

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**20<sup>th</sup> March 2019**

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

**18/2403/FUL**

**Land North Of, Blair Avenue, Ingleby Barwick**

**Application for the erection of food store with associated car parking and landscaping.**

**Expiry Date 25 March 2019**

**SUMMARY**

The application site is an area of undeveloped land which currently benefits from extant planning permission for the development of 40 no apartments with associated communal facilities (ref 15/2431/FUL.) situated to the North off Blair Avenue. The Site falls outside of the defined Local Centre, but is within the defined development limits. The surrounding area contains a mix of uses which include commercial, educational and residential premises, to the north, east and south. The western boundary is formed by a further area of grassed mound with trees.

Planning permission is sought for the erection of a new food store (Use Class A1) for the discount retailer Lidl. The associated works will include the provision of parking spaces and landscaping. The building will extend to 2,205 sq. metres gross external area (GEA), with a net sales area of 1,325 sq. metres., the supporting information indicates that approximately 20% of the floor space (or 265 sq.m) will be for comparison goods.

A total of 21 comments have been received making supporting comments, representations and objections. Those comments received include a range of views from support for the regeneration of the site and new shopping facility and associated impacts such as traffic safety and its visual impacts. All of which are summarised within the report.

The applicant has agreed to enter into a S106 Agreement to transfer of land to the west of the Site to the Council to enable an area of public open space to be created which is considered to be a benefit of the proposed development. This would provide a pedestrian link to/from the facilities within the centre of Ingleby and the residential developments to the north.

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

**RECOMMENDATION**

**That planning application 18/2403/FUL be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;**

**Approved plans:**

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

| Plan Reference Number                | Date on Plan                   |
|--------------------------------------|--------------------------------|
| 07381-00-XX-DR-A-91-0001-S3-P28      | 6 <sup>th</sup> March 2019     |
| 07381-00-XX-DR-A-91-0006-S3-P6       | 6 <sup>th</sup> March 2019     |
| R/2104/1D                            | 6 <sup>th</sup> March 2019     |
| SBC0001                              | 22 <sup>nd</sup> February 2019 |
| 07381-SPA-00-00-DR-A-01-0001-S3-P4   | 25 <sup>th</sup> October 2018  |
| 07381-SPACE-00-XX-DR-A-02-0001-S3-P3 | 25 <sup>th</sup> October 2018  |

Reason: To define the consent.

**Surface/foul water drainage**

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

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

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

**Surface water and flood risk**

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

- The discharge rate is restricted to 5l/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.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

**Reason.** To prevent flooding by ensuring the satisfactory storage of / disposal of water from the site and to reduce the risk of flooding to the proposed development and future occupants.

**Construction Management Plan**

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

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

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

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

**Site Construction Access**

**05** 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.

**Service Management Plan**

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

- A carpark management plan;
- Details of vehicle type, size, frequency of all service vehicles;
- Servicing times including details of how long individual vehicles must spend in the loading bay and any restrictions in terms of daytime usage of the loading area;
- Details of all offsite waiting areas where vehicles can stack off the adopted highway waiting to be called to the loading bay.

- Where deliveries are proposed outside of the hours 2300- 0700 this should be supported by a Noise Report which fully considers the impact on the surrounding noise sensitive receptors

Reason. In the interests of highway safety and the general amenity of the area.

#### Travel Plan

07 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 of Plant

08 The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

#### Dust Emissions

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

Reason: To protect the amenities of nearby residents.

**Landscaping Hardworks**

- 10 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 before practical completion of the store or in respect of soft landscaping completed in the first planting season following practical completion of the store. 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.

**Street Furniture**

- 11 Prior to the siting any street furniture associated to the development on the Site full details 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.

**Site levels**

- 12 Notwithstanding the information submitted as part of the application details of the Existing and proposed site levels (including the proposed route of the public footpath to the west) and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

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

**Soft Landscaping Management**

- 13 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.

#### Tree Protection

14 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

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

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

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

#### Unexpected Land Contamination

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

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

#### A1 Retail

16 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 1,325sqm. 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**

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

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

**Opening Hours**

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

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

**Ecology**

- 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 18th February 2019.

**Reason:** In compliance with the requirements of the NPPF.

**Sustainability Statement**

- 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.

**Lighting**

- 21 Notwithstanding the details submitted in the lighting report received by the Local Planning Authority the lighting provided shall be arranged so as not to shine directly towards any dwelling. The light fittings shall be shielded to prevent light spillage beyond the boundary of the property.

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

**Construction Hours**

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

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

**Bin Storage**

**23 There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.**

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

#### **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: NWL**

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

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

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

##### **Informative: Surface Water**

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

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

##### **Informative: British Gas**

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



**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.

**HEADS OF TERMS**

- Transfer of land to the west of the site to form public open space
- Commuted lump sum of £28,122 for open space maintenance

**BACKGROUND**

1. Whilst there have been a number of applications made on the Site and the surrounding area the following are considered most relevant to the determination of this application;
2. 15/2431/FUL Development of 40.no apartments with associated communal facilities. Approved Subject to S106
3. 18/2565/ADV Advertisement consent for 3no. internally illuminated fascia signs, 5no. externally illuminated hoarding signs, 1no. non-illuminated hoarding sign and 1no. internally illuminated flag pole sign. Pending

**SITE AND SURROUNDINGS**

4. The application site, hereby referred to as the Site, is located close to the centre of Ingleby Barwick and is at present fenced adjacent to Blair Avenue. The Site contains a raised mound within it which is currently overgrown and laid to grass/scrub and measures approximately 0.84 hectares.
5. To the north lies the outgoing development site of 'The Rings' and housing will be built in this area. To the east lies the Roseville Nursing Home site, to the west remains a further area of grassed mound with trees and the residential properties of Snowdon Grove and Rowen Close beyond that. Immediately to the South lies Blair Avenue with All Saints Secondary School, the Myton Park Primary School and the Leisure Centre which is currently under construction.
6. The group of trees to the west are covered by a Tree Preservation Order (TPO) No. 00.8.5.758 (which was confirmed on the 27 May 2011), a relatively mature hedge also runs along the northern boundary.

**PROPOSAL**

7. Planning permission is sought for the erection of a new foodstore (Use Class A1) for the discount retailer Lidl. The associated works will include the provision of parking spaces and landscaping with the store being situated within the north west of the site.
8. The store itself will measure approximately 31m (wide) x 74m (long) and will reach a maximum height of 6.7 metres. The front elevation of the building will be predominately glazed with white render and cladding panels above. The building will extend to 2,205 sq. metres gross external area (GEA), with a net sales area of 1,325 sq. metres., the supporting information indicates that approximately 20% of the floor space (or 265 sq.m) will be for comparison goods.
9. The Site would provide 120 no. parking spaces including 8 disabled spaces, 8 parent and child spaces, along with secure cycle parking under the store entrance canopy.
10. Following the initial consultation the Site plan was enlarged to provide a suitable access and meaningful landscaping within the curtilage of the Site.
11. The application is accompanied by Retail and Planning Statement and includes a Sequential Assessment and Retail Impact Assessment which have been reviewed and revisions submitted in line with the revised site plan and discussions with officers.

## **CONSULTATIONS (in summary)**

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

### **Highways Transport and Design Manager**

The full comments have been appended to this report, however a summary has been included below;

#### **Executive Summary**

*Subject to the comments and conditions set out below the Highways, Transport and Design Manager has no objection to the proposed application for the erection of a food store with associated car parking and landscaping.*

#### **Highways Comments**

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

*The proposed site access arrangements have been subject to a Stage 1 Road Safety Audit (RSA), which has also been submitted in support of the proposed application, which has not raised any significant issues.*

*It is therefore considered, subject to agreement of a servicing plan that the site access arrangements, as shown on drawing 251011-ARP-22-XX-DR-CH-0001, are acceptable.*

*The proposed site layout, as shown on drawing 07381-00-XX-DR-A-91-0001-S3-P28 (extract included below as Figure 3), have been reviewed against the requirements of the Councils Design Guide and SPD3: Parking Provision for Developments and are broadly acceptable.*

#### **Landscape & Visual Comments**

*The landscape proposals are acceptable. A strong landscaped frontage between the highway footpath and car park has been proposed to soften the visual impact of the site from Blair Avenue and residential properties locally. This landscape treatment also provides better integration with the local area which has wide grassed verges with landscaped frontages to nearby commercial and community buildings.*

#### **Northumbrian Water Limited**

*An enquiry was received by Northumbrian Water from the applicant for allowable discharge rates and connection points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application.*

*In this document it states;*

#### **Foul**

*The estimated foul flow of 1 l/sec can discharge without restriction into the 225mm diameter foul sewer to the east of the site at manhole 2902.*

*An alternative connection to manhole 8903 was also agreed.*

#### **Surface Water**

*If the more sustainable options prove to be unfeasible, a restricted surface water flow of 25 l/sec would be permitted to discharge into the 825mm diameter surface water sewer to the east of the site at manhole 2002. Any excess in flows must be attenuated on site. As this surface water sewer ultimately discharges to a watercourse, we suggest that you contact either the Environment agency or Lead local flood authority, as appropriate, to discuss this in further detail.*

*An alternative connection to manhole 8904 was also agreed however, the surface water flows must be restricted to 5l/s at this connection point.*

*Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:*

*CONDITION: 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 in consultation with Northumbrian Water and the Lead Local Flood Authority. 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.*

### **Environmental Health Unit**

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

*All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols should be in place for all materials used on site. No material other than those classified as 'inert' should be brought onto site. Any materials re-used on site must also be subject to WAC testing.*

*Specific testing of materials for foundation design should be discussed further with our Building Control department.*

*I would advise however that the Unexpected Land Contamination condition is applied to any future development due to the location of historical potentially contaminative features located within 250m of the proposed development*

*I have no objection in principle to the development, subject to the imposition of the following advisory conditions in relation to Construction/ Demolition Noise, Noise, Light Intrusion, Deliveries, Dust Emissions, Waste Collection and unexpected contamination.*

### **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. If you need anything else just give me a shout*

### **Spatial Planning & Regeneration**

*At the time of writing no written representation has been received.*

### **The Environment Agency**

*At the time of writing no written representation has been received.*

### **SBC Care For Your Area**

*At the time of writing no written representation has been received.*

### **Northern Powergrid(u/g Cables, O/h Lines, Small Substations)**

*At the time of writing no written representation has been received.*

## **Councillors**

At the time of writing no written representation has been received.

## **Parish Council**

At the time of writing no written representation has been received. It is noted that an objection has been received on application ref 18/2565/ADV.

## **PUBLICITY**

13. Neighbours were notified and publicity has been given to the application through a site notice and press advert. The comments received are set out below:-

## **Object**

### **Mr Edward Strike**

#### **7 Claydon Grove Ingleby Barwick**

*I am against this proposal for a number of reasons:*

*Access to the proposed Supermarket is on a stretch of road which has a secondary school, which will have an extension for an additional 100 pupils, a primary school a residential home and soon there will be a leisure centre. (I opposed the location of the leisure centre due to the same reasons I am objecting to this proposed planning application),*

*This area is already the busiest junction on the estate with Tesco and Myton Shopping centre access sharing the roundabout a few yards away. The roundabout is also one of the 3 entrances/exits onto and off the estate. Adding another large heavily used building will make this junction even more problematic.*

*This road has recently been upgraded to dual carriageway because of the problems of traffic, since then hundreds of additional houses have been built on the rings with more to come. The leisure centre has yet to be built, but that will also add more traffic adding to the problem, as yet undefined.*

*I believe it is unfair on the residents of the care home and may affect future residents from moving in which would have detrimental effect on their business.*

*The access to the proposed supermarket will mean HGV's and cars turning right into and out of the car park crossing a busy road ( especially at peak times) this will be potentially an accident black spot unless the supermarket install a set of traffic lights.*

*Additional traffic is unacceptable when there are two schools and a leisure centre opposite this location.*

*The land currently has planning permission for over 55 houses which is far more in keeping with the location.*

*I urge the council to refuse this application.*

### **Pegasus Group on behalf of Asda**

The full version of the letter can be viewed on the public access. A summary has however, been provided below;

This objection is based on two main points:

1. The applicant has failed to provide an appropriate sequential assessment and has not demonstrated that the proposal meets the sequential test; and,

2. Lidl's discounter model is not a material consideration when the application is seeking consent for "erection of food store".

As mentioned, the relevant policies within the adopted and emerging Local Plans seek to protect the vitality and viability of existing centres advocate the sequential approach to site selection, and should be given significant weight in the determination of this application. In addition to the local policy, Chapter 7 of the NPPF has regard to town centres.

As set out above, the applicant has failed to provide a sound sequential assessment. In the absence of clear evidence in the form of an appropriate sequential assessment the Council are not able to conclude that the sequential test is passed. The proposal is therefore contrary to Chapter 7 of the NPPF. Paragraph 90 of the National Planning Policy Framework specifically states:

*"Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."*

Accordingly, the application should be refused planning permission if these matters are not addressed.

#### **TPS Transport Consultants Limited on behalf of Asda**

The full version of the letter can be viewed on the public access. A summary has however, been provided below;

*In summary, we would draw your attention to the following key concerns:*

- *Fully marked up site access junction layouts should be provided for the proposed access.;*
- *The proposed site access should also be subject to a Road Safety Audit, in accordance with HD19/15;*
- *The trip generation, distribution and assignment methodology should be revisited and assumptions justified;*
- *The impact of the trips associated with the development proposals upon the operation of the Blair Avenue / Myton Way / Myton Road / Ingleby Way junction should be demonstrated; and*
- *Further details on servicing should be provided, with clear mitigation for conflicts between service and customer vehicles.*

*Given the above, it is considered that the Transport Assessment is deficient. As such, the Council cannot reasonably arrive at a well-considered and sound planning decision. The planning application should, therefore, be refused on highways grounds.*

#### **Lynn Hellstern**

##### **7 Cambrian Court Ingleby Barwick**

*I would like to object to the Lidl proposal. On Ingleby Tesco already has competition - we have 3 supermarkets (Tesco and two Co-ops). Moreover, almost every household has access to a car and within a 3 or 4 mile radius of Aldi (Leven) and Asda (Thornaby). In addition, almost everyone has access to online shopping. Do we really need more supermarkets?*

*Ingleby is desperately short on green park areas; this area would be ideal as a green meditative space with a few benches for people to relax or eat sandwiches from the nearby shops. Do we really have to have more buildings/structures on what was this green and pleasant land in Ingleby.*

*My personal view on Lidl buildings is that they are usually grey, utilitarian and, it seems to me, there is very little thought on fitting into the local environments.*

*This planning application should be rejected, if not on the above comments, on the grounds of increased traffic on an already busy dual carriageway, as outlined by comments already received.*

**Mr Gary Vance**

**15 Rowen Close Ingleby Barwick**

*I do not believe this is a suitable location for the store. Blair Avenue is already strained at peak times and this development along with the new leisure centre will add yet more traffic to an area immediately opposite two schools (just try crossing this road as a pedestrian at peak times!). I believe a commercial development such as this should be restricted to suitable commercial location (such as Teesside Industrial Estate), and not in the middle of an already heavily populated estate.*

**Mr Jian Ding**

**15 Snowdon Grove Ingleby Barwick**

*I object this LIDL development mainly because of the environmental impact it will have on the adjacent area.*

*One primary school, one secondary school, a Care Home and many residences are very close to the proposed site for development. Health concerns for the young kids in both schools and vulnerable residence in the Care Home should be raised. The noise/litter creation/smell/fumes/flashing light from the illuminated signs/extra traffic/spilled car parking etc are all potential issues*

**Mrs Judith Ankers**

**3 Rowen Close Ingleby Barwick**

*Although I acknowledge the social benefit of a low cost value supermarket for the residents of Ingleby Barwick, I believe that this site creates far more social costs.*

*In terms of signage/advertising, I am extremely concerned about the concentration of drivers, particularly as this development will be opposite two schools, one a primary school and a secondary school. The aim of advertising is to create awareness and attract attention and it is important particularly on that stretch of road that people are focused on what is actually very important - the safety of children/adults and not focused on what deals are available/or attracted by the signage.*

*In terms of the development, in the immediate vicinity of the proposed site there are two schools, a care home, a soon to be leisure centre and a library. The specific social costs and personal costs I believe are:-*

*\* As a resident of Rowen Close (very close by) there is already congestion and traffic issues. This will clearly increase.*

*\*As mentioned above I believe this will affect the safety of pedestrians, particularly as large delivery vehicles will also need access.*

*\*There is very little green space left on Ingleby Barwick particularly in that area.*

*\*What is happening with regard to waste from the shop?*

*\*What impact will this have on house prices?*

*Being a resident on Ingleby Barwick since 1996 this is the first major development that I have complained about. I do hope that finally the safety and impact on the residents will become more important than the revenue/profit made by business!*

**Elisabeth J Lee**

**Myton Park Primary School Blair Avenue**

*Please find below our response the LIDLs application for planning.*

*As a school leadership we are very concerned by the application for planning. We feel that the already congested and busy roadworks that are encountered at the end and the beginning of the day, will already be compounded by the current building and then forthcoming leisure centre.*

*We also feel that it will be even harder to monitor adults around our site which may compromise our very high standards of safeguarding - our most important action on behalf of our school family.*

*The erection of large signs will only work to compound an already busy environment, cause possible distraction to drivers when there are a large number of school children crossing and moving into and out of school.*

*We are currently developing an EMS in school, which will work to serve some of the most vulnerable learners in Ingleby and Thornaby, increasing our school population and the number of cars, as many of these children will come from out of catchment to Myton ark, so creating an even busier environment around school will just add greater compromise to safety.*

*We hope that you take our views into consideration. Protecting the youngest in society should be seen a major priority.*

**Mrs Sandra MacGregor**  
**10 Rowen Close Ingleby Barwick**

*I object to this application, the land is unsuitable for a busy supermarket in close proximity to residential homes and the care home. Planning permission was granted for retirement apartments and not for commercial use. Additional traffic is not acceptable in an already busy area. Lidl already have stores in Thornaby and Preston Farm we do not need another in an overdeveloped area. Anti-social behaviour is a problem at Tesco and this would be another area for youths to gather. It would be a loss of open space and wildlife, the area is currently home to deer, foxes, squirrels and birds.*

**Miss Stephanie Mann**  
**18 Snowdon Grove Ingleby Barwick**

*My objection is not to LIDL but to a LIDL in this specific site. Insufficient consideration has been given to road safety and the impact on the local community on an already congested road.*

*LIDL will anticipate in excess of ten thousand customers per week. Few will travel by bike or on foot. The majority, particularly in this location will travel by car.*

*The traffic impact assessment appears to indicate that the peak periods on this road are Fridays between 4-5 pm and Saturday between 12-2 pm. This does not bear any correlation to the reality of this congested road particularly each school day morning.*

*Planning was previously approved for apartments on this site which would have generated significantly less traffic flow than a supermarket development. Since then plans have been approved to extend All Saints School and build a new leisure centre and library all of which will further increase traffic in this section of Blair Avenue.*

*The traffic impact assessment concludes that "recorded accident data within vicinity of this site does not indicate any existing highway safety patterns or problems, therefore, further detailed accident analysis is not required". The reality is that this is an already fluid situation and the developments currently underway are going to create further issues without the addition of a supermarket further compounding the problems.*

**Mr James Drew**  
**38 Maiden Way Ingleby Barwick**

*I strongly object to this application for the following reasons:*

*Given the presence of the schools and leisure centre in area, I'm concerned that the existing single carriageway won't be able to handle the increased volume of traffic. There are already single carriageway bottlenecks on Myton Way and Ingleby Way, the former causing traffic to back up along Queen Elizabeth Way during busy times. This could be the cause of more serious issues than just inconvenienced commuters, as emergency vehicles could find themselves unable to access buildings in the Blair Avenue area should they be required.*

*Existing supermarkets in Ingleby have been attracting anti-social behavior, particularly around Tesco in recent weeks. Some of this anti-social behavior has been far more serious than a bit of shouting and swearing, and I suspect that that the trend would continue with a Lidl store. As I live right next to the proposed site, this safety issue is a key cause for concern, especially with police numbers as low as they are.*

*The addition of another large supermarket seems unnecessary, especially so close to Tesco and with a Lidl already situated on Yarm Road. The site would be better used to support small local businesses, for another much needed medical centre, for assisted living homes, or just left as is. Adding another source of light pollution and noise to an already crowded area just doesn't seem appropriate, particularly with the schools and care home in mind. While I don't completely object to the idea of Lidl having a store nearby, I think Teesside Industrial Estate would be a much better location. We should be looking after the vulnerable in our community as well as supporting small business!*

**Mr Ian Wanless**

**7 Snowdon Grove Ingleby Barwick**

*I OBJECT to such a development so close to residential properties. I have reviewed the revised red line plans and signage plans. Once again I have to OBJECT to such a development so close to residential properties, following the recent anti-social behaviour issues the community has experienced at TESCO, a new LIDL store could attract the same problem closer to homes, schools and smaller children.*

*Following the recent anti-social behaviour issues the community has experienced at TESCO, a new LIDL store could attract the same problem closer to homes, schools and smaller children.*

*The land should never have been considered for development, for this, the store, the retirement home, none of it. All the land around it is now covered in housing, this is the last piece of open space in the area.*

*The illuminated signs (including a 6m high flag pole style sign...) are designed to attract attention, attention that should be focussed on the busy road and hundreds of school children crossing it every day.*

*I assume the road is going to be widened to cater for the "right turn box"? how will cars make this turn through the bumper to bumper traffic on a morning, causing more congestion and risk to our children.*

*A development such as this, so close to private homes, two schools, an old peoples home and soon to be leisure centre, is just too much in such a congested area and is simply not acceptable.*

**Matt Wilcock**

**12 Rowen Close Ingleby Barwick**

*I would like to object strongly to the above application for the following reasons:*



*The area suggested for this build will use Blair Avenue for access. This area, as you are aware, has two schools directly opposite the proposed site of LIDL's supermarket. A leisure complex is currently under construction, also directly opposite this site. Blair Avenue is a single carriageway which is already congested during certain times of the day. During morning rush hour it can take up to 15 minutes to reach the junction of Myton Way from Snowden Grove, a distance of approximately 400 meters. I have grave concerns that if this supermarket is approved there will be another 700 (at least) vehicles that LIDL are expecting on this stretch of road. Not only will this cause further congestion but will also potentially pose a risk to school children crossing the road to shop. I appreciate that the residents want an alternative supermarket but is this really the best place for it?*

*My other objection is that the construction of a supermarket approximately 90 metres from my home will be highly likely to negatively effect the value of my home. This will be due to the already mentioned increased traffic congestion, noise from supermarket delivery vehicles and potential for the site to be an attractant for anti social behaviour during the evening / night as experience and well documented by Tesco.*

*This site is far too close to residential homes and the care home, whose residents I'm sure deserve some peace and quite!*

*I again object strongly to the above planning permission request and look forward to your response*

*Yours sincerely  
Matt Wilcock*

**Mr Douglas Reid**  
**8 Rowen Close Ingleby Barwick**

*I would like to register my objection to this development.*

*We are one of the closest properties to the proposed site and believe there will be significant visual and noise impact e.g., due to deliveries, extra traffic, shop signage etc particularly as my childrens bedrooms face the development site.*

*We are concerned about the increase in traffic levels both absolute number and traffic that will need to turn across Blair Avenue to access the Lidl carpark - an increased accident risk. The traffic assessment also seems to ignore other increases in traffic that are likely to occur as a result of planned expansion in this area of Ingleby Barwick e.g., Leisure Centre, All Saints expansion, houses planned off Marchlyn Crescent. The claimed peak traffic flows (Friday 4-5 and Saturday 12-2) are not recognisable with the reality of living in this part of Ingleby Barwick and trying to get to work between 8 and 9 am. There is often nose to tail traffic from the Tesco roundabout back up Blair Avenue past the location of the proposed development (photos available on request). We also have children at both Myton Primary and All Saints School and we are very concerned about their safety as a result of the likely increase in traffic on an already congested road. Indeed in other parts of Ingleby Barwick roads were closed off (e.g. near St Francis) due to concerns with respect to child safety.*

*It is also interesting the size of the planned car park. It seems excessive for the number of visitors to the store and also the claims in a number of the Lidl studies that people will walk or cycle to shop at the store.*

*We are not anti-Lidl - however we believe this is not an appropriate location for a development of this kind. There are also several Lidl stores within 10 minutes drive of our location (e.g. Stockton, Thornaby).*

**Support**

**Mr Clive Edge**

#### **4 Talbenny Grove Ingleby Barwick**

*Lidl has an excellent reputation for supporting the local communities when it has built and opened new stores unlike the well known supers. There is also the added bonus that competition will lower prices.*

**Mrs Samantha Wilson**

#### **3 Penderyn Crescent Ingleby Barwick**

Really looking forward to having a Lidl in Ingleby Barwick, we need an alternative to Tesco who have monopolized Ingleby for too long I imagine that you The store will bring new jobs to the area as well and help the growth of Ingleby in general. Annoyed by ideas that traffic will be worse as this makes no sense, who goes shopping at rush hour/ school run time.

**Mrs Sally Short**

#### **25 Newport Close Ingleby Barwick**

*We are all for this development I think it will bring much needed competition for the current supermarket Who have a monopoly on customers. It will also provide employment opportunities and I would like to see the Lidl store as oppose to more housing*

**Mr Adam Breen**

#### **4 Garmon Close Ingleby Barwick**

*I am in favour of the development of a new Lidl supermarket in Ingleby Barwick. This would be an excellent opportunity for Stockton Borough Council to show they are truly committed to supporting the continuous development and economic growth of Ingleby Barwick.*

*As with other recent developments that has increased the profile of our community (Leisure Centre, shopping arcade and restaurant, youth club/community centre) the Lidl supermarket will bring...*

*1, Much needed jobs to the town*

*2, Consumer choice; breaking the deadlock of Tesco and their monopoly within the town.*

*I appreciate there are other food stores in the town, but these are convenience stores hence their extended opening hours.*

*As it has been noted from recent development projects there is more than adequate capacity within the infrastructure to this location. The majority of patrons will not be using the supermarket during peak times, therefore minimising impact to road users.*

*Indeed, the only issue preventing flow of traffic is the poor decision not to completely dual carriageway the road to Queen Elizabeth Way over the underpass. A money saving exercise that will have a lasting impact on traffic flow in and out of Ingleby Barwick.*

*Sustainable transport is readily available with regular bus services stopping adjacent to the site. Sufficient parking is available for patrons of the store, this would only be an issue if parents delivering/collecting their offspring from nearby schools choose to inappropriately park on the stores site.*

*Looking at the elevation plans for the store I see there should be little impact on the surrounding residential buildings and certainly none for either school or leisure centre. It appears to be of a low-profile design and would not overlook residential properties.*

*Ingress and egress is already provided on the existing road layout (which is currently used as a parking bay for parents collecting their offspring). The temporary pelican crossing will have been decommissioned by this time allowing traffic to flow more freely from the crossing at the Barwick Lane footpath.*

*Again, from the plans there appears to be appropriate landscaping that will complement the new landscaping around the schools and leisure centre. I cannot see any issues with waste or detritus. From using existing Lidl supermarkets, they are clean and tidy, even sites based in town centres are clean and free from litter.*

*People have commented on the loss of green space in this area. What they are not taking into account is that this land HAS planning permission for flats. The flat development will have a greater impact on traffic and will have an impact on residential space as these properties will overlook existing homes. The flat development will still have an environmental impact on wildlife and there should be no large animals on the current site as it has a substantial barrier around its perimeter. A Lloyds Bank study (The Times, 2018) has found that residential properties close to stores such as Lidl see a 15% increase in property prices, as opposed to other supermarkets, only Waitrose has a greater impact on housing prices. This also raises the question of snobbery, would there be so much local opposition if a brand such as Waitrose was to build on this site?*

*Again, this should be seen as a benefit to the local economy and reduce residents' fears of losing equity in their homes.*

*I am sure this development will be an asset to the town, and, as our local IBIS councillors continuously strive to attract investment to Ingleby Barwick they will back the proposed development for the benefit of the community.*

*TheTimes.co.uk. (2018). A Lidl near by helps push up property prices. [online] Available at: <https://www.thetimes.co.uk/article/a-lidl-near-by-helps-push-up-property-prices-s9xrkl6fs> [Accessed 28 Nov. 2018].*

## **Neutral**

**Mr Richard Mellor**

**12 Cradoc Grove Ingleby Barwick**

*I have concerns regarding the traffic along Blair Avenue, leading to Myton Way. It is unsustainable to keep building & building, be it residential or commercial without continuing to improve the road structure in Ingleby Barwick. Due to the high level of building since the dualling of sections of Myton Way, the new infrastructure is already at creaking point during peak times. I know this because I need to travel at peak times every day for work. Given the coming Leisure centre and two busy schools already on Blair Avenue, thought must be given to improving the road layout and road safety BEFORE any further building is initiated. I would be supportive of this application if a through-road to the Rings from Blair Avenue was created (alongside the planned footpath) as long as it was kept to the side of the tree preservation area - i.e. access to a Lidl car park from both sides, Blair Avenue and the Rings.*

*I do feel it is important to retain the small wood tree preservation area, as far too much green land has already been lost in our area due to the continuous building. This area has long been a site inhabited by wild deer and a plethora of bird life including Owls, Kestrels and Hawks.*

*I also believe that slightly extending the dualling of Myton way in a couple of places (to ease queueing at pinch points) would assist with the overall flow of traffic on and off Blair Avenue. Also widening the entry to the Tesco roundabout from Blair Avenue. Very minor work, yet would have a significant impact by allowing traffic to queue further in two lanes to roundabouts / traffic lights rather than queueing in just one lane.*

*I don't think that what I am suggesting is unreasonable, nor overly costly, and I believe this would all help the public to support and welcome Lidl to the area.*

*I have concerns regarding the traffic along Blair Avenue, leading to Myton Way. It is unsustainable to keep building & building, be it residential or commercial without continuing to improve the road structure in Ingleby Barwick. Due to the high level of building since the dualling of sections of Myton Way, the new infrastructure is already at creaking point during peak times. I know this because I need to travel at peak times every day for work. Given the coming Leisure centre and two busy schools already on Blair avenue, thought must be given to improving the road layout and road safety BEFORE any further building is initiated. I would be supportive of this application if a through-road to the Rings from Blair Avenue was created (alongside the planned footpath) as long as it was kept to the side of the tree preservation area - i.e. access to a Lidl car park from both sides, Blair Avenue and the Rings.*

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*I don't think that what I am suggesting is unreasonable, nor overly costly, and I believe this would all help the public to generally support and welcome Lidl to the area.*

#### **PLANNING POLICY**

14. 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.
15. 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**

16. 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.
17. 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.

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 87.** When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

**Para 89.** When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if

there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

**Para 90.** Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

**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;

**Para109.** Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

**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 127.** local planning policies and decisions should aim to ensure that developments: Will function well and add to the overall quality of the area, not just for short term, but over the lifetime of the development;

- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain and appropriate mix of uses and support local facilities and transport networks;
- Respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create places that are safe, inclusive and accessible and which promote health and well being;
- Create safe and accessible environments without crime and disorder, and the fear of crime, and do not undermine quality of life or community cohesion

**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 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**

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

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

#### **SD4 – Economic Growth Strategy**

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

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

13. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with the Sequential and

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

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

#### **Policy SD8 – Sustainable Design Principles**

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

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

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

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

### **EG3 – Protecting Centres**

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

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

2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:

- a. Town and District Centres, and for office development only, Principal Office Locations;  
then,
- b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
- c. Within the boundaries of the Local Centres; then,
- d. Sustainable out-of-centre locations within the limits to development.

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

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

5. Convenience retail proposals in excess of 500 square metres (net), comparison retail proposals in excess of 1,000 square metres (net) and all other new retail development likely to have a significant adverse impact upon existing centres by virtue of its nature, location or likely turnover, will be required to submit a proportionate impact assessment. Such development will



only be supported outside of the town centre hierarchy where it will not have a significant adverse impact, both individually and cumulatively, on:

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

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

### **Policy TI1 – Transport Infrastructure**

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

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

### **ENV1 – Energy Efficiency**

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

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

- iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems, then
- v. Conventional energy.

#### Non domestic

- 4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
- 5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:
  - a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and
  - b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

#### **ENV4 – Reducing and Mitigating Flood Risk**

- 1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
- 3. Site specific flood risk assessments will be required in accordance with national policy.
- 4. All development proposals will be designed to ensure that:
  - a. Opportunities are taken to mitigate the risk of flooding elsewhere; Flood risk is not increased elsewhere and will where possible, reduce flood risk overall;
  - b. Foul and surface water flows are separated;
  - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
  - d. SuDS have regard to the Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
- 5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
  - a. To an infiltration or soak away system; then,
  - b. To a watercourse open or closed; then,
  - c. To a sewer.
- 6. Disposal to combined sewers should be the last resort once all other methods have been explored.
- 7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

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

- 1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise

opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

## **MATERIAL PLANNING CONSIDERATIONS**

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 findings of the consultation event have been summarised below;

24. 8,276 local residents were consulted ahead of the public consultation event of which 110 attended the event. In total, 1,137 individuals responded to the consultation exercise. A total of 786 individuals sent comments by response card/leaflets, 79 consultation leaflets were received at the public consultation event, 14 emails were received following the public consultation event and 258 signatures were received via GoPetition. Out of the response received 696 gave support to proposal, 146 stated they were not supportive and 23 were not sure.

### **Principle of Development;**

25. The application Site is within the defined development limits however, it is outside of the defined District Centre of Ingleby and is a housing allocation within the Local Plan. Whilst Emerging Policy EG2 seeks to ensure that proposed new retail and leisure uses within Billingham, Norton, Thornaby and Yarm District Centres will only be permitted where they would not have a significant adverse impact upon:

- a. Existing, committed and planned public and private investment in other town and district centres; and,
- b. The vitality and viability, including local consumer choice and trade in other town and district centres.

26. 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. EG3 sets out that retail will be directed to suitable and available sites and premises in defined centres. Proposals will only be supported in sequentially less preferable locations where it has been demonstrated that there are no

available or suitable site or premise in sequentially preferable locations. EG3 also sets out the requirement that retail development over 500sqm will require a Retail impact Assessment.

Need.

27. The 2016 Town Centre Use Study addresses that the Borough benefits from a good range and choice of foodstore provision, with all of the main operators represented. The only zones without a large store (over 2,500 sqm net) are Zones 4 (Yarm/Eaglescliffe) and 5 (Rural North West). The forecast is set to be around £11m capacity to support new convenience retail floorspace in the Yarm zone in 2021, increasing to c. £15m by 2032. Over the plan period, and when considering this area in isolation, these levels of capacity could support up to two new medium sized supermarkets or, possibly, one superstore.
28. *However, Section 5.0 of the Case Study sets out that there are limited opportunities in/on the edge of Yarm District Centre to accommodate new retail development. If new provision is to come forward in this area, it may therefore be necessary to consider alternative locations, following the sequential approach to site selection set out in the NPPF.*
29. The application has, in line with the above, been submitted with the support of a Sequential Test and Retail Impact Assessment. However, following discussions with Officers and the representations submitted by Pegasus on behalf of Asda the Sequential Test and Retail Impact Assessment was revised and the below assessment is based on the revised submission.

Sequential Assessment:

30. The sequential Test set s out the methodology employed by Lidl in carrying out the sequential test. The LPA are satisfied that the approach taken is broadly in line with the requirements as set out within the NPPG.
31. The supporting Planning and Retail Statement set out that the Lidl stores generally have a very limited catchment and that this store is aimed at serving the 'south Stockton' catchment area and is based on a 0-5 minute drive time. Lidl intend to bring forward standalone stores in Yarm and at Stockton Gateway, which has recently been approved. It is considered that these centres benefit from their own customer base and residents living within or adjacent to these centres are unlikely to leave the shopping provision already available to them, in close proximity to their homes, to travel further afield to visit the new Lidl store proposed at Ingleby Barwick. The five minute drive time has been accepted by the LPA on a number of other similar applications. In this instance and given the nature of the proposed retail store the 5 minute drive time is accepted as a basis for the catchment area.
32. As part of Lidl's business model it is stated that Lidl are a deep discounter which is based on maximum efficiencies at all stages in order that savings can be passed onto the customer. In addition it is argued that Lidl have adopted a newer store model, resulting in larger stores and that such a business model has limited flexibility, although it does not rule out the demolition and rebuild of existing stores. It sets out that the store will have a product range of approximately 1600 product lines provide public convenience facilities and improved parking provision. In considering the business model, it is stated that the specific requirements for new food stores consist of the following;
  - A site which can accommodate a store in excess of 2,500 sq.m to allow for the provision of enhanced consumer choice based on a full product range offer.
  - A site that can allow for the safe manoeuvring of customer vehicles and delivery vehicles on site.
  - A prominent site with ability to attract passing trade.
  - A site that is easily accessible by a choice of means of transport.

- A site that is able to offer benefits to its customers, including adjacent surface level car parking, so that customers can easily transfer goods to their vehicles.
  - Provision of a dedicated service area to the rear of the store, including ability to accommodate HGV's.
  - A single storey, open and unrestricted sales floor area which benefits from a level/flat topography, or which has the ability to be developed as such.
33. It is accepted that discount retailers such as Lidl and Aldi do operate differently to traditional supermarket retailers and that this result in limitations of the flexibility of their business model, such an approach has been established and accepted within appeal decisions across the country.
34. Following concerns that the original sequential assessment had failed to thoroughly explore the site east of Tesco to the south east of the Site, the applicants have further explored the Site and it is no longer on the market. The LPA are not themselves aware of any other sites currently available within the area and area identified within the 2016 Case Study which would be available.
35. It is noted that Asda's representatives are of the opinion that the Application would fail the sequential test on the basis that they have adopted a 5 minute drive time. However for the reasons given above the LPA are satisfied that a 5 minute drive time is appropriate in this instance.
36. The sequential site assessment has evidenced that there are no alternative, sequentially preferable sites to the planning application site for the development proposed by Lidl. The proposal therefore fully complies with the NPPF requirement for a sequential site assessment to be undertaken for new retail development which is not situated within a defined centre. The Local Planning Authority are unable to demonstrate that there are any more sequential preferable sites which would fit with Lidl's stringent Business model.
37. Para 90. Of the NPPF sets where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused. On the basis of the above officers are satisfied that the sequential test is robust and therefore should planning permission should not be refused on the basis of the sequential test.

Retail Impact Assessment:

38. The NPPF sets out in para 89, a threshold of 2,500sq.m for a full impact assessment. The proposal falls below this threshold However Policy EG3 (5) of the Local Plan sets out that convenience retail proposals over 500sq.m will be required to submit a proportionate impact assessment. The applicant has however submitted a full Retail Impact Assessment.
39. The Assessment covered the following; Ingleby Barwick Local Centre, Thornaby District Centre, Lowfields Neighbourhood Centre, Beckfields Neighbourhood Centre. The report concludes that;

*On the basis of the analysis provided, it can be seen that the proposals will not have an adverse impact on the vitality and viability of any designated retail centres.*

*The proposal will not have any significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. In addition, the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area will not be significantly adverse.*

*Furthermore, the proposal will improve the range and choice of retail offer within Ingleby Barwick which is currently lacking convenience good retailers. The proposal should therefore, be deemed wholly acceptable in terms of retail impact.*

40. Taking into account the business model, the review of the existing retail offer and the 2016 Case Study it is accepted that the principle of a discount retail store on this Site would not have an adverse impact on the viability of the Town Centre or District Centres the proposal is therefore not considered to be contrary to the aims of the NPPF or EG3 of the Local Plan.
41. 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.
42. The proposed principle of a food store in the location is therefore in line with S38 subject to material planning considerations which would support the departure from policy. The material considerations have been addressed in the later stages of this report.

### **Access and Highway Safety**

43. The proposed development will provide a total of 120 no. parking spaces including 8 disabled spaces, 8 parent and child spaces, along with secure cycle parking under the store entrance canopy.
44. The Site boundary and layout has been the subject of revisions, as detailed in the proposals section of this report. The revised site access arrangements have been subject to a Stage 1 Road Safety Audit (RSA), which has also been submitted in support of the proposed application, the results of the RSA did not raise any significant issues.
45. It is therefore considered, subject to agreement of a servicing plan, that the site access arrangements, as shown on drawing 251011-ARP-22-XX-DR-CH-0001, are acceptable.
46. The works associated with the site access arrangements will be secured via a s278 agreement.
47. 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 and south of the Site.
48. A number of objections have been raised with regards to proposed development and the impacts in terms of highway safety and traffic generation. This application has not only been through a vigorous Road Safety Audit but has submitted a Transport Assessment which has assessed the impact of the proposed development on the local highway network, during both the network and store peak periods, utilising local junction assessments and the Ingleby Barwick Aimsun Model (IBAM).
49. Taking into account the results of both the local junction assessments and the IBAM modelling it cannot be demonstrated that the proposed development would have a severe impact on the local highways network, within the context of the NPPF, the Highways Transport and Design Manager has confirmed that there are no highways objections to the proposed development. The full Highways Transport and Design Manager response has been included within the appendices to this report.

### **Character of the Area**

50. The Site benefits from permission for the development for 2No, two storey apartment block. Whilst the proposed development would introduce a new large store building to the rear of the

Site, it would only be single storey with a maximum roof height of 6.7 m. The scale of the proposed development, in considering what has previously been granted permission is, considered to be acceptable.

51. It is considered that the siting and design of the building seeks to minimise any potential impact on the amenity of neighbouring properties through loss of privacy, noise pollution etc. The proposed building in terms of the scale and appearance of the building is appropriate within the context of the surrounding area and creates a building form which gives presence and a sense of place. It is considered that the proposed layout has been designed with adequate distances and designed to negate any overlooking and would not be visually intrusive or overbearing.
52. In respect of the materials and design, it is considered that the proposal would create a contemporary building which whilst distinct from its immediate surroundings reflects its purpose. The materials proposed are considered to be acceptable and are not the subject of any further conditions.
53. In extending the red line boundary to the west has enabled the development to incorporate a landscape buffer principally to the southern boundary along Blair Avenue. The strong landscaped frontage to Blair Avenue, would not along provide an enhanced landscape buffer along Blair Avenue but would ensure that filtered views are provided onto the site, softening the visual impact of the proposed expanse of hard landscaping to provide the required level of car parking. The extension of the Site has also enabled the store to be pulled away from the northern boundary and consequently the public footpath to the north, improving the experience of users of the public footpath along the northern boundary.
54. The Highways Transport and Design Manager has concluded that, subject to the recommended conditions;  
*The landscape proposals are acceptable. A strong landscaped frontage between the highway footpath and car park has been proposed to soften the visual impact of the site from Blair Avenue and residential properties locally. This landscape treatment also provides better integration with the local area which has wide grassed verges with landscaped frontages to nearby commercial and community buildings.*
55. Subject to the recommended conditions the proposed development is, therefore, considered to be visually acceptable, accords with Policy SD8 and would not have an adverse impact on the character of the area so as to justify a refusal of the application.

### **Amenity**

56. The application has been supported by a Noise Survey and as set out within the consultation section of this report Environmental Health Officers are satisfied that subject to the recommended conditions 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.
57. It is accepted that the operation of the store, particularly with regards to deliveries could result in noise and disturbance to the surrounding residential properties. In order to prevent impacts at unsociable hours a condition is recommended to be imposed regarding the store opening and delivery times. The applicant has agreed to such a condition and therefore it is considered that the operations of the store would not give cause to such an adverse impact on residential impact that it would warrant refusal of the scheme.
58. The application has been submitted the benefit of a detailed lighting scheme. To ensure that the future development of the Site does not impact on the surrounding land users a condition has been recommended to ensure that notwithstanding the detail lighting scheme all lights

should be directed to ensure that they do not directly shine at any of the surrounding residential properties.

59. The proposed building in terms of the scale, siting, screening and appearance of the building would ensure that the built form would not adversely affect the amenity of the surrounding residential properties in direct reference to loss of light, privacy or having an overbearing presence.
60. The Contamination Officer has reviewed historical environmental records held by this Local Authority along with the Phase 1 Environmental Report submitted by the applicant and have found no grounds for objection in principle to the application. They have been satisfied that the applicant has identified all potential contaminative sources. However, an Unexpected Land Contamination condition is recommended to be applied to a permission due location of historical potentially contaminative features located within 250m of the proposed development.
61. In considering the proposed development, required level of mitigation built into the scheme and those required to be secured via planning conditions the development is deemed to comply with the requirements of para 1279 (f) of the NPPF and Policy SD8 of the Local Plan.

### **Foul and Surface Water**

62. 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.
63. At the time of writing Northumberland Water had not responded to the revised Drainage Report and further correspondence with the applicants drainage engineer, it is therefore advised that the recommended conditions are imposed on an approval, unless prior to the determination Northumberland Water advise differently.
64. 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.

### **Residual Issues**

#### Energy

65. 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).
66. 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

67. 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.



68. 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**

69. 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 ecology.

70. 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 Services  
Contact Officer Helen Boston Telephone No 01642 526080**

### **WARD AND WARD COUNCILLORS**

|                        |                                    |
|------------------------|------------------------------------|
| <b>Ward</b>            | <b>Ingleby Barwick West</b>        |
| <b>Ward Councillor</b> | <b>Councillor Ken Dixon</b>        |
| <b>Ward Councillor</b> | <b>Councillor Ross Patterson</b>   |
| <b>Ward Councillor</b> | <b>Councillor David Harrington</b> |

### **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  
SPD6 – Planning Obligations