

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
6 March 2024  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**22/1387/FUL**

**Land At The South-East Corner Of Wynyard Business Park, Wynyard,  
Erection of mixed-use development to include Use Classes E, B2, B8 and Sui Generis and the  
provision of associated access, car parking, servicing areas, landscaping, enclosures,  
drainage and infrastructure.**

**Land At The South-East Corner Of Wynyard Business Park Wynyard**

**SUMMARY**

Planning permission is sought for the erection of mixed-use development to include Use Classes E, B2, B8 and Sui Generis and the provision of associated access, car parking, servicing areas, landscaping, enclosures, drainage and infrastructure.

The application site lies within an area designated in the Adopted Stockton Local Plan for general employment use. Policy EG1(c) identifies 37ha of land at Wynyard as a high quality strategic inward investment location for office (B1 Use Class) manufacturing and engineering (B2 Use Class) and logistics use (B8 Use Class) providing opportunities for major employers to locate in the Tees Valley. The B2 and B8 uses are therefore considered to be compliant with the allocated use. However, the proposed supermarket, drive thru's and battery storage would be considered to be a departure from the Local Plan. It is this departure which requires the application to be presented to planning committee.

The Wynyard Masterplan, adopted in November 2019, was prepared in support of Local Plan Policy H3 'Wynyard Sustainable Settlement'. Its purpose is to provide a comprehensive approach to the delivery of the Local Plan allocations in both Stockton and Hartlepool, guiding future development to deliver the vision for a sustainable settlement at Wynyard.

Whilst the site would result in a partial departure, it is of note that the site benefits from an extent permission in 2008 (08/0538/REM) for 97,135sqm of B1 space, 15,171 sqm of B8 space and 4,644sqm B2 space. Whilst a lawful start was made the application has never progressed beyond its implementation.

The application has sought to demonstrate that the partial loss of employment land would not undermine the Local Plan aspirations to deliver high quality strategic inward investment opportunities for major employers to locate in the Tees Valley. Officers are satisfied that the provision of out of centre retail provision would not have a significant adverse impact upon existing centres.

Whilst not in strict in accordance with the Local Plan and Masterplan it is considered that the proposed development would not undermine the Local Plan and would still have significant employment benefits to the Borough through the development of this site.

No objection has been raised by any statutory consultee or member of the public.

Other key material planning considerations in relation to this application including the potential impact on the landscape, heritage, ecology, flood risk, highway safety matters; impact on

neighbouring properties and other impacts of the proposal have been fully considered against national and local planning guidance and the development as proposed is considered to be in line with general planning policies set out in the Development Plan.

It is considered that there are no adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission in this case and the application is therefore recommended for approval with conditions as set out below.

### **RECOMMENDATION**

That planning application 22/1387/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 detailed Heads of Terms below;

#### **Time Limit**

01 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).

#### **Approved Plans**

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

<b><i>Plan Reference Number</i></b>	<b><i>Date Received</i></b>
<b><i>1952-99 F</i></b>	<b><i>30 January 2024</i></b>
<b><i>200652 PL-03AC</i></b>	<b><i>30 January 2024</i></b>
<b><i>200652 PL-07A</i></b>	<b><i>1 June 2023</i></b>
<b><i>200652 PL-08B</i></b>	<b><i>1 June 2023</i></b>
<b><i>200652 PL-11B</i></b>	<b><i>11 May 2023</i></b>
<b><i>200652 PL-12B</i></b>	<b><i>11 May 2023</i></b>
<b><i>200652 PL-13J</i></b>	<b><i>11 May 2023</i></b>
<b><i>PL-06D</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-03M</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-04D</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-05B</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-11</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-12A</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-13E</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-14</i></b>	<b><i>15 June 2022</i></b>
<b><i>PL-15</i></b>	<b><i>15 June 2022</i></b>

***Reason: To define the consent.***

#### **Use: Drive Thru**

03 Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2015 (as amended) (or any order revoking and re-enacting that order), the development (Drive Thrus) hereby approved shall be used specifically for Class E(b) and for no other use.

Reason: To enable the Local Planning Authority to retain control over the development

### **Use: Supermarket**

- 04 Notwithstanding the provisions of Part 3, of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order) the development (foodstore) hereby approved shall have a maximum net retail floor space (net sales area) of 2,787 sqm. In addition no more than 30% of the permitted retail floor area shall be used for the sale of comparison goods. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

Reason: To limit the extent to which retailing can take place outside of the defined town centre boundary in the interests of minimising long term negative impacts on the vitality and viability of the re in accordance with the requirements of Local Plan Policies SD4, EG1 and EG3 and the National Planning Policy Framework.

### **Use B2/B8**

- 05 Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2015 (as amended) (or any order revoking and re-enacting that order), the development (commercial units – block C) hereby approved shall be used specifically for Class B2 and/or B8 and for no other use.

Reason: To enable the Local Planning Authority to retain control over the development

### **No subdivision/ amalgamation**

- 06 The development hereby approved shall not be sub-divided into smaller unit or combined to form larger independent units without the prior written consent of Local Planning Authority and shall therefore be retained as such notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

### **Travel Plan**

- 07 No part of the development hereby approved shall be occupied unless and until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways or its successors). The Travel Plan shall be developed to accord with the principles set out in the Framework Travel Plan. The Detailed Travel Plan shall thereafter be implemented.

Reason: To establish measures to encourage more sustainable non-car modes of transport and to ensure compliance with Local Plan Policy T11

### **Construction Traffic Management Plan**

- 08 Construction of no part of the development hereby approved shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways or its successors). Construction of the development shall thereafter be carried out in accordance with the agreed Construction Traffic Management Plan.

Reason: In the interests of highway safety and residential amenity in accordance with local plan policies T11 and SD8 and the National Planning Policy Framework.

### **Electric Vehicle Charging**

- 09 Notwithstanding the submitted information, full details of the type, number and location of all electric charging points shall be submitted to and be agreed in writing with the Local Planning

Authority. The charging points shall be provided prior in accordance with the agreed details and installed prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

Reason: To future proof the development and to aid in the reduction of CO2 emissions in accordance with the NPPF.

### **Construction Environment Management Plan**

- 10 Prior to the commencement of the development hereby approved, a detailed site specific Construction Environmental Management Plan for each phase is to be submitted and agreed in writing by the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted Ecological Impact Assessment Report (Received 15 June 2022) Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

### **Contaminated Land Risk Assessment**

- 11 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 desk top study (Ref: NT15280, March 2021) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 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.

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

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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

### **Unexpected Land Contamination**

- 12 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: To ensure any unknown contaminative features encountered during the development are investigated and remediated to an acceptable standard

### **Construction Hours**

13 No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 8.00am and 1.00pm on Saturdays. There shall be no construction activity (including demolition) outside of these hours or on Sundays or on Bank Holidays without the prior consent of the Local Planning Authority having first been obtained.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with Policy SD8 of the Stockton on Tees Local Plan.

### **Discharge of Surface Water**

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

- i. A build program and timetable for the provision of the critical surface water drained infrastructure ;
- ii. A management plan detailing how surface water runoff from the site will be managed during the construction phase;

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the Local Plan policies SD5 and ENV4 and the National Planning Policy Framework.

### **Discharge of Surface Water**

14 The buildings hereby approved shall not be brought into use until:-

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
- II. A site-specific management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

Reason: To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

### **Site Levels**

15 Prior to the commencement of the development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, cross sections and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats

### **Soil Management**

- 16 Prior to the commencement of each phase of the development, no development shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how and where soils will be stripped, and their temporary storage during the works. Details shall describe the height, width, length and location on site of all such mounding together with any temporary seeding.

Reason: To enable the Local Planning Authority to satisfactorily control the development

### **Landscaping - Hardworks**

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

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

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

### **Landscaping - Softworks**

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

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

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

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

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

### **Enclosure**

- 19 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, (whichever is applicable) prior to the commencement of development, details of the

enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

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

### **Scheme for Illumination**

20 Prior to the commencement of development full details of the method of external LED illumination:

- Siting;
- Angle of alignment;
- Light colour; and
- Luminance of buildings facades and external areas of the site, including parking courts,

shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of the highway safety; and protection of sensitive wildlife habitats.

### **Soft Landscape Management and Maintenance**

21 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, maintenance access routes to demonstrate operations can be undertaken from publicly 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 5year 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.

### **Protection of Highway**

22 No development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the protection of the adopted highway, from tree root damage where trees are planted within 2m.

Reason: To protect the adopted highway from damage by tree roots

### **Buffer Planting**

23 Buffer planting to the eastern and south eastern boundary shall be planted early in the development works and protected for the duration of construction. Planting shall be undertaken prior to commencement, or in the first planting season after works have commenced on site to ensure early establishment of vegetation.

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

### **Energy Statement**

24 The development hereby approved shall be built out in accordance with the recommendations as detailed within the Energy Statement as received by the Local Planning Authority on the 15 June 2022.

Reason: To ensure compliance with local plan policy ENV1 and the National Planning Policy Framework.

### **Ecology**

25 The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed within the submitted Ecological Impact Assessment Report (Received 15 June 2022)

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles Local Plan Policy and the National Planning Policy Framework.

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### LLFA: Information required to satisfy this condition

Detailed site-specific SuDS Management and Maintenance Plan which addresses all the information contained within the attached template.

### NWL: Foul

We can inform you that a public foul sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application.

Further information is available at <https://www.nwl.co.uk/services/developers/>

### NWL: Discharge

Please note that the site lies within drainage area 11-D49. This drainage area discharges to Billingham Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator

### Northern Gas

There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development. If your proposal includes the construction of buildings, it is essential you contact Kristian Ainsworth on telephone number 07773 545 806. Kristian is the pipeline technician.

### Informative: Sabic

Should any work within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines) is to be carried out, as this would need approval from ourselves before any work is commenced.



Informative: Secure by Design

Prior to the commencement the developer is advised to contact the Crime Prevention & Architectural Liaison Officer to discuss how Secure by Design principles can be incorporated into the scheme.

## **HEADS OF TERMS**

### **Off Site Biodiversity Gain**

## **BACKGROUND**

1. The Site has an extensive planning history but currently benefits from an extant permission (08/0538/REM) for 97,135sqm of B1 space, 15,171 sqm of B8 space and 4, 644sqm B2 space.

## **SITE AND SURROUNDINGS**

2. The application site, hereafter referred to as the Site is allocated employment land (EG1 c) located to the south of Wynyard Avenue, at Wynyard Business Park, Stockton-on-Tees. The site currently comprises 15.17 ha and includes an area of hardstanding currently used as a car park for existing businesses within the wider business park, as well as vacant scrubland, with several trees and bushes across the site and along the eastern and southern boundaries. In addition, there is a pond adjacent to the northern boundary of the site, to the south of Wynyard Avenue.
3. The Site is located within Wynyard Business Park and in close proximity to a range of other commercial uses.

## **PROPOSAL**

4. Planning permission is being sought for a mixed use development at Wynyard Business Park. This development comprises the following elements:
  - a foodstore of 4,490 sqm gross floorspace; a net sales area of 2,787 sqm (i.e. 30,000 sqft). The majority of the net area would be used for convenience goods sales, the store would however also carry a range of non-food foods.
  - two drive-through units intended to be occupied by uses within Class E, comprising 167 sqm gross floorspace each;
  - nine no. trade counter units, comprising around 4,181 sqm gross floorspace in total;
  - a battery energy storage facility;
  - 421 car parking spaces in total, including 30 accessible spaces and 16 parent and child spaces; and
  - hard and soft landscaping across the site
5. The submitted plans show areas for future development of the southern parcel of the site however no details have been submitted as part of this application.

### Procedure: EIA Regulations

6. The development is Schedule 2 Development. It is the opinion of the Local Planning Authority that taking into account the characteristics of the development, its location, and the characteristics of the potential impacts, there are unlikely to be any significant impacts that would warrant an EIA, when considering the proposal against the criteria in Schedule 3. It is therefore concluded that the proposed development does not constitute EIA development.

## **CONSULTATIONS**

7. Consultees were notified and the following comments were received.

### Environmental Health Unit: Contaminated Land

I have reviewed the historical environmental records held by this Local Authority along with the phase 1 contaminated land study carried out by Wardell Armstrong LLP (Ref: NT15280, March 2021) by the applicant namely and agree with the proposal to undertake site investigation to

assess the made ground on the site, the suitability of stockpiled mound materials for reuse, as well as geotechnical properties.

I would recommend the suite for analysis includes asbestos.

I have checked the Air Quality Assessment and other supporting documentation for the proposed development.

An assessment has been undertaken in accordance with the IAQM Guidance for the construction phase for dust soiling and for the impact from development generated traffic on the local road network. It has been identified that there is potential for dust soiling due to fugitive emissions from the site. Mitigation measures for dust control have been identified and therefore I am satisfied that with these measures implemented, dust soiling will not be significant during this phase. The results for the assessment for the development generated traffic conclude that the levels will not be significant.

Therefore, I have no grounds for objection in principle to the development

#### Principal Environment Officer

The full comments can be viewed on the public access however, a summary has been provided below;

- Broadly supportive of the proposed development, providing it is carried out in accordance with the submitted Energy Statement
- Conditions should be in place to secure electric charging points and to secure a sustainability statement prior to commencement

#### Place Development

The largest unit within the proposal is the food store which follows what is understood to be a standard template with the addition of embellishments to the façade in the form of pressure laminated timber plank system, Horizontal timber solar shading and Structural timber. These elements have been focused mainly on the main elevation and are welcomed.

Two drive-through restaurants have been proposed. There is a notable design difference between the two units with unit B1 following a much more elevated design which compliments those used at the food store. It is recommended that unit B2 be designed to utilise a similar palette of materials to provide conformity with unit B1 and the food store.

#### Landscape and visual

The landscape and visual appraisal submitted as part of the appraisal includes 21 viewpoints with many of these being to the eastern and southern boundaries of the Local Plan allocation. These do not capture views from pedestrian footpaths or from vehicles on the A689 and A19 and more importantly the elevated position at the interchange (and slips roads) of these two roads.

It would be beneficial for these views to be understood taking into consideration the existing and proposed landscape proposals which contain the introduction and enhancement of mixed broadleaved woodland (amongst other elements) to the eastern and south-eastern boundaries of the site. Whilst future development is indicated to the south of the proposed development it does not form part of the proposal.

We would encourage consideration of the following points:

- o The western elevation of the proposed trade units is of a higher design quality than the eastern element containing aluminium composite cladding panels and pressure laminated timber planks. Whilst it is acknowledged that the western elevation will be viewed by those approaching

from the west it may be beneficial for this to be replicated to the eastern elevation if visible from the A19.

o There battery storage facility compound is to be surrounded by a 2.4m palisade fence and a 2.2m perimeter welded mesh fence surrounding the wider facility. It is evident from the elevations that much of the apparatus within is higher than the fencing. Concern is raised as limited landscaping is provided to this element of the proposal and it will be highly visible from many viewpoints including those within the site (such as from the trade units and when entering the proposed site from Wynyard Avenue). It will be beneficial for a more considered landscape strategy to be developed to soften the visual impact of this element of the proposal.

o There is potential for the southern and eastern elements of the food store to be viewed from elevated highway positions (A689 and A19). As these elevations include service yards etc the visual impact needs to be considered and mitigated.

#### Tees Archaeology

Thank you for the consultation on this application. We note the inclusion of an archaeological desk-based assessment, which concludes that the site is of low potential due to previous disturbance. We agree with this conclusion; no archaeological work is necessary and we have no objection to the proposed development.

#### Historic Building Officer

No objection

#### Cleveland Police

With regard to the mixed-use development, from what I can glean from perusing the documents associated with the application, no reference has been made in relation to the designing out of crime for the site, or building design as part of the proposal.

Installation of good quality vandal resistant lighting is important to assist formal and informal surveillance around the development. I note that there is to be a uniform level of light across the development.

It is desirable that vehicular and pedestrian routes are designed in a way that ensures they are visually open, direct, and well used. They should not undermine the defensible space of commercial developments.

Consider design features to deter ramming, with vehicles, of building doors/windows. Routes for pedestrians, cyclists and vehicles should run alongside one another and not be segregated. All planned routes should have a rational purpose and follow natural 'desire lines' Creating a sense of place where businesses and legitimate users are able to go about their daily routine, without undue fear of crime or insecurity is a key to preventing crime and anti-social behaviour. Management practices and maintenance is important to ensure that places that are designed with this in mind, and this will discourage crime in the present and the future.

Crime and anti-social behaviour are facilitated by a lack of definition of ownership of space. Encouraging businesses and legitimate users to feel a sense of ownership and responsibility for their surroundings can make an important contribution to community safety and crime prevention.

A secure boundary around the site, to the rear and or side of a building will also frustrate the intruder intent on breaking into the building out of hours and or limit the quantity or type of goods that can be stolen.

Consider the Safer Parking Award for the development to provide reassurance to shoppers that there are robust safety and security measures in place at the site.

Good quality CCTV systems should be installed, that provide colour images at all times.

Chief Fire Officer (Cleveland Fire Brigade)

Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above.

Further comments may be made through the building regulation consultation process as required.

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

No objection.

Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water assesses the impact of

the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records.

Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to

assess our capacity to treat the flows from the development. We therefore request the following condition:

Highways England

National Highways has reviewed the Technical Note submitted in support of this planning application and would offer comments below. The Applicant has presented a junction capacity assessment for the A19(T)/A689 Junction. We are broadly supportive of the proposed assessment methodology and would agree with the Applicant's conclusion that: "The results of the modelling show that the development could come forward without any of the proposed highway improvements, and should some (or all) of the improvements come forward together with the committed/emerging developments that are contingent on these schemes, then the operation of the highway network would remain within acceptable limits." National Highways would conclude that the detailed capacity assessments undertaken by the Applicant demonstrate that the proposed development is not forecasted to have an unacceptable safety impact; and the residual cumulative impacts on the Strategic Road Network are not forecasted to be severe.

Sabic UK Petrochemicals Ltd

We would recommend that the Health & Safety Executive be consulted to review the proposed development.

In terms of the safety and engineering integrity of the pipeline I would advise you that SABIC/INEOS is consulted should any work within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines) is to be carried out, as this would need approval from ourselves before any work is commenced.

Should planning consent be granted we would require to consult fully with the developer prior to construction commencing on site to ensure that our standard conditions for work in close proximity to the ethylene pipeline are met.

#### Ministry Of Defence

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

#### Durham County Badger Group

We have no records or other information (eg road traffic casualties) in relation to the presence of badgers in the close vicinity of the proposal area.

#### Campaign To Protection Rural England

This site is a prominent one at the junction of the A689/A19. At present of course it is open land but we appreciate it is allocated for development in the Stockton Local Plan.

As such, CPRE Durham does not object to the development of this site. There is already the large Clipper building to the north of this site and the employment site at Wynyard Park to the west. However, we do have some concerns that we believe must be addressed.

The site is allocated for employment use in the Stockton Plan Policy EG1 in the following terms

"High quality strategic inward investment location for office (B1 Use Class) manufacturing and engineering (B2 Use Class) and logistics use (B8 Use Class) providing opportunities for major employers to locate in the Tees Valley".

This is quite specific as to the requirements for development of this site. The application however is for retail development, with a significant Sainsbury's store and associated parking, some small trade units and battery storage. This hardly fits into the above description.

We note paragraph 3 of Policy EG1 and the applicants rely on this for departing from the proposed allocated use. There is no separate report on the website to address this matter but the Planning and Retail Statement does provide some evidence that the site has been marketed for over 12 months without success.

As stated, CPRE Durham does not object to development of this site but we do represent that this aspect of Policy EG1 must be fully addressed. While we do not profess to be experts in marketing of such sites, we are concerned that the Plan was adopted in 2019 and this departure is proposed only 3 years later. Is there a risk that land will be required for the purpose identified for Wynyard in Policy EG1 and a new site will have to be allocated for this purpose in the near future? We would find it difficult to support such a proposal should it come forward.

We note the assessment for retail matters in the Planning and Retail Statement. Again we do not have the expertise to comment on this but do represent that the issues need to be carefully considered to ensure that it does not lead to detrimental impacts on other retail centres in the borough.

We note the inclusion of a battery storage facility. While there are some comments relating to this in the Planning and Retail Statement, there is no real detail about this proposal and how any fire risk that can result from such a development may be dealt with. We draw attention to the

Energy Institute's Guidance Note No 1 on Battery Storage issued in August 2019 which is stated to provide guidance for decision makers. None of the information suggested in that Guidance relating to fire risk or use of the battery is contained within this application as far as we can see. While we note that the Cleveland Fire Brigade have not objected to this application, they do not seem to have referred to the Battery Storage element of it and the implications arising from the Energy Institute Guidance.

There is reference to the battery being supplied by renewable energy from the development. However, we can find no details of this and represent that it should be addressed. In particular, CPRE Durham actively encourages the provision on solar panels on the roofs of commercial buildings such as the Sainsbury's store.

We request that these matters be addressed in the determination of this application.

#### Teesside Airport

I refer to your consultation letter dated 6th July 2022. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport.

Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

#### PADHI Health & Safety Executive Does Not Advise Against

#### Health And Safety Executive

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

However, I note that Stockton Council have already used the HSE Planning Advice Web App to obtain HSE's advice for this planning application. Therefore, HSE have no further comments to make.

#### Environmental Health Unit

I have checked the documentation provided and I have found no grounds for objection to the principle of this development and I do not think that additional conditions need to be imposed from an Environmental Health perspective since the last comments were made on 9/8/2022

#### Hartlepool Borough Council

I can confirm that Hartlepool Borough Council have no objections to the application.

#### Highways Transport & Design Manager

#### General Summary

Subject to the conditions set out below the Highways, Transport and Design Manager raises no objections to the proposals.

#### Highways Comments

A site plan, drawing PL03 Rev A, has been provided which is broadly in accordance with the Councils design guide and car parking has been provided in accordance with SPD3: Parking Provision for Developments 2011 has also been provided.

The applicant has also provided a technical note, which takes account of the queries raised by National Highways, which includes local junction assessments of key junctions along the A689 corridor including;

- A689/ Hanzard Drive / The Wynd Roundabout
- A689/Wynyard Avenue Roundabout
- A19/A689 Wolviston Interchange

The impact of the proposed development on the local and strategic road network has also been assessed, based on a worst case scenario, utilising the Wynyard Vissim model.

The modelling undertaken has demonstrated that the impact of the development on the surrounding highway network would not be severe and no highway mitigation measures would be required to allow the proposed development to proceed.

Subject to the conditions requested by National Highways there are no highways objections to the proposed development.

#### Landscape & Visual Comments

The applicant has submitted an updated Landscape Masterplan (Drawing 01 - Wynyard Landscape Masterplan Revision C) which provides a high-level proposal for landscaping on the site. It is considered that the proposed landscaping approach would enhance the site and provide an attractive setting to the development as well as providing some screening and filtering of views from the A19 and A689.

Early planting of the boundary buffer to the A19 and roundabout junction would ensure early establishment of perimeter screening, and also benefit future phases of the development. It is recommended that planting to the perimeter should be conditioned to be delivered at completion of the first unit within this development.

Where highways and footways are to be adopted all tree planting must be at least 2m away. In locations where tree planting is closer than 2m the adopted highway must be protected by a root barrier membrane or root deflector.

The following information will also be required, this should be provided up front where possible, but could be conditioned:

- Landscaping Hardworks - Details of surfacing materials;
- Landscaping Soft Works - Full details of all soft landscaping, including detailed schedules and specifications and timescale/phasing for implementation;
- Enclosure;
- Lighting - to ensure compatibility between site lighting and site trees;
- Soft Landscape Management Plan;
- Protection of the Highway - from tree root damage; and
- Buffer Planting - Planting to the eastern and southern boundaries to be delivered at completion of the first unit to allow early establishment.

#### Flood Risk Management

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. All works must be carried out in strict accordance with the following approved documents;

- Wynyard Retail Park Phase 1 & 2 Proposed Drainage - Drawing Ref; 23 Rev P2 Dated 05/2023
- Wynyard Retail Park - Existing Network - Drawing Ref; 29 Rev P Dated 05/2023

- Wynyard Retail Park - Phase 1 Drainage Zones & Proposed Phase 2 Drainage Zones - Drawing Ref; P Dated 03/2023

A build programme for the provision of critical surface water infrastructure and a construction surface water management plan has not been provided however this information can be secured by the pre-commencement conditions below.

#### Durham County Council

I have reviewed the information submitted as part of the subject application and can confirm that Durham County Council raise no objection in this instance.

#### Northern Gas Networks

We enclose a plan showing our plant in the area of Land At The South-East Corner Of Wynyard Business Park, Wynyard. We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development. If your proposal includes the construction of buildings, it is essential you contact Kristian Ainsworth on telephone number 07773 545 806. Kristian is the pipeline technician.

#### **PUBLICITY**

8. No public representations have been received following consultation via neighbour letters, site notice or press advert.

#### **PLANNING POLICY**

9. 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 Stockton on Tees Borough Council Local Plan 2019.
10. 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**

11. 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.
12. 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.

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

Paragraph 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation<sup>44</sup>, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential

Paragraph 90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

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

Paragraph 91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 92. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning

authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

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

Paragraph 95. 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 94, it should be refused

Paragraph 110. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);
- e) provide for any large scale transport facilities that need to be located in the area<sup>46</sup>, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy<sup>47</sup>.

Paragraph 111. If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

Paragraph 112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists

Paragraph 115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 126. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

Paragraph 159. New development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards

### **Local Planning Policy**

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

#### Policy 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.

#### Policy 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 5.

In order to provide sufficient employment sites to meet the needs of existing businesses, new start-ups and major inward investment there is a requirement to allocate sufficient land for specialist industries, business, general industry and warehousing, as follows:

- a. 120 hectares of land for specialist uses including, the chemical and process industry, energy generation, waste processing, port related uses and other uses, which demonstrate operational benefits to the North and South Tees Cluster.
- b. 70 hectares of land at Durham Tees Valley Airport of which 50ha is for airport related use and 20 hectares of general employment land.
- c. 110 hectares of land for general employment uses.

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.

Other Development 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.

#### Policy 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.

Specialist Uses

3. The Seal Sands, North Tees and Billingham Chemical Complex areas are the main growth locations for hazardous installations including liquid and gas processing; bio-fuels and bio\_refineries; chemical processing; resource recovery and waste treatment; energy generation; carbon capture and storage; and other activities, which have operational benefits for the cluster. To safeguard the specialist nature of this area general employment development, which is unrelated to the main cluster, will not be encouraged.

5. Economic growth proposals which attract significant numbers of people will be permitted in the vicinity of a hazardous installation only where there is no significant threat to public safety.

General Employment 7.

The following sites are identified as principal office locations where new office development will be directed:

- a. Stockton Town Centre and the District Centres.
- b. North Shore.
- c. Teesdale and Thornaby Place.

8. Employment land at Wynyard Park provides high quality strategic inward investment opportunities for major employers to locate in the Tees Valley.

9. Belasis, Cowpen Lane, Durham Lane, Preston Farm, Portrack Lane and Teesside Industrial Estate are the main locations for new light industrial, general industrial and logistics related development.

## 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
Primary Shopping Area /Town Centre	a. Stockton	The largest shopping centre within the Borough containing the Primary Shopping Area, an administrative function and evening economy.
District Centre	b. Billingham c. Thornaby d. Yarm e. 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.
Local Centre	See SD4.12. (below)	Centres which serve a small catchment and, typically include a small supermarket/ convenience store and a range of other small shops, services and community facilities.

12. The following locations are designated as Local Centres: a. Billingham Green, Billingham b. Mill Lane, Billingham c. High Grange, Billingham d. The Stables, Wynyard e. Wolviston Court, Billingham f. Orchard Parade, Eaglescliffe g. Healaugh Park, Yarm. h. Sunningdale Drive, Eaglescliffe i. Myton Way, Ingleby Barwick j. Elm Tree Centre, Stockton k. Hanover Parade, Stockton l. Harper Parade, Stockton m. High Newham Court, Stockton n. Oxbridge Lane, Stockton o. Redhill Road, Stockton

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.

14. Teesside Park and Portrack Lane are out of centre shopping destinations. New developments in these areas, along with proposals in any other out-of-centre locations, will be determined in accordance with the Sequential and Impact tests, as set out in Policy EG3.

## Employment and Training Opportunities

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 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.

- c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- e. Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within policies SD3 and SD4.
- f. Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- i. Considering development proposals within green wedges against policy ENV6.
- 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.
- k. Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

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.
- 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.

#### 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.

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

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

#### EG1 - General Employment Sites

1. New general employment proposals will be directed to existing premises and allocated sites in the following locations:

c. Wynyard 37 ha High quality strategic inward investment location for office (B1 Use Class) manufacturing and engineering (B2 Use Class) and logistics use (B8 Use Class) providing opportunities for major employers to locate in the Tees Valley.

3. In order to maintain an adequate supply of land and premises for economic growth, all allocated sites, and all existing land and buildings last used for employment purposes, will be protected from alternative uses, unless it can be demonstrated through the submission of proportionate evidence that:

- a. The development does not lead to the loss of a key strategic site that would undermine economic growth across the Borough and/or the wider Tees Valley; and,
- b. The site or premises is no longer required for employment purposes, as demonstrated by an appropriate period of marketing extending to at least 12 months; and,
- c. The loss of the site, or part of the site, does not result in a negative impact on existing businesses prejudicing further commercial expansion in the area, when considered against policies SD8 and ENV7; and,
- d. Where appropriate, it has been demonstrated that redevelopment or refurbishment of the site is not viable for continued employment uses, or continued employment use would result in unacceptable traffic or environmental problems which would be significantly alleviated by the proposed use

#### 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).

#### Policy ENV 1 – 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

#### 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).

#### Policy ENV 2 - Renewable and Low Carbon Energy Generation



1. Development proposals will be supported where renewable energy measures are considered from the outset, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, and where there would be no unacceptable adverse effects on landscape, ecology, heritage assets and amenity.

The Council encourages and supports:

- a. The local production of energy from renewable and low carbon sources to help to reduce carbon emissions and contribute towards the achievement of renewable energy targets; and
- b. Community energy schemes that reduce, manage and generate energy to bring benefits to the local community.

3. Planning applications for energy generation from renewable and low carbon sources, other than wind energy generation, will be considered against the principles in Policy SD8. Proposals should be supported by a comprehensive assessment of the landscape, visual and any other impacts of the proposal.

4. Developers should, where appropriate, provide details alongside a planning application of a satisfactory scheme to restore a site to at least its original condition when the scheme has reached the end of its operational life.

5. To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

#### Policy 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.

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

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

#### Policy 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.

### Policy 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.

6. The following are designated heritage assets:

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

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

### **MATERIAL PLANNING CONSIDERATIONS**

14. The main planning considerations on this application relate to the principle of development (the loss of the employment land, impact on neighbours, character of the area, traffic and transport, drainage, impact on ecology and any other matters.

#### Principle of development

15. As detailed within the NPPF there is a presumption in favour of sustainable development. One of the core planning principles sets out the desire to proactively drive and support sustainable economic development. In considering this proposal it is acknowledged that there are some economic benefits through private investment and job creation (during and post construction). In line with guidance contained within the NPPF, these are material planning considerations which weigh in favour of the proposed development.

16. The application is seeking a mixed use development on an allocated employment site within the limits of Wynyard employment land EG1 (c) (37ha of land) at Wynyard as a high quality strategic inward investment location for office (B1 Use Class) manufacturing and engineering (B2 Use Class) and logistics use (B8 Use Class) providing opportunities for major employers to locate in the Tees Valley. The principle of the 9No units of the B2 and B8 is therefore compliant with the aims of local plan policy EG1.

17. However, this application in addition to the B2 and B8 uses is proposing a foodstore of 4,490 sqm gross floorspace; a net sales area of 2,787 sqm (i.e. 30,000 sqft). The majority of the net area would be used for convenience goods sales, the store would however also carry a range of non-food foods, two drive-through units intended to be occupied by uses within Class E, comprising 167 sqm gross floorspace each and a battery energy storage facility (approx 0.68ha). Such uses would be considered a departure from policy.

#### Loss of Employment Land

18. Policy EG1 states that all allocated sites, and all existing land and buildings last used for employment purposes, will be protected from alternative uses, unless it can be demonstrated through the submission of proportionate evidence that:

- the development does not lead to the loss of a key strategic site that would undermine economic growth across the Borough and/or the wider Tees Valley; and
- the site or premises is no longer required for employment purposes, as demonstrated by an appropriate period of marketing extending to at least 12 months; and
- the loss of the site, or part of the site, does not result in a negative impact on existing businesses prejudicing further commercial expansion in the area, when considered against policies SD8 and ENV7; and
- where appropriate, it has been demonstrated that redevelopment or refurbishment of the site is not viable for continued employment uses, or continued employment use would result in unacceptable traffic or environmental problems which would be significantly alleviated by the proposed use.

#### Loss of a Strategic Site

19. The revised Employment Land Review suggests that there is an over provision of approx. 261.75 ha of employment land across the Tees Valley, with approx. 44.8 ha of this being within Stockton. However, as Members will be aware the local plan went through a robust examination in public and was adopted in 2019. The Inspector in the examination acknowledges that Stockton proposed a balanced portfolio of sites for employment, albeit the majority of sites are less than 2 ha. This site is therefore unique in terms of allowing opportunities for strategic inward investment growth. Whilst it is acknowledged that there has been limited interest in site for single occupation this does not mean to say that there would be no interest in the site moving forward, approval of this site would potentially therefore have wider impacts for strategic growth.
20. However, this needs to be balanced against the 2008 extant permission of the site, which could be implemented. Should this extant permission be developed out in part or in full the strategic opportunity of this site would be compromised. Given the change in the use classes order, there is therefore a genuine fallback position which could be used of Use class E purposes (i.e shops, offices, gyms and restaurants) and appropriate weight must be given to this.
21. The development, as submitted, would not only deliver out on 9 units of B2/B8 Use it has also identified further area of growth within the site would provide future opportunity for growth in compliance with policy EG1. In consideration of this it is not considered that the development as proposed would lead to the loss of a key strategic site that would undermine economic growth across the Borough and/or the wider Tees Valley.

#### Marketing

22. Based on the evidence submitted in support of this application it is considered that the applicant has demonstrated that they have appropriately marketed the site and to this end has satisfied this test.

#### Prejudicing further commercial expansion

23. The submitted employment land review sets out that the applicant is in control of the wider allocation and is satisfied that the proposed development would not prejudice any of the existing operators. There is no evidence to counter this statement. The separation of the site from the existing uses via highways would also prevent any physical extensions.
24. It is also noted that there would be future development opportunities through phase 2. No objections have been received from either occupiers of the surrounding units or any technical consultee. Consideration must also be given to the 2008 extant permission in terms of future development opportunity.

#### Traffic and Environmental Issues

25. The impact of the development on the local and national highway network, as well as environmental issues have been considered in the later stages of this report. However, subject to the recommended conditions and securing the offsite biodiversity gains, no objections have been raised on either matter relating to the environment or highway safety.
26. In consideration of the above whilst the proposed development would result in a partial departure from the plan, it has satisfied the policy tests to support this as set out within policy EG1.

#### Supermarket

27. The application Site is within the defined development limits however, it is outside of a Town, District or Local Centre. The Site is within the defined development limits of Wynard Business Park.

28. Paragraphs 90-95 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.
29. The 2016 Town Centre Use Study which was commissioned by the Council to provide a robust and credible evidence base to inform the development of policy within the Council's new Local Plan. It takes into account the most up to date information in relation to population and expenditure, as well as a new survey of household shopping patterns undertaken by NEMS Market Research. The 2016 report 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). Over the plan period up to 2032, and when considering this area in isolation, these levels of capacity demonstrates support up to two new medium sized supermarkets or, possibly, one superstore. Within the aforementioned areas.
30. The application has, in line with the above, submitted a Sequential Assessment and Retail Impact Assessment (RIA).

#### Sequential Assessment

31. The sequential assessment sets out the methodology employed 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 other applications considered by the council.
32. The sequential assessment sets out the parameters;
- site size - any potential alternative sites would need to be able to accommodate new retail development of a similar scale and nature, with associated parking, servicing and landscaping, taking into account the need for flexibility set out in the NPPF;
  - whether the site lies within, or on the edge of, existing centres;
  - whether there are any development plan policies relevant to the sites identified;
  - whether the sites can be satisfactorily serviced and accessed by vehicles;
  - whether there are any extant permissions for development on the sites identified, and details of any other proposals;
  - whether there are any land assembly issues (e.g. multiple ownership) which could constrain the potential for future development;
  - what the current land uses are at each site, and whether there is a requirement for their relocation;
  - whether the site is likely to be commercially attractive to operators; and
  - other potential constraints to development, for example conservation area or listed building status, tree preservation orders, topography, etc
33. The sequential site assessment has evidenced that there is no alternative, sequentially preferable sites to the planning application site for the development proposed. 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.
34. On the basis of the above officers are satisfied that the sequential test is robust and therefore planning permission should not be refused on the basis of the sequential test.

#### Retail Impact Assessment

35. 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 submitted a Retail Impact Assessment, the methodology applied to the revised RIA is considered to be appropriate.

36. The Study Area included; Rural North-West; Billingham; Stockton; Sedgefield; and Hartlepool. The study area is considered to largely follow the identified zones within the 2016 Town Centre Use Study, it also been carried out on the basis for a new telephone survey of household shopping patterns, existing shopping patterns, the likely area of influence of the proposed new facilities in Wynyard, and that of existing stores in the surrounding area.
37. The report concludes that; The most significant impacts of the proposed foodstore are forecast to be upon the Tesco superstore at Leeholme Road, in Billingham (10.5%) and the Sainsbury's store in Sedgefield (8.6%). The Asda and Aldi stores in Billingham District Centre are forecast to experience impacts of around 8%, with that upon Tesco Extra at Durham Road, in Stockton, being around 7%.
38. However, the Tesco stores in Billingham and Stockton, along with Sainsbury's in Sedgefield, are all unrelated to existing defined centres, and therefore unprotected in planning policy terms. The report identifies this, the greatest impact for convenience sales would therefore be on the Asda and Aldi stores within Billingham District Centre, the Aldi was reporting to have a 270% turnover of the company average. However, the RIA does acknowledge that this figure may be inflated as at the time the RIA was carried out as the Aldi on Darlington Lane was no longer operating due to the construction of a replacement store, and to a lesser extent the coop in Norton, which was also closed with the replacement Lidl store being under construction.
39. The report goes onto to state;  
The cumulative impacts upon the Aldi and Asda stores in Billingham, taking into account planned new local centres at Wynyard and the new Lidl store in Norton, are slightly higher (at around 11% and 9% respectively). However, they are not at such a level which they would give any cause for concern over the performance of these stores, particularly given their current trading levels. Furthermore, the impact forecast upon other stores in Billingham District Centre is less than 2%, reflecting the limited extent to which the new Sainsbury's would compete with these facilities, which primarily meet top-up and specialist needs. On this basis, it is not considered that either of the above supermarkets, or the wider centre, would experience a significant impact upon their vitality and viability
40. Whist the Lidl store at Tower Street, in Stockton Town Centre, would experience a cumulative impact of around 5%, the majority of this impact would be as a result of committed developments, including the new Lidl in Norton District Centre - which the Council has already found to be acceptable. The majority of convenience goods/food retail uses within Norton and other existing defined centres - including local centres in/around Billingham and on the northern side of Stockton - are small scale and focused upon meeting day to day and/or specialist needs.
41. The report concludes that in terms of convenience any trade diversion would be spread across a range of medium and large-sized stores in the surrounding areas, many of which are unrelated to existing centres, and a number of which are also performing strongly, at levels above their company average.
42. The above satisfactorily demonstrates that the erection of proposed convenience store, in this location, would not have a significant adverse impact upon the vitality and viability of any existing centres.
43. The proposed retail store is proposing that 697sqm would be for comparison goods. The RIA sets out that the highest forecast impact would be upon Tesco at Leeholme Road, in Billingham (2.1% - or 2.3% with committed developments). This reflects the extent to which the comparison

floorspace within the new Sainsburys would compete with that in Tesco. However, this store is not located within a defined centre and, in any event, an impact of this level would not materially affect the viability of the store.

44. The below tables, taken from the submitted RIA breaks down where the diversion would come from and the extent;

Table 8.1

	Convenience Goods		Comparison Goods		Combined	
	Trade Diversion		Trade Diversion		Trade Diversion	
	£m	%	£m	%	£m	%
Committed/Proposed Local Centres, Wynyard	0.16	3.9%	0.01	1.0%	0.16	3.5%
Wynyard Local Centre (The Stables)	0.10	4.1%				
Billingham District Centre	2.65	6.9%	1.13	1.3%	3.77	3.1%
Stockton-on-Tees Town Centre	0.21	0.8%	0.50	0.6%	0.71	0.6%
Norton District Centre (including Committed Lidl)	0.32	1.9%				
Sedgefield Local Centre	0.03	0.8%				

45. The Stockton on Tees Town Centre Uses Study 2016 of Wynyard, identifies that whilst there is no expenditure capacity forecast to support new convenience retail floorspace in the Rural North West Zone, reflecting the more limited levels of population in this area. Notwithstanding this, it will be important to ensure that existing and any future new residential development in this zone is served by a range of facilities which meet day to day shopping needs, thereby reducing the need to travel.
46. Furthermore, in 2019 the Wynyard Master Plan was adopted which sought to achieve sustainable settlement through the integration of local centres. Stockton has secured the two local centres through the granting of applications reference 20/2408/OUT and 21/0345/FUL however the local centres shown to be within Hartlepool are not to be in accordance with the masterplan as shown in the illustrative layout under the application, minded to be approved subject to S106, ref H/2022/0181.
47. The RIA, as submitted, demonstrates that there would be limited draw would be taken from existing and committed retailers from within the designated centres, which principally serves the immediate local residents of the respective localities. Furthermore the scale of the development would provide a very different offer and would reflect different shopping habits. It is therefore not considered that the proposal would have a 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. It is acknowledged that the provision of a food store in this location, would aid in the sustainability of Wynyard in particular with wider benefits to the north western parishes.
48. As with the majority of retailing there is a need to control the development in line with the model and submitted sequential assessment which are specific to this proposal for food retailing as this is the model on which the proposal has been based, although it is reasonable to allow the requested 30% ancillary comparison retail.
49. 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.

50. 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 convenience 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. Based on the above the principle of development is considered to be acceptable, subject to all other material considerations considered below.

#### Drive Thru's

51. The proposed development is also seeking the erection of two drive thru's. At the time of submission the final operators have not been identified but the application is seeking to establish the uses under E class. The sequential assessment was based on the inclusion of the proposed two drive thru's, through the submission of the evidence provided for the sequential test, it is considered that it has been adequately demonstrated that there are no alternative suitable sites in sequentially preferable locations for the type of development proposed and therefore the proposal would be in accordance with policy EG3 and the NPPF.
52. The policy also states that 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. It is not considered that the 'drive-thru' aspect would cause harm the vitality and viability of the defined town centres and would likely serve the local catchment of the site. The proposed use is considered to provide benefits to the wider Industrial Estate by providing an alternative amenity provision that would improve the attractiveness of the estate.
53. It is therefore considered that the vitality and viability of other centres would not be adversely affected by the proposal and would be in accordance with local plan policies.

#### Battery Storage

54. A Battery Energy Storage System is included as part of the proposed development ('BESS'). BESS provide a means of storing off peak energy production for release to the grid in peak demand periods or storing power from the Grid in periods of high supply but low demand. Storage is recognised as a necessary part in achieving net zero and providing flexibility to the renewable energy system. The battery storage facility proposed is a network-connected without generation system, i.e. it is connected to the grid network without generating its own energy. It will fill up with energy during low demand times to then export energy to customers at peak times when grid power demand is at its highest. This system at Wynyard will be connected to the grid network via an inverter which allows the system to import and export energy to and from the grid when required. They also play an important role in the reduction of fossil fuels, as battery storage facilities can import renewable energy to export during peak demand. Often fossil fuel based generators provide backup energy to the grid at peak times, but the battery storage facilities allow the export of renewably imported energy.
55. It is recognised that Local Plan Policy SD4 sets out that Seal Sands, North Tees and Billingham Chemical Complex areas are the main growth locations for hazardous installations including liquid and gas processing; bio-fuels and biorefineries; chemical processing; resource recovery and waste treatment; energy generation; carbon capture and storage; and other activities, which have operational benefits for the cluster, this does not however prohibit alternative locations for energy generation.
56. Whilst the development would remove approx. 0.65ha of employment land from its intended purpose to facilitate the BESS, on balance it is considered that the limited extent of land removed for the intended purpose within the context of local and national policy, including paragraph of the NPPF 157 which sets out that the planning system should support the transition to a low carbon future. It is considered that the proposed development would assist in that transition.

Furthermore, such a use within the context of the wider allocation would be considered to be appropriate. However, it is still necessary to consider whether there is harm which would outweigh the identified benefits, these are considered in the later stages of this report.

### **Character and Landscape**

57. The Site, which holds a prominent position due to the topography and the relationship adjacent to A66 and the A689, is an area of former farmland that has been used for the storage of soils and surplus spoil in a geometric pattern of raised plateaux and linear bunds. As part of the wider employment site allocation within the local plan this site, despite having an extant permission is one of the last remaining areas of this allocation to be built out. The site visibly relates to the large-scale warehouses and factory units on the adjacent industrial park to the north and west. As set out above the site has an extant permission and is allocated for employment use.
58. Concerns were raised over the impact on the character and landscape particularly in relation to the proposed battery storage. Following receipt of the updated Landscape and Visual Impact Assessment, revised plans, including an updated landscape plan, subject to the recommended conditions it is not considered that the development of the site would result in an incongruous development within the wider context of the surrounding employment land as to which a refusal could be sustained.

### **Highways**

59. The proposed development would utilise the existing roundabouts on Wynyard Avenue, with a new customer access to the foodstore and drive-through facilities also being provided from Chapel Lane South, on the western boundary of the site. Two new accesses would be created from the eastern roundabout, one of which would be for service vehicles for the proposed foodstore, with the other being for the trade counter units.
60. The proposals include a total of 421 parking spaces (including 30 accessible and 16 parent and child spaces) across the site. Pedestrian linkages would be provided into the development from Wynyard Avenue and Chapel Road South, connecting to the existing footways elsewhere in the business park. There would also be an appropriate level of cycle parking provision across the site, and the development has been designed to connect in with the new cycle path through the business park being provided alongside the recently approved Amazon warehouse to the north. It is acknowledged that there would be future opportunity through the development parcels remaining to the south to get pedestrian and cycle links through to the A1896.
61. Following receipt of the updated Technical Note National Highways have removed their holding objection, subject to the recommended conditions. The Highways Transport and Design Manager has raised no objection to the proposed development. A condition is recommended to secure electric charging points.
62. The proposed development has satisfactorily demonstrated that it would not have a serve impact on the local or national highways network and is therefore deemed to be acceptable.

### **Neighbouring Uses and Residential Amenity**

63. It is not considered, given the context of the site and the extant permission that the proposed use would have an adverse impact on the amenity and users of the existing and proposed neighbouring units.
64. The closest residential properties, inclusive of those in Wynyard and Wolviston are sufficient distance to the site as to not be adversely affected by the site operations. The proposed development is therefore considered to be compliant with the aims of local plan policy SD8 and the relevant sections of the NPPF.

### **Flood Risk and Drainage**



65. The Site is located within Flood Zone 1, this means it has a low risk of flooding from groundwater, sewer, tidal and reservoir sources. The LLFA have considered the proposal and following receipt of the revised plans has raised no objection subject to the recommend conditions.

### **Ecology and Biodiversity**

66. The application was received prior to Biodiversity Net Gain under the Habitat Regulations being brought in; it is therefore not required to demonstrate the plus 10% net gain. However, local plan policy ENV5 does require an uplift, although the exact percentage of this is not specified.
67. A preliminary ecological appraisal was submitted in support of the planning application. Subject to the recommendations, it is not considered that the proposed development would have an adverse impact on any protected species or their habitat.
68. Whilst, through the enhanced landscaping, some compensation is required to be delivered under policy ENV5 would be achieved on site, to be considered policy compliant the developer has submitted a scheme for offsite gain. This would be secured via a s106 agreement. Subject to the recommended conditions and legal agreement the development is considered to comply with the requirements of policy ENV5.

### **Other Matters**

#### Nutrient Neutrality

69. The application is not proposing any overnight accommodation and therefore it is the opinion of the Local Planning Authority Nutrient Neutrality can be screened out and no assessment is required.

#### Sustainability

70. The supporting planning statement sets out that 'careful consideration has been given to making the proposal as efficient as possible during the construction and operational phases of the development. It is not possible at this stage to provide detailed information on the operation of the proposed food store, trade counter and drive through units. However, operators of the scale and nature likely to be attracted to the development are likely to employ a wide range of measures, in terms of seeking to maximise the sustainability of the buildings, including in terms of energy, waste and water efficiency'.
71. In terms of policy ENV1 – Energy Efficiency and the reference to integrating of climate change mitigation and adaptation into design, the applicant has submitted an Energy Statement that demonstrates appropriate energy savings through sustainable design and good practice building standards are incorporated through various aspects of the scheme design including reductions in water and energy consumption.
72. To ensure compliance with policy T11a condition has been recommended to secure the on site delivery of EV charging points.

#### Heritage

73. The NPPF and Local Policy HE2 require that where development has the potential to affect heritage assets the Council requires applicants to undertake an assessment that describes the significance of the assets affected, including any contribution made by their setting. A desk based heritage assessment has been undertaken to help inform the design of the development. This has involved a review of known heritage assets, an assessment of the potential for as yet unidentified heritage assets to exist and an assessment of the likely impacts on these assets as a result of the development.
74. It is not considered that these works in the context of the existing business park and surrounding landscape setting together with new compensatory planting and landscape habitats will

adversely affect heritage assets and visual receptors in the wider area. Tees Archaeology and the Councils Historic Building Officer has considered the proposal and raise no objection.

#### Air Quality

75. An Air Quality Assessment has been undertaken to determine the likely effects of the development on the surrounding environment with respect to air quality and the impact of dust generation during the construction phase of the development. Environmental Health has considered the proposal in respect of potential impact and raises no objection subject to the recommended conditions.

#### Battery Storage

76. The CPRE's comments are noted. The applicant has advised that the construction/ management of the proposed battery storage would be in complete conformity with the National Grid requirements.

77. Given the scale of the proposed development and proximity of the battery storage to local populations, it is not considered that this matter carries significant weight.

78. No objection has been received from the fire service, HSE or environmental health.

### **CONCLUSION**

79. In view of those considerations, it is considered that there are no adverse impacts which significantly and demonstrably outweigh the benefits of granting planning permission in this case. It is therefore recommended that the Planning Committee be minded to approve the application for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Helen Boston Telephone No 01642 526080**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Northern Parishes (Pre May 2023)</b>
<b>Ward Councillor</b>	<b>Councillor John Gardner</b>

### **IMPLICATIONS**

**Financial Implications:** see report

**Environmental Implications:** see report

#### **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  
Adopted Local Plan  
Application 08/0538/REM

#### **Supplementary Planning Documents**

SPD3 – Parking Provision for Developments - Oct 2011