

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
16th February 2022
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/2560/FUL

**Co Operative Food Store , High Street, Norton
Demolition of the existing building and erection of new food store (Use Class E) with
associated car parking and landscaping.**

Expiry Date 18th February 2021

SUMMARY

Planning permission is sought for the demolition of the existing food store at the rear of the High Street in Norton which is orientated in a west to east direction, and the provision of a new store with a North-South orientation adjacent to Billingham Road.

The replacement store will be of a modern design but will incorporate areas of render and red brick to reflect the character and appearance of the surroundings and wider conservation area including those existing buildings on Billingham Road. The existing access from the High Street will be retained and the service access from Billingham Road will also be available for use by customers.

Whilst many of the representations have no objections to the principle of a new food store in general, a number of other objections have been raised with the issues considered in full in the report below.

Consultee comments have been taken into consideration with no significant objections, and it is considered that the proposal is generally in compliance with planning policy and guidance and there are no sustainable planning reasons to refuse the application.

The application is considered to be acceptable and recommended for approval subject to a number of conditions.

RECOMMENDATION

That planning application 21/2560/FUL be approved subject to the following conditions and informatives;

01 Time Limit

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

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

Plan Reference Number	Date Received
01	2 November 2021
00	2 November 2021
08237-ZZ-XX-DR-A-910309 S3 P2	24 January 2022

R-2529-1D	24 January 2022
08237-SPACE-ZZ-00-DR-A-010001-S3-P7	20 December 2021
08237-SPACE-ZZ-RF-DR-A-010001-S3-P7	20 December 2021
08237-SPACE-ZZ-XX-DR-A-020001-S3-P6	20 December 2021
08237-SPACE-ZZ-XX-DR-A-910009-S3-P2	20 December 2021
ZZ-XX-DR-A-900001 S3 P1	1 October 2021
ZZ-XX-DR-A-900002 S2 P1	1 October 2021
005 Access Arrangement	4 February 2022

Reason: To define the consent.

03 Materials

Construction of the external walls shall not commence until details of the brick and colour of render to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

04 Means of Enclosure

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

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

05 Soft Landscape Management and Maintenance

Construction shall not 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 Local Planning Authority 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.

06 Protection of Trees –Adherence to Recommendations

The arboricultural information submitted in support of the application shall be adhered to in full, and shall be subject to tree protection monitoring and site supervision undertaken by a suitably qualified tree specialist.

Reason: To safeguard and enhance the character and amenity of the site, and to avoid any irreversible damage to retained trees.

07 Disposal of foul and surface water

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.

08 Travel Plan

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 and contact details
- 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. Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- v. Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- vi. Details of the Welcome Pack provided to staff.
- vii. provision of up-to-date details of public transport services
- viii. continual appraisal of travel patterns and measures provided through the travel plan
- ix. improved safety for vulnerable road users
- x. a reduction in all vehicle trips and mileage
- xi. a programme for the implementation of such measures and any proposed physical works

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.

09 Construction and Demolition Management Plan;

No demolition shall commence until a Construction and Demolition Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide details of:

- (i) the site construction access(es);
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) Storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- (v) measures to control and monitor the impact of noise, vibration, dust and dirt during demolition;
- (vi) Wheel washing facilities and measures to control and monitor the omission of dust and dirt during construction
- (vii) A Site Waste Management Plan
- (viii) details of any associated movement of material within or off the site;
- (ix) details of any surfacing treatments (including temporary measures post- demolition
- (x) measures to protect existing footpaths and verges).

Reason: To ensure a satisfactory form of development

10 Cycle Parking

The cycle parking spaces to be provided shall be in accordance with the design advice contained within Supplementary Planning Document 3: Parking Provision for Developments. The cycle parking facilities shall include :

- secure cycle parking provision for visitors
- secure and weatherproof cycle parking provision for staff
- secure motor cycle parking for staff and visitors.

The cycle parking facilities approved shall be provided prior to the building being occupied and be retained thereafter.

Reason: In order to ensure adequate provision for cyclists in accordance with the NPPF.

11 Car parking Lighting Columns

Prior to installation, full details of the proposed lighting columns shall be submitted and approved in writing by the local planning authority. Work shall be undertaken in accordance the approved details.

Reason: To ensure a satisfactory form of development

12 Electric vehicle charging bays

Notwithstanding the submitted details, the car park hereby approved shall be provided with two electrical charging points for the charging of electrical motor vehicles, accessible for users of patrons of the car park.

Reason:-to ensure a satisfactory form of development

13 Service Management Plan

The site shall be operated in accordance with the Service Management Plan dated January 2022 by Cora IHT Ltd

Reason: In the interests of Highway and Pedestrian Safety

14 Noise Mitigation

The external plant shall be operated in accordance with the Noise Impact Assessment (No. 9138/LN) dated the 23 November 2021 and prior to operation of the units a 2m high close boarded fence with no gaps with a mass of 10kg/m² be installed as detailed within the report and be maintained for the life time of the development.

Reason: In the interest of the amenity of adjacent properties and to accord with the NPPF.

15 Air Quality

The site-specific mitigation measures as detailed in Section 7 of the Air Quality Assessment by SLR (Ref: 410.06660.00031 Version No: v1.0 August 2021) shall be implemented during construction phase

Reason: In the interests of the residential amenities of the area.

16 Ecology

Work shall be undertaken in complete accordance with the recommendations, mitigation and enhancement proposals as detailed in Section 4 and 5 of the Ecological Impact Assessment Report dated 25th October 2021 by Enzygo Ltd.

Reason: In the interests of ecology and biodiversity

17 Energy Statement

The development hereby approved, shall be built out in full accordance with the recommendations of the Energy Usage & Sustainability Statement (Project Ref 21-3851) dated 28th October 2021.

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

18 Contaminated Land Risk Assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A site investigation scheme, based on the submitted phase 1 study (Report No. A3756/20, Oct 2020) should be undertaken to assess the risks to all receptors that may be affected, including those off site.
- Based on the results of the site investigation and detailed risk assessment , an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. This must be conducted in accordance with DEFRA and with the Environment Agencies "Land Contamination Risk Management" Guidance (2020).

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water and land pollution.

19 Waste Collection

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: to ensure the site has waste disposal facilities in the interest of the environment.

20 Construction Working Hours

External works in connection with the construction of the development shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays, only between 0900 hours and 1300 hours on Saturdays and there should be no audible intrusive works at any time on Sundays, Bank Holidays or Public Holidays. Deliveries should be undertaken between 0800 hours and 1800 hours Monday to Saturday where reasonably possible.

Reason: To safeguard the amenities of nearby residents in accordance with the NPPF.

21 Hours of Operation

The hereby approved retail store shall not be open for business outside the hours 07:00-23:00 Monday to Saturday and 10:00 to 18:00 on Sundays and Bank Holidays.

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

INFORMATIVES

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: NWL How to Satisfy the drainage Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

SITE AND SURROUNDINGS

1. The site application site is the former Co-op store located within Norton. The site measures approximately 0.84 ha (2.09 acres) and is and currently houses a large main building to the north-eastern half of the site and associated car parking area extending south-westwards.
2. The site is located off Norton High Street which forms part of the southern boundary of the site. To the north is Norton Medical Centre; to the east is Billingham Road with residential premises beyond; and to the south are small retail units, which run between the site car park and High Street; and, to the west is a mix of residential uses, commercial uses and open space.
3. The site is partially located within the Norton Conservation Area, which covers the southern access points and the buildings and associated curtilages within the High Street. A number of listed buildings are adjacent to the site on the southern and western boundaries.
4. The site is within Norton District Centre and currently benefits from two access points; one for customers and another for servicing and delivery vehicles. The vehicular access for customers to the site is off High Street with the other access point for servicing and delivery vehicles off Billingham Road.

PROPOSAL

5. Planning permission is sought for the provision of a new single-storey discount food store, associated parking and landscaping.
6. The proposed building has been informed by the end users operational requirements and is a simple single-storey building with a roof sloping towards Billingham Road. The new building features a single height glazed curtain walling in grey, incorporating white render with brickwork and brick piers. The building will have metal composite insulated roof panels with steel coping flashing along the perimeter in grey to match the cladding, and metal gutters and rainwater pipes. The roof will incorporate solar panels.
7. The proposed store will include a sales area; warehouse delivery area; freezer room; bakery; manager's office; staff welfare facilities; and customer toilets. The foodstore will extend to 2,277 sq.m gross internal area, with a net sales area of 1,414 sq.m.

8. The new store will be located to the east of the site with the rear of the store towards Billingham Road. The car parking area extends westwards with servicing to the north of the store.
9. The proposal includes the provision of 90 car parking spaces, including 6 disabled, 9 parent and child spaces and 2 spaces accompanied by electric vehicle charging (EVC) points. There will also be 10 cycle parking spaces. Vehicular access for customers will be as existing off the High Street. The delivery bay will be off Billingham Road, and this access will also be open to the public. A ghost-island right-turn arrangement on Billingham Road is also provided
10. The proposed Lidl store would employ up to 40 staff in store.
11. The application is accompanied by a number of specialist reports, including a Statement of Community Involvement, which details the public consultation exercise which was undertaken. In summary, this included the delivery of 4,945 leaflets to surrounding addresses inviting people to register their comments online. In total, 304 responses were received. The majority of respondents (87% or 288 individuals) support the proposed development in principle.

CONSULTATIONS

12. The following Consultations were notified and are summarised below:-
13. Highways Transport & Design Manager – raises not objections but has concerns regarding the appearance of the building noting the concession to use brick cladding in some areas.

Highways Comments - There are two vehicle accesses proposed to the store. The existing access from the High Street is proposed to be retained and it is considered acceptable. The access from Billingham Road is proposed to change to a ghost right turn priority junction designed to current highway design standards with suitable visibility and is subject to a Stage 1 Road Safety Audit that is accepted. The work to the access will be subject to a S278 agreement with the Highway Authority. The car parking associated with the food store is in line with the Council's standards with an additional 14 available for operational purposes.

Due to the change from a left in/left out type junction to an all movement junction it is necessary to restrict some parking on the west side of Billingham Road to ensure adequate visibility for pedestrians with the increase in left turning movements. A traffic regulation Order for no waiting at anytime will be required as part of the S278 works. Tracking movements of an HGV have been demonstrated and servicing should be subject to a Servicing Management Plan for the food store and conditioned to operate in perpetuity. The food store is located in a sustainable location with excellent access to pedestrian footways. There is also excellent public transport routes and bus stops located in close proximity to the proposed development. There are also cycle routes available from Billingham in the east to Billingham Road as well as National Route 1 passing through Norton to the south of the site.

The Transport Assessment details the proposed development trips and has considered the impact on the highway networks, for the weekday PM peak and Saturday peak.

The following junctions have been modelled:

- Site Access - B1274 High Street / Leven Road (four arm) priority junction;
- Proposed Site Access / A139 Billingham Road (three arm) priority junction; and
- B1274 High Street / A139 Billingham Road / Norton Road roundabout.

The results of the modelling show that all three junctions are predicted to operate below capacity with the proposed development traffic added.

The application is supported by a Travel Plan and a full Travel Plan should be secured by condition and should include a Travel Plan Coordinator (TPC).

The development does not include any information regarding any demolition and construction of the foodstore, therefore, a Construction Management Plan should be secured by condition.

Landscape & Visual Comments – Due to the location of the site on the edge of the Conservation Area, and proposed significant changes to the site layout, the visual impacts of the development should be minimised to integrate the building into the townscape. The proposals move the building to the eastern edge of the site, which is an elevated position above Billingham Road, and therefore visually more prominent to road users and residential properties both to the east and south, who will have direct views of the store.

The revised soft landscape proposals now include some tree planting on the eastern site boundary to provide some softening of views of the store building. A concession has been made to use brick cladding to parts of the building, however the large panels of white render are a contrast to the brick, and alongside the light grey coloured metal roofing.

As noted previously, at the southern end of the site the level change between Billingham Road and the site is significant, and a fence is shown on the visualisations, but nothing is included on the site drawings or on the cross sections. Therefore, it is not clear if this is a new fence, or existing to be retained.

Should the application be approved it is requested that the following conditions be applied:

- Landscape Maintenance and Management Plan
- Enclosure – to confirm details regarding fencing to the store boundary.
- Tree Protection – compliance with recommendations.

Flood Risk Management – The applicant has not provided sufficient information regarding the management of surface water runoff from the proposed development.

14. Environmental Health Unit – no objection in principle to the development, subject to the imposition of conditions relating to:
- o Construction/ Demolition Noise
 - o Noise disturbance from access and egress to the premises
 - o Demolition and Dust Emissions
 - o Waste Collection

I would also recommend the development is carried in accordance with the recommendations detailed within the submitted noise report and that they be maintained for the lifetime of the development. The submitted Air Quality and light intrusion reports has also been assessed and I am satisfied with the conclusions of those reports.

With regards to contaminated Land, Phase 1 geo-environmental desk study (Report No. A3756/20, Oct 2020) identifies potential sources of made ground and asbestos containing materials. An intrusive investigation is there recommended as part of a geotechnical investigation.

15. Northern Gas Networks – No Objection
16. Northumbrian Water Limited – Having assessed the proposed development we note a Flood Risk and Drainage Impact Assessment has been submitted with the application. The developer has not yet submitted a pre-planning enquiry to agree connection points and discharge rates to the public sewer, however I can confirm that we would expect to see the

surface water flows restricted to 3.5l/sec. We would therefore 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.

17. Tees Archaeology – We note the inclusion of a heritage statement which has demonstrated that the site is of little archaeological potential, and that no further archaeological work is necessary. The proposed masterplan of the site does not show the arched entrance to the pedestrian access from Norton High Street this arch is part of the late 19th century Grade II listed lodge to Norton Board School, and care should be taken not to impact this building during works for the proposed development.

PUBLICITY

18. Comments were received from the following addresses and are summarised below.

- Sylvia Fox, 9 Billingham Road Norton
- Mr James Hardman 117 Billingham Road Norton
- Mr Peter Stevenson 94A High Street Norton
- Mr Chris Nixon 50 South Road Norton
- Mr Jonathan Hague 1 Beaconsfield Road Norton
- Mr Jude Egan 61 Billingham Road Norton
- Nicola Reading 32A High Street Norton
- Mrs Christa Howard 71 Billingham Road Norton
- Mr Graham Puckrin 65 Billingham Road Norton
- Sarah Twigg; 9 Grey Street Norton
- Miss K B Jacobs; 20 High Street Norton
- J A Sauvary 32 High Street Norton
- Derick Fisher 84 Beaconsfield Road Norton (Supports the proposal)
- Mrs B Unsworth 1 Elcoat Road Norton (Supports the proposal)

The comments directly related to the application are summarised below;

- Impact on external view from Billingham Road looking onto the back construction of LIDL .
- Will there be a safe place to cross at the back of the supermarket for patients and customers to access Boots the Chemist located at the back of Norton Medical Centre. Presently there is only one stretch of pavement area for people to use running along side of the back entrance to the Co-Op. The opposite side is a grass verge.
- Can the residents of Billingham Road have resident parking permits
- Traffic impact and safety risk to pedestrians /road users from the new break in central reservation – existing issues with the break at Colchester Road
- The Council should use its influence at every opportunity for the general 'good' of the village community. For example, allowing the only hardware shop to be replaced by another betting shop some time ago was not helpful in this respect.
- The design should be more in keeping with the conservation area and levels changed, height lowered This is a lazy design simply fitting the 'out of the box' store type on to a site within the village

- The proposals shows extremely tall carriageway style lighting which look to flood the area with light.
- Can't condone the electrical supply to the two large logo boards and pylon. They should not be internally illuminated as is the case with the rest of signage within the village.
- The line of parking bays continuing from the end of the mews would appear to require the removal of current landscaping and mature trees. Whilst proposed landscaping replaces these, existing Lidl stores suggest that this will be a sparsely planted and barked border which due to the lack of up keep will contain weeds in no time.
- Reuse of the existing building will be more acceptable.
- Hours of operation
- Impact though in house bakery on other retailers
- Loss of the 'Co-op' brand and introduction of a discount supermarket and impact on the 'perception' of the village/area
- Antisocial behaviour
- Construction impacts
- Proposed layout for parking runs completely adjacent/ parallel to our garden so all traffic will now be entering or leaving the car park nearest to our property.
- The entrance onto the high street is already an accident black spot near the junction with Leven Road and congestion at an all time high.
- Environmental impact it will have on wildlife through light pollution.
- Existing access is a bizarre contraflow access to the site, which meant that all access to the supermarket would pass through the small carpark, across the frontage of the residences and shops from no 26 to No 14 which means the loss of parking outside of their doors and has since caused significant issues to date for residents, business owners, customers and passing members of the public. The parking was also removed from outside of the pizza shop at no 30, With the issues and accidents arising we sincerely believe it would be a mistake not to fix this at this moment in time and in contempt of the complaints of residents, businesses and pedestrians over the intervening years.
- Council should review the access to the back of 26 - 14 High Street and improve that aspect. There is land, gardens, yards and properties which don't have rear access.
- Ridley Mews & public highways/pathways/access – the hard-standing poses a hazard in regards to it not being wide enough for a car and a pedestrian, so blocking of access along the Ridley Mews pavement is most frequent. Would suggests the Council brokers a deal with the landlords to improve access to the car-park.

PLANNING POLICY

19. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
20. 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 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

21. 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.

22. 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.

Local Planning Policy

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

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Economic Growth

6. To meet the town centre use needs of the Borough, there is a need for:

- a. Up to 2,700 sq m (gross) of convenience retail floorspace by 2031/2032.
- b. Up to 4,500 sq m (gross) of comparison retail floorspace by 2021/22, although this could be met through the implementation of existing commitments. Beyond 2021/22 there may be a need to bring forward new comparison retail which will be determined by future retail capacity assessments.
- c. Economic growth proposals which improve the quality, range and choice of retailers in Stockton Town Centre and Billingham District Centre.

Strategic Development Strategy Policy 4 (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.

Town Centres

10. Stockton Primary Shopping Frontage will be the main location for new retail development to 2032, whilst the wider town centre will be the main location for new leisure and evening economy uses.

11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
District	Norton	District centres will generally comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

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

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

3. Conserve and enhance the historic environment through a variety of methods including:

a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.

b. Ensuring monitoring of the historic environment is regularly undertaken.

- c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.
- d. Supporting proposals which positively respond to and enhance heritage assets.
- e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.

Strategic Development Strategy Policy 8 (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.

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

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

Economic Growth Policy 2 (EG2) - Managing Centres

Maintaining Vitality & Viability

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

- a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
- b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
- c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
- d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.

District Centres

7. The Council will monitor the level of evening economy uses (A3, A4 and A5 Use Class) in Norton and Yarm District Centres. New proposals will only be permitted where they demonstrate that they are in accordance with EG2.2 and that they would not have a detrimental impact on the amenity of local residents.

8. 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.

Economic Growth Policy 3 (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.

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).

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through 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.
 - b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
 - c. Support and encourage sensitive energy efficiency improvements to existing buildings.
 - 2. Proposals are encouraged where development:
 - a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
 - b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.
- 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).

Natural, Built and Historic Environment Policy 4 (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;
 - 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 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.
- 8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
 - a. Support reduced run-off rates.

b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.

11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and

b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water

will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

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

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

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

6. The following are designated heritage assets:

c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm

d. Listed Buildings

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

MATERIAL PLANNING CONSIDERATION

24. The main material considerations are the principle of development, impact on the character of the area and wider conservation area, impact on neighbours, highway safety and any other residual impacts.

Principle of Development

25. The application relates to the replacement of an existing retail store within the town centre with a newly built facility for a different discount retail operator. The site is within the Norton District Centre where retail uses would be directed and there would be no local or national policy conflicts with regards to a replacement retail development in this area. Nonetheless there is an increase in floor space of the unit from 1,536 square metres gross internal area and a net sales area of 1,016 square metres to 2,277 square metres gross internal area, with a net sales area of 1,414 square metres and whilst not strictly required in this instance as it is not an out of centre location, a retail statement considering the implications in terms of the uplift in retail space accompanies the application.

26. The applicants state there are no Lidl stores within the immediate vicinity, and the scheme will improve the range and choice of the retail offer within this area of the Borough through the delivery of a new discount food store, allowing residents to shop locally and sustainably. The discount food stores generally concentrate on selling a limited range of primarily own brand goods at competitive prices and these retailers are therefore distinct from the mainstream convenience retailers. The difference in the nature of the discount retailers has also been acknowledged by the Secretary of State and Planning Inspectors in a number of appeal decisions relating to discount stores, recognising the specific nature of their operations and overall business model.

27. Non-food items are limited to around 15-20% of floorspace in store and is mainly focused on household cleaning and health and beauty products as well as a twice weekly delivery of non-food 'specials. These items are provided on a limited basis and constantly changing offer, and therefore the potential for impact upon other retailers is negligible. Lidl stores also differ from other convenience retailers by not offering products/services such as fresh meat/fish counters; Café/restaurant; Delicatessen etc. As a consequence the applicants retail report states that its customers tend to purchase part of their main grocery shop (i.e. basic staples) in store, taking advantage of the low prices, but then visit other retailers to purchase luxury food or more specialist items.
28. As a result, it is stated discount stores serve a relatively compact catchment area and are intended to provide a local shopping facility. The locational strategy of Lidl is for stores in urban areas, to serve an area that broadly equates to a 0-5-minute drive-time of the site. Owing to its limited offer, people do not tend to travel long distances to shop at Lidl.
29. In summary, the key trading characteristics that distinguish discount stores such as Lidl from the mainstream convenience retailers and smaller independent retailers are as follows:
1. Restricted number of product lines
 2. Not the full retail offer
 3. Small store size and localised catchment
 4. Shorter trading hours
30. The report goes on to states that a proportion of the proposed store's turnover will be drawn from primarily the Aldi (Darlington Lane), which is the main competitor to Lidl, Heron Foods (Hanover Parade), albeit its mostly frozen foods and to some extent Asda (Bath Lane), and Sainsburys (Bishopton Road West), as these facilities are similar in nature and/or are dominant stores located within relatively close proximity to the site.
31. It is noted that the likely level of trade diversion from these facilities and the associated quantitative impact will not be of a level which would constitute a significant adverse impact, given the small-scale nature of the Lidl food store and its trading characteristics. In addition, with the exception of the ASDA at Bath Lane, all are outside of the defined retail centres and do not benefit from any specific protection in planning policy terms.
32. Taking into account the existing use, the limited net sales floor space increase (c. 400sqm) and the location within Norton District centre, it is considered that the replacement store, despite its uplift in sales area would be acceptable and there is no firm evidence to indicate that the proposed store would have a significant adverse impact on existing retailers as a result of trade diversion or the vitality or viability of the Norton District Centre and its overall retail offer. The proposal is therefore considered acceptable in this respect.
- Impact on the Character and appearance when viewed from Billingham Road
33. Billingham Road is a main through Road providing access towards and from the A19. The current view for residents directly facing the site is of a retaining wall which will remain and the side profile of the Coop building. From the first floors of these buildings, it is likely that views towards the car park and rear of the conservation area will be obtained. The proposal is to change the orientation of the building so that the back of the building will run alongside Billingham Road. Whilst this will be a significant change in appearance the applicant has provided landscaping along this boundary which will soften the appearance of the building. The building has a low roof running towards the boundary and has included render and brickwork which will be seen through the landscaping once established. Whilst it is considered that there will be a change in appearance it is not considered that this change would be so significant or detrimental to warrant refusal of the application. It should be noted that either side of the building there are three storey flats with the same orientation

and the medical centre further South facing Billingham Road, and it is not considered that this proposal will be so dissimilar, and the provision of landscaping will provide a visual screen and overall softening of the development. Views when approaching Norton from the A19, when looking across the allotments towards the conservation area will remain unchanged.

Views and impact on the conservation area

34. The application is accompanied by a Heritage Statement undertaken by Durham University (Archaeological Services). The statement considered the significance of the heritage assets within the conservation area and the conservation area itself. The report states that there will be no direct impact on the assets situated outside of the development area, however, the impact on their setting has been considered further below.
35. Norton conservation area appraisal notes three important views/ townscapes within the area. Two are unaffected and the other is the distinctive views along the High Street. Norton High Street is an integral part of the character of the listed buildings and forms part of their significance. As the development is situated behind the buildings of the High Street, it is not generally visible in views within the High Street, and the character of the High Street and the listed buildings will therefore not be affected. There are no views from the important frontages of the listed buildings that will be affected.
36. There is one view towards the development down the existing access road from the High Street to the site. The view over the car park will be retained, with part of the western wall of the new store visible in the background rather than the existing supermarket. The walls of the store will be clad in brick, in keeping with the character of the historic buildings in the conservation area, and the roof, which slopes down to the east and will be covered with solar panels, which will not be visible. There will therefore be no material change to the character of the High Street.
37. There is some visibility from the rear of the listed buildings adjacent to the site that front the High Street or are situated to the west of the access road. In each case ground floor views are restricted or removed by existing buildings, yards, trees and vegetation, although there will be views from upper windows of those fronting the High Street. Unlike the important views to the street frontage, these views are not pertinent to the significance of these individual heritage assets and the change in the view of the former supermarket to the new supermarket will not have any effect on their character or significance.
38. The report states that the development will not result in any material change to the significance of conservation area and the assets within in. The submitted assessment has been considered and is accepted.
39. Comments from the Highways Transport and Design Manager regarding the appearance of the building are noted, however as considered in the submitted heritage assessment views from the conservation area are limited and when viewing from other vantage points such as Billingham Road the development will be seen in context with the two existing buildings either side which are predominantly red brick and the medical centre which includes white render. Whilst it is acknowledged that the Coop building is more traditional in appearance and this is a modern intervention, given its position in relation to the conservation area it is not considered that the design and materials would warrant refusal of the application.
40. The application also includes a lighting plan, and whilst comments in relation to lighting are noted this has been considered by our environmental health unit who has raised no objection to the proposal. There are existing lighting columns within the car park and these will seek to replace those columns. Whilst full details of the columns have not been provided these can be secured by condition.

41. Overall, it is considered that the proposal will not have a significant adverse impact on the character and appearance of the conservation area or the heritage assets contained therein.

Impact on neighbours through the operation of the store.

42. The application relates to the replacement of one retail store with another and therefore the operation of the store in terms of vehicle movements and associated operations could occur without the need for permission and would not be a reason to refuse the application.
43. In terms of noise and disturbance from the car park it is considered that due to the orientation of the building this will largely be negated for residents in Billingham Road and no perceptible change for the majority of residents in the High Street. The car parking to the western boundary will be extended, this will be adjacent to the bottom end of the gardens of existing residents, however this is no different to the existing car parking that is adjacent to that boundary and would not be sufficient enough to warrant refusal of the application.
44. it is not considered that the replacement supermarket would have a significant adverse impact on any neighbouring properties over and above what would be experienced from the existing store should it reopen.
45. The provision of a Construction Management Plan will ensure that impacts through demolition and construction are adequately controlled, and this has been recommended as a condition.

Highway Safety

46. The site is an existing food store however changes to the existing access arrangements are proposed. The existing access from the High Street is to be retained and the vehicle access from Billingham Road that is currently used to serve Norton Health Centre and service access to the current food store is to be used for servicing and customer access. Pedestrian access is proposed from the High Street and Billingham Road which will improve accessibility for the Medical centre.
47. A Transport Assessment, Road Safety Audit; Travel Plan and a Servicing Management Plan accompany the application. The development has been considered by the Highways Transport and Design Team who have raised no objection to the continued use of the access from the High Street. Comments are noted with regards to the existing access and indiscriminate parking however this is an existing situation. Also, as it is not an adopted highway it is out with the control of the local authority. In addition, comments in relation to access to premises to the rear of the High Street are noted however this is a civil matter between the owner of the site and the residents and whether they wish to make this approach to gain access to their properties would be within their gift to negotiate this access arrangement.
48. The proposed access from Billingham Road is to change to a ghost right turn priority junction is designed to current highway design standards with suitable visibility and is subject to a Stage 1 Road Safety Audit that is accepted. Due to the change from a left in/left out type junction to an all movement junction it is necessary to restrict parking on the west side of Billingham Road which can be secure by a TRO as part of the Section 278 highway works.
49. Tracking movements of an HGV have been demonstrated and the Servicing Management Plan for the food store can be conditioned to operate in perpetuity.
50. As detailed in the HTDM comments, Junctions have been modelled are predicted to operate below capacity with the proposed development traffic added.

51. Overall it is considered that with a number of conditions the proposal scheme is acceptable in Highway terms and will not have an adverse impact on pedestrian or highway safety

Landscaping

52. The application is accompanied by an arboricultural method statement and impact assessment. There are minimal tree removals proposed, however some trees will be trimmed back to the boundary and no objections are raised subject to the provision of a landscape maintenance and management plan and compliance with the recommendations in relation to Tree Protection.

Air Quality

53. An Air Quality Assessment accompanies the application and sets out the potential impacts and mitigation measures during the construction phase and the operational phase

54. During construction, the site is found to have at worst a 'Medium Risk', in the absence of mitigation, in relation to dust soiling effects on people and property and a 'Low Risk' in relation to human health impacts. Providing mitigation measures are implemented, residual effects from dust emissions arising during the construction phase are considered not to be significant. In addition, given the short-term nature of the construction phase and the comparatively low volume of vehicle movements that will likely arise, there is not predicted to be significant effect on air quality from construction-generated vehicle emissions.

55. During operation, effects are likely to be not significant as the net increase in vehicular trip-generation compared with the recently vacated food store, is only slightly above the EPUK (Environmental Protection UK) & IAQM (Institute of Air Quality Management) indicative air quality assessment screening criterion, even when no distribution of the trips on the local road network is considered; the Site is not situated within, or in close proximity to, an AQMA or known area of air quality concern, mapped background pollutant concentrations for the Site are well below the respective annual AQALs; and nearby roadside NO₂ monitoring data are also well below the relevant annual AQAL (Air Quality Assessment Level).

56. The report and mitigation measures have been considered and the Council's EHO agrees with the findings and raises no objections subject to the mitigation measures being secured by condition.

Noise

57. The application is accompanied by an environmental noise assessment assessing activities associated with the food store, specifically plant noise.

58. The noise impact assessment demonstrates that the noise rating level will be below the background level during the daytime and night-time periods and therefore the noise impact is considered to fall into the "No Observed Adverse Effect Level" of the National Planning Practice Guidance. The report and proposed mitigation have been considered and the Council's EHO agrees with the findings and raises no objections subject to conditions.

Flood Risk and Drainage

59. A Flood Risk and Drainage Impact Assessment accompanies the application. The site is within Flood Zone 1 and the FRA has raised no concerns over development on the site.

60. The report states that the ground conditions are not suitable for the use of infiltration techniques in the form of soakaways or permeable paving and there is no watercourse available for direct local discharge from the site. Surface water flows are therefore required to enter the public system along with foul water discharge which will connect to the existing combined sewer.

61. Whilst the lead local flood authority have stated they need confirmation of a pre-development enquiry from NWL, it is not considered that this is necessary to determine the acceptability of the application. NWL have raised no objections subject to a condition which has been recommended and they have confirmed that they would expect surface water flows to be restricted to 3.5l/sec. It is considered that this is sufficient to determine the application subject to conditions.

Land Contamination

62. An initial Phase 1 Geo-environmental survey has been undertaken which recommends that a further intrusive investigation should be undertaken to establish geotechnical parameters for the design of foundations, floor slabs and pavement construction for the proposed new structures and surrounding area. In addition, it is recommended that samples of soil are recovered for testing and to confirm whether there are any potential risks.
63. The Environmental Health Team have considered the submitted reports and recommendations and have no objection subject to the phase 2 investigation being undertaken which can be secured by condition.

Ecology

64. The application is accompanied by an Ecological Appraisal an in summary, has demonstrated that, if the outlined mitigation measures are implemented in full then no significant residual impact could be expected, and the proposed application will result in no net loss in biodiversity, whilst also providing opportunities for 'biodiversity net gain' in accordance with NPPF and Local Planning Policy. Comments in relation to wildlife and lighting are noted, however the recommendations include implementing a sensitive lighting scheme to minimise potential degradation of sensitive and foraging habitat.

Other Matters

65. *Archaeology* - the archaeological assessment states no impact on an archaeological resource is anticipated from the development. Tees Archaeology considered the information and have raised no objections. Queries with regards street arch which is part of the late 19th century Grade II listed lodge are noted, however there is no proposal to change or alter this.
66. *Sustainability* - An energy usage and sustainability statement accompany the application and providing work is undertaken in accordance with the submitted document the application complies with the requirements of policy ENV1 of the local plan.
67. *Boundary treatment* – The HTDM queried the boundary treatment on the Billingham Road elevation, the applicant has confirmed that the existing timber fence will be retained or replaced with one of a similar height and quality. However, for the avoidance of doubt a condition has been recommended to ensure this detail can be secured.
68. *Advertisements* - this application relates solely to the erection of the store and associated car parking landscaping and does not give consent for any adverts which will be a subject to a further application and the suitability of the adverts will be considered at that time.
69. *Applicant* - comments in relation to the end user being a discount market chain are noted however the permission for a food store goes with the land and not with the applicant. nevertheless, the perception of Norton being a place where a discount food store should not be located is not a material planning consideration and consequently is not a reason to refuse the application.

70. *Anti social behaviour*- comments with regards to anti-social behaviour are noted and Section 17 of the Crime and Disorder Act 1998 places a duty on Local Authorities to consider crime and disorder, of which Anti-Social Behaviour is one element. However, there is no direct evidence that this proposal would increase anti-social behaviour above what could occur from the re-use of the store. Nevertheless, such matter can be effectively dealt with through the management of the store alongside to the appropriate authorities.

CONCLUSION

71. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Norton North
Ward Councillor	Councillor S I Nelson LLB(Hons) BA (Hons)
Ward Councillor	Councillor Lisa Evans

IMPLICATIONS

Financial Implications: None

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

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

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

Background Papers: National Planning Policy Framework; Local Plan and Application File