

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

5th JUNE 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 10 June 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 of 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, this includes the associated works of the provision of parking spaces and landscaping. The proposal being presented to Members is a revision of the scheme previously presented at the March Planning Committee. Following concerns raised by Members over the relationship with the dwellings to the north Lidl have taken this on board and now propose to replace the store with their new Eco model.

The Eco model along with the reduction in footprint, has a reduced sales area which would extend to 1,256 sq. m compared to 1,325 sqm previously considered. The supporting information indicates that approximately 20% of the floor space (or 251 sq.m) will be for comparison goods, The reduction in floor area has enabled the store to be moved further away from the northern boundary.

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 planning gain as opposed to a material consideration. As the provision of open space is a gain it cannot be given any weight within the assessment and determination process.

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 a detrimental impact 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;

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

Plan Reference Number	Date on Plan
07381-SPACE-00-XX-DR-A-91-0006-S3-P7	13th May 2019
R/2104/1E	13th May 2019
07381-SPACE-00-XX-DR-A-02-0001-S3-P5	3rd May 2019
07381-SPACE-RF-DR-A-01-0001-S3-P3	3rd May 2019
07381-SPACE-00-XX-DR-A-01-0001-S3-P5	2nd May 2019
07381-SPACE-00-XX-DR-A-91-0001-S3-P28	25th April 2019
07381-SPACE-00-XX-DR-A-91-1001-S3-P2	25th April 2019
SBC0001	22nd February 2019

Reason: To define the consent.

- 02 Surface/foul water drainage**
The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Suitable Surface Water Drainage Scheme and a foul water drainage scheme have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;
- I. Detailed design of the surface water management system;**
 - II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;**
 - III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;**
 - IV. Details of adoption responsibilities.**

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

- 03 Surface water and flood risk**
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. Once operational all HGV's should be off site prior to 07.45AM, to ensure no conflict with users of the store;
- Details of all offsite waiting areas where vehicles can stack off the adopted highway waiting to be called to the loading bay.

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.

Delivery Hours

- 08 Notwithstanding the requirements of Condition 06, the hereby approved retail store shall not receive deliveries outside the hours 07:00- 23:00.

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

Noise of Plant

- 09 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

- 10 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

- 11 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

- 12 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

- 13 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

- 14 **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

- 15 **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

- 16 **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

- 17 **The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,256 sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.**

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

No subdivision

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

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

Opening Hours

- 19 **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

- 20 **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

- 21 **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

- 22 **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

- 23 **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

- 24 **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 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. Since the March Committee the applicant has had the opportunity to reconsider some of the concerns raised by Members and has revised the proposed store to its new eco store. The proposed store would have a reduced GIA for the 'eco' spec being 1,900 sq. m compared to 2,125 sq. m as previously presented. The net sales area for the 'eco' spec is 1,256 sq. m compared to 1,325 sq. m as currently proposed the supporting information indicates that approximately 20% of the floor space (or 251 sq.m) will be for comparison goods.
9. The store itself would have a total floor area of 1900sq.m, 225 sq.m less than the previously proposed store, 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.

10. 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.
11. Following the initial consultation the Site plan was enlarged to provide a suitable access and meaningful landscaping within the curtilage of the Site. The reduction in floor area has therefore also allowed for a greater landscaped buffer along the northern boundary.
12. 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)

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

Highways Transport and Design Manager

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 has been demonstrated that the existing highway network can satisfactorily accommodate the traffic generated by the development.

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

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. The landscape proposals are therefore acceptable.

Northumbrian Water Limited

An enquiry was received by Northumbrian Water from the applicant for allowable discharge rates, 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.

Following the consultation of the revised plans the Highways Transport and Design Manager has made the following comments;

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.

Environmental Health Unit

I have considered the information provided including checking the revised layout. I can confirm that the additional distance between the residential premises and the source of plant noise will improve the acoustic environment.

The times for deliveries should be restricted to between the hours of 07:00-23:00 which will again improve the acoustic environmental and reduce the affect noise will have on any residential premises within the vicinity. Conditions are also recommended in respect of Construction/Demolition Noise, Noise, Light Intrusion, Deliveries, Dust Emissions and Waste Collection

In terms of land contamination, I have reviewed historical environmental records held by this Local Authority along with the Phase 1 Environmental Report submitted by the applicant and I am satisfied that the applicant has identified all potential contaminative sources.

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

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

14. Neighbours were notified and publicity has been given to the application through a site notice and press advert. A summary of the comments received are set out below whilst a list of those contributors can be found in appendix 1:-

Object

- Store is in close proximity to a secondary school a primary school a residential home and soon there will be a leisure centre with potential risks to pedestrians and children
- Tesco roundabout has insufficient capacity for additional vehicles.
- Site access should be subject to a road safety audit
- The submitted Transport Assessment is deficient
- Sequential assessment has not demonstrated that the proposal meets the sequential test Lidl's discounter model is not a material consideration
- No need for an additional supermarket
- Ingleby needs green space
- Lidl building is *utilitarian and not in keeping with surrounding area*
- Increased noise, litter, smells and light
- Increase in anti-social behaviour
- Too close to residential properties

Support

- *Lidl has an excellent reputation for supporting the local communities*
- *Increased competition and competitive prices*
- *Will create new jobs*
- *Store has appropriate design and landscaping*

Neutral

- *Impact on existing traffic and highway network*
- *Existing trees should be retained*

PLANNING POLICY

15. 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.
16. 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

17. 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.

18. 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.

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

NPPF para.	Subject
38	Approach decisions in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
80	Create the conditions in which businesses can invest, expand and adapt, supporting economic growth and productivity
85	Support the role that town centres play at the heart of local communities
86	Apply a sequential test to planning applications for main town centre uses
87	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
89	Requirements for an impact assessment (based on floor space if not locally set)
90	If application fails the sequential test or is likely to have significant adverse impact it should be refused.
91	Decisions should aim to achieve healthy, inclusive and safe places
92	Provide the social, recreational and cultural facilities and services the community needs
109	Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
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.
127	Decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for short term, but over the lifetime of the development
153	In determining planning applications new development should consider and comply (where necessary) with decentralised energy supply and consider way it can minimise energy consumption

Local Planning Policy

20. 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 T11 – Transport Infrastructure

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised,

where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

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

ENV1 – Energy Efficiency

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

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

Non domestic

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

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

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

ENV4 – Reducing and Mitigating Flood Risk

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

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

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

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

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

MATERIAL PLANNING CONSIDERATIONS

21. 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

22. 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

23. 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.

24. 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.
25. The findings of the consultation event have been summarised below;

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.

Procedure – S106 Public Open Space

26. When planning permission was granted for the erection of 40 no. apartments with associated communal facilities (ref. 15/2431/FUL) it was done so with a S106 Agreement for the land to the west to be transferred to the Council with a Commuted Sum to allow for the maintenance. This parcel of land was then subsequently designated as open space within the recently adopted Local Plan. The land presently remains in private ownership and is currently fenced off. During the pre-application enquiry process it was brought to Lidl's attention that this land was previously agreed to be provided as public open space.
27. Lidl agreed that as part of this application process that they would look to transfer the land to the Council to retain the public benefit of opening this site to the public. As the land is not required to make the proposed development acceptable on planning grounds it does not form part of the assessment of material planning considerations set out in the later stages of this report. The provision of the open space is a planning gain but is not a material consideration and cannot be given any weight within the assessment and determination process.

Principle of Development;

28. The application Site is within the defined development limits however, it is outside of the defined District Centre of Ingleby Barwick and is a housing allocation within the Local Plan. Whilst 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.
29. 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.

30. 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.

31. *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.*
32. 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:

33. The sequential Test set out the methodology employed by Lidl in carrying out the sequential test. The LPA are satisfied that the approach taken is in line with the requirements as set out within the NPPG, when considering the rigid business model as previously accepted by this Council and the Inspectorate.
34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. 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.
40. In light of the revised store, Officers have reviewed the Sites considered as part of the Sequential Assessment. The reduction of floor area of 225sq.m as a result of the revised scheme it is not considered that the outcome of the Sequential Assessment would have been any different had the revised store formed part of the assessment.
41. 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:

42. 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.
43. 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.

44. 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.

45. 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.
46. 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

47. 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.
48. 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.
49. 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.
50. The works associated with the site access arrangements will be secured via a s278 agreement.
51. 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.
52. 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).
53. 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

54. The Site benefits from permission for the development for 2No, two storey apartment block. Whilst the proposed development would introduce a new store building to the rear of the Site, it would only be single storey with a maximum roof height of 6.7m. The scale of the proposed development, as previously presented to Members was considered to be acceptable. The revised plans due to the reduction in scale and siting away from the northern boundary is considered, due the reasons outlined below, to enhance the development further.
55. In light of the concerns expressed by Members at the March Planning Committee the revised store and layout were received. It is considered that the siting and design of the building further 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.

56. 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.
57. 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 revised scheme has enabled the store to be pulled even further away from the northern boundary and consequently the public footpath and dwellings to the north, improving the buffer and subsequently the experience of users of the public footpath along the northern boundary.
58. The Highways Transport and Design Manager has concluded that, subject to the recommended conditions;

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. The landscape proposals are acceptable.

59. 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.

Amenity

60. 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.
61. 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.
62. As set out within the updated Environmental Health Officers comments they are satisfied that in moving the store further away from the northern boundary and the imposition of Condition 08 in relation to delivery hours, that the proposed development would not be to the detriment of the surrounding residential properties.
63. Lidl have confirmed that they can manage deliveries effectively to ensure full compliance with conditions 06 and 08 as outlined in the condition section of this report. It is therefore considered

that an acceptable level of amenity can be achieved, whilst ensuring that the development does not have an adverse impact on highway safety.

64. 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.
65. 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.
66. 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.
67. 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 127 (f) of the NPPF and Policy SD8 of the Local Plan.

Foul and Surface Water

68. 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.
69. 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.
70. 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

71. 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).
72. 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

73. 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.
74. 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

75. 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.
76. 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

Ward	Ingleby Barwick West
Ward Councillor	Councillor Ken Dixon
Ward Councillor	Councillor Ross Patterson
Ward Councillor	Councillor David Harrington

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

APPENDIX 1: LIST OF CONTRIBUTORS

Object

Mr Edward Strike - 7 Claydon Grove Ingleby Barwick
Pegasus Group on behalf of Asda
TPS Transport Consultants Limited on behalf of Asda
Lynn Hellstern - 7 Cambrian Court Ingleby Barwick
Mr Gary Vance - 15 Rowen Close Ingleby Barwick
Mr Jian Ding - 15 Snowdon Grove Ingleby Barwick
Mrs Judith Ankers - 3 Rowen Close Ingleby Barwick
Elisabeth J Lee - Myton Park Primary School Blair Avenue
Mrs Sandra MacGregor - 10 Rowen Close Ingleby Barwick
Miss Stephanie Mann - 18 Snowdon Grove Ingleby Barwick
Mr James Drew - 38 Maiden Way Ingleby Barwick
Mr Ian Wanless - 7 Snowdon Grove Ingleby Barwick
Mr Matt Wilcock - 12 Rowen Close Ingleby Barwick
Mr Douglas Reid - 8 Rowen Close Ingleby Barwick

Support

Mr Clive Edge - 4 Talbenny Grove Ingleby Barwick
Mrs Samantha Wilson - 3 Penderyn Crescent Ingleby Barwick
Mrs Sally Short - 25 Newport Close Ingleby Barwick
Mr Adam Breen - 4 Garmon Close Ingleby Barwick

Neutral

Mr Richard Mellor - 12 Cradoc Grove Ingleby Barwick