / Bridge Road, which runs north/ south through Stockton Town Centre, and to the east by the A1305 Riverside Road and the River Tees. To the north is the Castlegate Centre and Swallow Hotel. To the South is St Johns Crossing (a site location plan is attached at Appendix 1.)
4. The site extends to 0.83 ha and is irregularly rectangular in shape and is currently occupied by a number of buildings that are located along Bridge Road that include hot food takeaways, offices and retails units. The remaining part of the site is made up of hardstanding car parking with some landscaping located on the south eastern corner of the A1305 and Riverside.
5. The Site is within the defined development limits of Stockton Town Centre and in line with Policy EG1 has been identified as a mix use development site. Part of the Site is within the Stockton Town Centre Conservations Area. The Site is within Floodzone 1 and at a very low risk of surface water flooding.

PROPOSAL

6. Full planning application for the demolition of the existing buildings and erection of a Lidl store measuring 2,086 sqm gross external area (GEA) with a net sales area of 1,300 sqm, (Use Class A1) and associated works including parking (123 no. parking spaces including 8 disabled spaces, and 8 parent and child spaces), along with secure cycle parking underneath the store entrance canopy and landscaping.
7. Lidl defines its service as different to the majority of food retailers as a discount retailer they do not offer their customers the following services:
 - Fresh meat counter
 - Fresh fish counter
 - Delicatessen/cheese counter
 - Hot food counter

- Pharmacy
 - Dry-cleaning service
 - Post Office services
 - Photographic shop
 - Mobile phone shop
 - Café/restaurant
 - Home deliveries
8. The proposed Lidl store would employ up to 40 staff in store. Lidl has a policy of employing local people from all backgrounds to work in their stores. This allows for a short commute to work and for staff to potentially work at short notice. The company is an equal opportunities employer with a strong social inclusion policy.

CONSULTATIONS (in summary)

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

Highways Transport and Design Manager General Summary

Subject to the comments and conditions set out below the Highways, Transport and Design Manager has no objections to the proposed application for the erection of a food store with associated car parking and landscaping (Demolition of existing buildings).

Tees Archaeology

The applicant has provided a heritage assessment for the site of the proposed development, in accordance with the NPPF (para 189). Heritage and archaeology are also discussed in the Planning Statement for the application.

I agree with the conclusion of the heritage assessment that the proposed development will have no significant impact on either the Stockton Conservation Area to the north, or the Grade II listed Holy Trinity church to the west.*

The proposed development will have an impact on 25 Bridge Road, which will be demolished. Although this building is a heritage asset within the Conservation Area, I have no objection to the loss of the building, as it is an isolated survivor of the Victorian buildings in this area. To mitigate the loss of the building I recommend that historic building recording (Level 2) is carried out prior to demolition (NPPF para 199).

The site of the proposed development lies within the precinct of the medieval Stockton castle. The eastern part of the proposed new store is currently comprised of parking and road surfaces. Given the potential for archaeological remains relating to the medieval castle, evaluation by trial trenching should be undertaken in this area (NPPF para 189).

I broadly agree with the conclusion of the heritage assessments that the eastern part of the proposed development comprising the car park is unlikely to impact below the depth of former modern disturbance. Further information on the depth of modern disturbance will be gained from the trial trenching and any geotechnical investigation that is undertaken. As a result it may be appropriate to conduct archaeological monitoring during construction.

The western part of the proposed new store is currently occupied by a mixture of Victorian and more modern buildings which have replaced earlier buildings. Excavation to the northeast in 1966 (Tees Archaeology Event 1229) indicated that the Victorian buildings in this part of the town were not cellared. The frontage of 25 Bridge Road, however, indicates that the buildings

along this frontage were at least partially cellared. At present it is not possible to assess the potential for survival of archaeological remains in this area. It may be appropriate to conduct archaeological monitoring during construction.

I would be happy to provide further advice regarding this.

Historic Building Officer

Has verbally responded and the comments have been addressed in the latter section of this report.

Principal Environment Officer

Thanks for the sustainability statement which covers everything I would need and demonstrates that the proposals would be compliant with the policy on energy and emissions so that's great.

Northumberland Water

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk And Drainage Impact Assessment". In this document it states the foul flows shall discharge to the foul sewer at manhole 6521, whilst the surface water flows shall discharge to the surface water sewer at manhole 6503 at a restricted rate of 5 l/sec.

SBC Floodrisk

The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority.

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works.

Environmental Health Unit

I have assessed the application, and note that a desk top study to assess the risks of potentially contaminated land shall be required prior to the application being approved. I would recommend that the following conditions be imposed on the development prior to approval;

- Possible land contamination*
- Submission of land contamination Remediation Scheme*
- Construction and Demolition*
- Dust Emissions*

Architectural Liaison Officer

I have the following comments proposed cycle stands should be located as close to main entrance as possible and in all cases clear view is provided from inside of shop premises. I presume there is a cash point proposed this should be located away from building corners. Any cash machine should be well lit and have CCTV coverage of use of the facility.

Measures should be in place to prevent ram raid to cash machine. Shoplifting has the potential to be a problem and measures put in place to deter offenders these measures will included installation of an effective CCTV of suitable quality to identify offenders, shop layout and

effective use of security personal/ staff. Office areas need to be secure to deter casual unauthorised entry. Intruder alarm system installed to requirements for a Police response.

Building shell should offer effective physical security and recess doorways where possible should be avoided. Preventive measures should be in place to deter ram raid attack to entrance doors. Use of laminated glazing to doors and ground floor/ easy accessible windows min 6.4mm is recommended. Doors that meet requirements of PAS24:2012 or similar standard under LPS 1175 would offer a good level of protection.

Externally car park and foot path areas should be well lit and have good surveillance from nearby main roads and public areas.

At the time of writing the following consultation response are still outstanding;

- Land and Property Services
- Northern Powergrid
- SBC Care For Your Area
- The Environment Agency
- Spatial Planning & Regeneration
- Councillors

PUBLICITY

10. Neighbours were notified and publicity has been given to the application through a site notice and press advert. At the time of writing no written representations had been received.

PLANNING POLICY

11. 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 Plans for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Local Plan as adopted on the 31st January 2019.

12. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

13. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

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

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

15. The following paragraphs from the NPPF (July 2018) are considered relevant to the determination of this application;

Para 38 Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Para 80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Para 85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;

Para 86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Para 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Para 124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Para 153. In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Para 189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Para190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.

Para 193. When considering the impact of a proposed development on the significance of a designate (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁶³.

Para 195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Para 200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Para 201. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Para 202. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Local Planning Policy

16. The following planning policies are considered to be relevant to the consideration of this application.
17. The Local Plan has been through examination and has been found to be sound, whilst at the time of writing the Local Plan had not been formally adopted it is expected that it will be at the time a decision is made and therefore the Policy assessment has been based on the emerging Local Plan.
18. The key policies of which the application will be considered against are set out below;

SD1 – Presumption in the Favour of Sustainable Development

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

SD2 – Strategic Developments Needs

5. To meet the Town Centre use needs of the Borough, there is a need for:

- a) Up to 2,950 sqm of convenience retail floorspace by 2031/2032.
- c) Economic growth proposals which improve the quality, range and choice of retailers in Stockton Town Centre and Billingham District Centre.

SD4 – Economic Growth Strategy

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

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

10. Stockton Primary Shopping frontage will be in the main location for new retail development to 2032, whilst the wider Town Centre will be the main location for new leisure and economy uses.

SD5 – Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a. Ensuring that development proposals adhere with the sustainable design principles identified within policy SD8.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
 - a. Directing development in accordance with policies SD3 and SD4.
 - c. Supporting sustainable water management within development proposals
 - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
 - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
 - g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
 - h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:
 - a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.
 - b. Ensuring monitoring of the historic environment is regularly undertaken.
 - c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.
 - d. Supporting proposals which positively respond to and enhance heritage assets.

SD8 – Sustainable Design Principles

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

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

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

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

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

EG1 – General Employment Sites

4. The following sites within Stockton Town Centre are allocated for major mixed use developments, including an appropriate mix of all main town centre uses and or residential development:

5. Land to the rear of 90 to 101a High Street, Stockton.

6. Southern Gateway, Stockton.

EG2 – Managing Centres

MAINTAINING VITALITY & VIABILITY

1. The Council will seek to maintain and enhance the vitality and viability retail function of units in of all centres in the Town Centre Hierarchy, as defined in Policy SD4, and represented on the policies map. Proposals for the change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:

a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and

b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and

c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre;

2. In addition to the above, within town, district and local centres the Council will support proposals for food and drink (Use Classes A3, A4 and A5) and other evening economy uses providing the activities in the area do not result in a harmful over-concentration of that use, either as a proportion of the centre overall or as a cluster within the centre.

STOCKTON TOWN CENTRE

3. The Primary Shopping Area, as defined on the policies maps, will continue to be the main town centre shopping location in the Borough. The Council will aim to retain and enhance the retail function of the town centre whilst seeking a reduction in the number of vacant ground floor commercial units. In addition to the criteria above, the vitality and viability of the Primary Shopping Area will be maintained and enhanced by:

b. Resisting development proposals that would result in a harmful over-concentration of non-retail uses to the detriment of the vitality and viability of the Primary Shopping Area; and

c. Resisting proposals for ground floor residential development within the Primary Shopping Area; and

d. In order to consolidate the retail offer of the centre, encouraging proposals which reduce the proportion of retail uses (Use Class A1) in the wider town centre, outside the Primary Shopping Area, that provide opportunities for a wider variety of town centre uses, including offices (Use Class B1), hotels (Use Class C1) and assembly and leisure (Use Class D2).

EG3 – Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the policies maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre; then,
- c. Sites within the ground floor shopping frontages of the District Centres; then,
- d. Sites within the boundaries of the District Centres; then,
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
- f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
- g. Sites within the Local Centres; and finally,
- h. Sustainable out-of-centre locations within the limits to development.

ENV1 – Energy Efficiency

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

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

Non domestic

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

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

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

ENV4 – Reducing and Mitigating Flood Risk

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

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

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

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;

Flood risk is not increased elsewhere and will where possible, reduce flood risk overall;

- b. Foul and surface water flows are separated;

c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and

d. SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

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

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

c. To a sewer.

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

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

HE2 – Conserving and Enhancing Stockton’s Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.

2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with policy SD8, other relevant Development Plan policies and prevailing national planning policy.

4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred.

5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences.

9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.

10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.

11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.

12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.

MATERIAL PLANNING CONSIDERATIONS

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

Procedure - Environmental Impact Assessment

20. The development does not fall within Schedule 1 of the Regulations. The development is Schedule 2 Development falling within the description of Part 10(b), the development does not exceed 1 hectare of urban development, the relevant indicative threshold in Column 2 of the table and therefore is not required to be appraised against Schedule 3. It is the opinion of the LPA that the development does not compromise EIA development.

Procedure - Community Engagement

21. Whilst community engagement is encouraged there is no formal requirement for applicants within the Localism Act 2011 to carry out a public consultation. Stockton on Tees Local Plan, Statement of Community Involvement(3) strongly encourages developers to engage in a robust public consultation.
22. The applicant has submitted in support of this application a Statement of Community Involvement (SCI). The approach taken and the extent of the consultation is considered to be reasonable and proportionate.
23. The consultation generated only a 3% response rate out of 2,803 residents contacted. 56 of the respondents were in support and 3 against. The principle concern relates to the impact on the Town Centre.

Principle of Development;

24. The Site is within the defined Development Limits of Stockton Town Centre and in line with Policy EG1 has been identified as a mix use development site. Policy EG2 seeks to reduce retail development of retail (Use Class A1) outside of the Primary Shopping Area, in an attempt to consolidate the retail offer of the centre, encouraging proposals which reduce the proportion of retail uses in the wider Town Centre, outside the Primary Shopping Area, that provide opportunities for a wider variety of town centre uses, including offices (Use Class B1), hotels (Use Class C1) and assembly and leisure (Use Class D2).
25. Whilst EG2 seeks to limit retail development outside of the Primary Shopping Frontage it does not seek to prevent it. Lidl's Business Model is such that it is not considered that it would undermine the other functions within the Town Centre, rather it is considered to supplement and enhance the current offerings. The current use of the Site offers little draw for footfall from the main section of the high-street. However, it is considered that by the nature of the proposed store this will assist in drawing footfall down the high-street, which will in turn hopefully benefit existing businesses within the vicinity.
26. The lack of food store provision within Stockton Town Centre is a material consideration of which great weight has been attributed in determining the principle of this application. Para 92. of the NPPF seeks to ensure that LPA's support developments which will provide the social, recreational and cultural facilities and services the community needs, planning positively for amongst others community facilities such as local shops. Furthermore, Para 85-89 of the NPPF also states that LPA's should focus retail within the Town Centres, focusing on ensuring the viability of Town Centres.
27. Notwithstanding any other material planning considerations, it is accepted that the provision of a new food store would offer both economic and social benefits through the investment value in constructing the store, increased consumer choice and associated job creation (both pre and post construction) are all benefits which weigh in favour of the proposal, although they need to be balanced against those other material planning considerations, including the wider planning policy context.

Access and Highway Safety

28. The proposed development will provide a total of 123 parking spaces for both staff and customers, with 8 being built to a disabled standard, along with 8 parent and child parking spaces. There will also be 5 Sheffield cycle stands to accommodate 10 cycle spaces.

29. The proposed development provides a site layout designed in accordance with current best practice to accommodate pedestrians and cyclists with designated access from the north, south and east of the site.
30. The Agent has confirmed that the parking will be control by a Number Plate Recognition Cameras. It is anticipated that parking in the associated car park will be limited to either 90 or 120 minutes.
31. The Highways Transport and Design Manager has confirmed that following the receipt of the revised site layout, there are no highways objections to the proposed development.

Historic and Archaeology

32. As set out within the Site and Surrounding section of this report part of the Site falls within the Stockton Conservation Area. The Conservation Area focuses on the High Street and surrounding streets and yards. It contains one Grade I, 66 Grade II* and 12 Grade II listed buildings as well as further undesignated historic buildings. The Conservation Area was designated in 1974 for its historic significance and attractive market town character.
33. The Heritage Impact Assessment (HIA) acknowledges that the development will permanently and irreversibly remove No. 25 Bridge Street, which has been included within the Conservation Area because its aesthetically historic nature is considered to contribute towards it, rather than because of its intrinsic value.
34. The Historic Buildings Conservation Officer has been consulted and has commented that whilst it is always the aim to retain heritage assets in line with Para 201 of the NPPF, not all elements of a Conservation Area will necessarily contribute to its significance. The loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under NPPF paragraph 195 or less than substantial harm under NPPF paragraph 196, as appropriate. It is agreed that that No.25 does, through its presence and aesthetic contribute to the Conservation Area, the designated heritage asset, it is however not considered to intrinsic to it. The loss of the building is therefore considered to be less than substantial as set out in paragraph 196 of the NPPF.
35. Due to the wider site constraints, the location of the store and required service area, it is not possible to facilitate the retention of No.25. In applying NPPF para 195 the wider social and economic benefits which would be facilitated through the re development of the wider site would outweigh the loss of the historic building in this instance. Tees Archaeology have also supported this assessment, however a condition has been requested in relation to Historic Building Recording to Level 2 Prior to demolition.
36. In considering the impact the proposed development would have on the setting of the Conservation Area NPPF Para 190 requires that LPA's *to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal.*
37. With the exception of No.25 the existing built form, to be demolished is outside of the Conservation Area and is not considered to contribute to or preserve the setting of it. The proposed development would present a new elevation to Bridge Street, replacing the building, the modern buildings to the north which do not contribute positively to the frontage, and the buildings to the south. The new elevation will be rendered white, with a grey plinth and a series of grey columns, combined with false glazing along its length, designed to break up and provide activity to the continuous frontage. The scale and massing of the store is considered to be in keeping, if not an improvement to the existing frontage and wider built form.

38. Church of Holy Trinity Grade II* listed building (LB 13294890) is the only listed building within the vicinity of the site, the majority of listed buildings being present within the centre of the Conservation Area to the north. The stone ashlar church was built between 1837 and 1838 by John and Benjamin Green. As a Grade II* listed building, the church is nationally important. The derelict church is surrounded by the greenspace of its churchyard; this directly relates to its original use and is an integral part of its setting. Mature trees within the churchyard contribute to its character. Much of the surrounding landscape has changed with urban development from the later 19th century, but it can still be understood in relation to its original function. The physical separation from the development by a major road, and the inter visibility between the development and the church will not further impinge on its character or significance than already existing.
39. The proposed development is not, on balance, considered to harm the setting of the Conservation area or Grade II* Listed Building, but it would result in a loss of a historic building within Stockton Town Centre. However, when weighing up the wider public benefits of the proposed development these are considered to outweigh the loss of the historic building. It is also noted that in 2006 Outline permission was granted for the redevelopment of the whole of the land now identified as a mixed use site within the Local Plan.

Archaeology

40. The Site of the proposed development lies within the precinct of the medieval Stockton castle. The eastern part of the proposed new store is currently comprised of parking and road surfaces. Given the potential for archaeological remains relating to the medieval castle, evaluation by trial trenching should be undertaken in this area (NPPF para 189).
41. The western part of the proposed new store is currently occupied by a mixture of Victorian and more modern buildings which have replaced earlier buildings. Excavation to the northeast in 1966 (Tees Archaeology Event 1229) indicated that the Victorian buildings in this part of the town were not cellared. The frontage of 25 Bridge Road, however, indicates that the buildings along this frontage were at least partially cellared. At present it is not possible to assess the potential for survival of archaeological remains in this area. It is therefore considered appropriate to conduct archaeological monitoring during construction. An appropriately worded condition has been recommended to be attached to an approval.

Character of the Area

42. The Site forms the Southern Gateway, situated upon a prominent corner within Stockton Town Centre. With the exception of No.25 the buildings to be demolished are large flat roofed buildings which do not contribute to the wider Stockton Town Centre or the Conservation Area, therefore there is no justification for their retention and no objection is raised to their demolition. Stockton Town Centre has a wide range of building styles and size. The most prominent building being the Castlegate Building to the north of the Site which dominates the entrance to Stockton, acting as a visual barrier.
43. The proposed building would be single storey and have a mono pitch roof which would maximum height of 7.3m and 5.5m at the lowest. The overall scale and massing is considered to be acceptable. Whilst the proposed design is contemporary in comparison to its surrounding the use of render is judged appropriate.
44. The building has been designed with the glazed gable fronting the St Johns interchange, it is considered that this along with the car park to the east opens up the Site and encourages engagement, utilising its position at the Southern Gateway to increase the interconnectivity between the Site and Town Centre.
45. The proposed development would result in the loss of some landscaped area which surrounds the existing public car park, and whilst the proposed development would retain a landscape

buffer a significant portion of the Site would be principally hard landscaped to provide the additional required car parking. However, the proposed landscape buffer is considered sufficient to assist in softening the development into the wider area.

46. On balance the proposed development the improvement to the physical built form and the opening up of the site as a Southern Gateway is therefore considered to be visually acceptable, accords with Policy SD8 and will not have an adverse impact on the character of the area so as to justify a refusal of the application.

Foul and Surface Water

47. The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.
48. Subject to the imposition of the recommended conditions it is considered that the proposed development can be accommodated on the Site without causing an increased risk of flooding.

Amenity

49. The Site lies within Stockton Town Centre where there are a range of retail and leisure uses. There are no residential properties within the immediate vicinity of the site and those that are in the outlying area are a significant distance from the Site. The application has been support by a Noise Survey and as set out within the Consultation section of this report Environmental Health Officers are satisfied that the assessment results shows that with reference to the predicted noise results there shall be No Observed Effect Level (NOEL) and that mitigation measures shall not be required. No objections are raised to the proposed hours of use.
50. Subject to the recommended conditions in relation to the demolition and construction phase, it is considered that the proposed store is compatible with the surrounding uses and will not cause significant harm to levels of amenity that are currently enjoyed. The proposed development is therefore considered acceptable in terms of amenity.

Residual Issues

Energy

51. ENV1 (5) requires that all new non-residential developments of 500 sqm and above of gross floor space will be required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
52. The applicant has submitted a Sustainability Statement, which the Councils Principal Environment Officer has confirmed would be compliant with the requirements of Policy ENV1(5). It is recommended that a condition be attached to an approval requiring the development to be built out in accordance with the Sustainability Statement.

Ecology

53. A Preliminary Ecological Appraisal (PEA) was submitted in support of the application. The Site was found to have very little ecological benefits and no further survey works have been recommended, however Chapter 5.2 has set out a series of mitigation measures which should be implemented prior to and during the demolition/ construction phase. It is proposed that a condition is attached to an approval requiring the works to be carried out in accordance with the mitigation measures.
54. In line with the NPPF it is expected that new development should seek to bring biodiversity benefits. The submitted PEA has within Chapter 5.4 set out 'Opportunities for Biodiversity Enhancement. The recommendations are deemed to be appropriate and proportionate and

therefore it is proposed a further condition is applied requiring the recommended biodiversity enhancement to be carried out.

CONCLUSION

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

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

WARD AND WARD COUNCILLORS

Ward Stockton Town Centre

Ward Councillor(s) Councillor Paul Kirton

Ward Councillor(s) Councillor Di Hewitt

IMPLICATIONS

Financial Implications:

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

Environmental Implications:

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

Human Rights Implications:

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

Community Safety Implications:

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

Supplementary Planning Documents

- SPD1 – Sustainable Design Guide
- SPD2 – Open Space, Recreation and Landscaping
- SPD3 – Parking Provision for Developments
- SPD4 – Conservation and Historic Environment Folder
- SPD6 – Planning Obligations