

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
9 OCTOBER 2024
REPORT OF ASSISTANT DIRECTOR OF
INCLUSIVE GROWTH AND DEVELOPMENT**

24/0847/FUL

Land North Of Lidl, Yarm Road, Stockton-on-Tees

Erection of a drive-thru restaurant (Class E/ Sui Generis) with associated access, servicing, car parking, hard and soft landscaping and other associated works

Expiry Date: 11 October 2024

SUMMARY

Planning permission is sought for the erection of a drive-thru restaurant (Class E/ Sui Generis) with associated access, servicing, car parking, hard and soft landscaping at Yarm Road in Stockton.

The application has 47 letters of objection and 33 letter of support. No fundamental objections have been raised by statutory consultees.

The application is a main town centre use and accordingly a sequential assessment has been undertaken which demonstrates that there are no suitable or available sites in the town centre or on the edge of centre, which would suit the needs of the applicant and therefore the principle of development in this location is considered acceptable.

The application has been considered in full and it is not considered that the development would result in any significant conflict with the policies of the Local Plan and there are no technical reasons why the proposed scheme is unacceptable in planning terms and would justify a refusal of the application.

RECOMMENDATION

That planning application 24/0847/FUL be approved subject to the following conditions and informatives;

01 Time Limit

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

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

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plans and reports;

Plan Reference Number	Date Received
AMA/51001	20 June 2024
4230567-1200	20 June 2024
C161140-303	20 June 2024
11927_AEW_2245_1002	14 May 2024

11927_AEW_2245_1003	14 May 2024
11927_AEW_2245_1004	14 May 2024
11927_AEW_2245_1005	14 May 2024
11927_AEW_2245_1006	14 May 2024
A6541-04C	14 May 2024
11927_AEW_2245_1001	14 May 2024
Landscape Management Plan (ref A6541)	14 May 2024

Reason: To define the consent.

03 Materials

The external materials to be used in the building hereby approved shall be as detailed on Plan 11927_AEW_2245_1005 received 14 May 2024.

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

04 Hours of Operation

The Drive-thru and restaurant shall not be open for use outside of the hours of 0600 to 2400 hours Monday to Sunday.

Reason: In the interests of the amenity of the neighbouring occupiers.

05 Soft Landscaping

The landscaping scheme as show on plan A6541 04 C shall be completed in the first planting season following:

- (i) Commencement of the development;
- (ii) or agreed phases;
- (iii) or prior to the occupation of any part of the development;

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

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

06 Network Rail Boundary Fencing

The developer must provide a suitable (Paladin) mesh fencing adjacent to Network Rail's boundary (approx. 2.4m high) and ensure the boundary fence is retained and maintained for the life of the development. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: This condition is imposed in the interests of the safety, operational needs, and integrity of the adjacent railway and associated infrastructure.

07 External lighting;

Prior to installation, details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area and ensure the safety of the railway.

08 Lighting Monitoring condition

Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA), in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the lighting scheme shall cease the use/operation of the lights (upon instruction of the Local Planning Authority and notwithstanding any other restriction(s) or limitation(s) imposed by any other condition attached to this planning permission) and shall, not later than 28 days from being notified by the Local Planning Authority of any complaint from Network Rail, submit to the Local Planning Authority for its approval in writing details of a scheme of remedial measures to address the concerns raised by Network Rail, and details of a timescale for implementation of the remedial measures identified. The use/operation of the lights shall not re-commence until such time as the remedial measures have been carried out in accordance with the approved details and timetable. The remedial measures shall thereafter be maintained as such.

Reason: The safety, operational needs and integrity of the railway.

09 Air Quality Assessment

Work shall be undertaken in accordance with the Mitigation Measures identified as H and D in Appendix 3 - IAQM Construction Phase of the Air Quality Assessment (ref: NJD24-0047-002R).

Reason: To ensure that the development does not given rise to any adverse impacts in relation to air quality during construction works.

10 Odour Risk Assessment

The Plant to be installed in the kitchen extract system shall be in accordance with the Section 5.4.3 of the submitted Odour Risk Assessment (ref: NJD24-0047-003R). The plant and identified extraction system shall be installed before the development is brought into use and thereafter, the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To ensure that the development does not given rise to any adverse impacts in relation to odour.

11 Construction Management Plan

Construction Work shall be undertaken in full accordance with the submitted Construction Environmental Management Plan (Ref: 003_4230567_HG_CEMP)

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

12 Ecology and mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in Section 5.0 Mitigation, Compensation and Enhancements of the submitted Ecological Appraisal (Revision B – 3rd May 2024) Report Reference Number: A6541.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

13 Ecology Survey

If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results

of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

14 Habitat and wildlife

As detailed in BS 3998:2010 Prior to work commencing, any trees its surroundings should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

Reason: In compliance with the Habitat Regulations and Countryside and Wildlife Act.

15 Biodiversity Net Gain

The development hereby permitted shall be carried out in accordance with the submitted Ecological Appraisal Revision B – 3rd May 2024 Report Reference Number: A6541 (Section 6) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Plan shall be implemented in full.

No development shall commence until a Biodiversity Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

Monitoring reports will be submitted to the Council during years 2,5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and allow the LPA to discharge its duties under the NPPF (2023)

16 Energy Efficiency

Prior to the erection of any buildings, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify the predicted energy consumption, the associated CO2 emissions and how the energy hierarchy has been applied to the development, including an investigation into the feasibility and viability of connection to decentralised energy networks for heat and power and the achievement of a “Very Good” BREEAM (or equivalent) rating for the scheme. The statement shall set out the feasibility and viability of achieving a minimum 10% reduction in CO2 emissions from the development, over and above current Building Regulations Part L requirements, or a minimum of 10% of the total predicted energy requirements of the development will be generated from renewable energy sources. Development shall be carried out thereafter in a manner that incorporates any feasible and viable measures identified.

Reason: Reason: In the interests of promoting sustainable development in accordance with the requirements of Local Plan Policies ENV1 and ENV3.

17 Construction working Hours

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 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

18 Unexpected Land Contamination

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: Contamination may exist at the site which will need to be satisfactorily dealt with.

19 Restaurant - Control of use;

Notwithstanding the provisions of Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the proposed unit shall be used as a restaurant and hot food takeaway only.

Reason: To enable the Local Planning Authority to retain control over the development and prevent new retail development.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Registering a New Food Business

The applicant should register the business with the Environmental Health Unit. Visit <https://www.stockton.gov.uk/register-food-premises> then click 'Apply to Register a Food Business Establishment'. Please note the statute states new businesses should be registered 28 days prior to being operational. For further advice, please email Environmental.Health@stockton.gov.uk

Informative: Network Rail;

Network Rail have a number of requirements and should be contacted before work commences. Contact Details are below;

Asset Protection Eastern - For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information: For land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services - For agreements to use, purchase or rent Network Rail land, email propertyserviceslneem@networkrail.co.uk.

Informative: Secure by Design

Cleveland Police would encourage the applicant to get in touch at their earliest convenience to discuss measures that might be incorporated into the scheme in order to reduce crime and anti-social behaviour. (doco@cleveland.police.uk)

BACKGROUND

1. The wider site was historically occupied by a factory owned by Elta Plastics/ Nifco, which was demolished around 2014. Since the demolition works a food store has been delivered on site.

SITE AND SURROUNDINGS

2. The application site is located adjacent to an existing Lidl food store on the western side of Yarm Road, Stockton. To the north / west is a railway line, and beyond that the rear gardens of residential properties on West End Way. To the east is the A1027 Yarm Road and residential properties beyond.
3. A food store is located immediately to the south of the site. Mature trees bound the northern part of the site to the east and west. Access to the site is via an existing access serving the food store.
4. The site is located in Flood Zone 1 and does not contain or adjoin any listed buildings and is not located within a Conservation Area.

PROPOSAL

5. Planning permission is sought for the erection of a drive-thru restaurant. The building will be centrally located within the site to ensure that it is accessible for passing trade and positioned to retain the existing mature trees on the northern and southeastern boundaries of the site.
6. The restaurant will use a modern materials palette and will include a drive-thru lane and a dedicated delivery area. Planting and landscaping, comprising turf, hedges and low-level shrubs, will be provided to soften the perimeter of the site. In addition, 9no. trees are proposed at the entrance of the site.
7. There would be 48 car parking spaces including 2 accessible and 2 electric vehicle spaces, and 6 cycle parking spaces would also be provided. The car parking spaces are located to the south of the restaurant, separated from the food store by landscaping and boundary treatment. A timber fence borders the site to the north, south and west.
8. A pedestrian link and crossing are provided for customers, connecting to the established footway that borders the eastern boundary of the site.
9. The applicant has undertaken public consultation.

CONSULTATIONS

10. Consultees were notified and the following comments were received.
11. Highways Transport & Design Manager
General Summary - The Highways, Transport and Design Manager raises no issues with the proposals.
Highways Comments- The applicant has submitted a site layout plan, drawing 11927_AEW_2245_1004, and a Transport Assessment (TA) in support of the proposals. An access, to serve the site, was formed as a part of the Lidl development to the south which is considered acceptable for the proposed development.
A total of 48 parking spaces are proposed to serve the development against an SPD3: Parking Provision for Developments 2011 requirement of 27 spaces.
The submitted TA demonstrates that the signalised junction, which would serve both the proposed McDonalds and the existing Lidl, will operate within capacity and only 2 slight accidents have been recorded at the junction within the last 5 years.
Therefore, it cannot be demonstrated, within the context of the NPPF, that the development would result in an unacceptable impact on highway safety or that the residual cumulative impacts of the proposals on the road network would be severe. Taking the above into account there are no highways objections to the proposals.

12. Highways England Company Limited
No Objections

13. Northumbrian Water Limited

In making our response 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.

We do not have any issues to raise regarding capacity to serve the new development, provided the application is approved and carried out within strict accordance with the document / drawing entitled "4230567-1200 PROPOSED DRAINAGE". This document / drawing reflects our pre-planning enquiry advice.

We request that document / drawing "4230567-1200 PROPOSED DRAINAGE" forms part of the approved documents list as part of any planning approval and the development is implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

14. Environmental Health Unit

I have checked the documentation provided, have found no grounds to object to the principles of this application. I have assessed the impact of the development and have considered the likelihood of noise and lighting issues from the premises and the car park, odour from the premises, the effect on air quality from the traffic movements around and to/from the site. I have checked the details of the lighting schedule ref 0400953681, Odour Risk Assessment Report reference: NJD24-0047-003R, Air Quality Assessment Report Reference: NJD24-0047-002R and Noise Assessment Report Reference: NJD24-0047-001R/R3 and I agree with their findings and so I do not think that conditions need to be imposed from an Environmental Health perspective. However, I would recommend the following advisory conditions be made should this application be successful.

- Unexpected Land Contamination
- Construction/ Demolition Noise

15. Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

16. Network Rail

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below)

prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. We would also like to advise that where any damage, injury or delay to the rail network is caused by construction works or future maintenance (related to the application site), the applicant or developer will incur full liability. This could also include police investigation as it is a criminal offence to endanger the railway or obstruct the passage of rail traffic. It should also be noted that any damage that requires a line closure or repairs can result in costs which could exceed hundreds of thousands of pounds. Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements. The application must be supported by a site-specific Construction Methodology should it not be possible to satisfy Network Rail's requirements recommended in the attached. The council should satisfy itself, without consulting Network Rail, that there are good reasons why the recommended requirements cannot be adhered to.

Drainage: It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

Boundary Treatments, Landscaping and Lighting

Boundary Treatment - Due to the nature of the proposed development, we consider that appropriate measures will be needed to prevent litter and waste falling, contaminating and accumulating on operational railway land/lines which may cause operational issues.

Condition: The developer must provide a suitable (Paladin) mesh fencing adjacent to Network Rail's boundary (approx. 2.4m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Lighting - We note that the proposed development introduces a lighting scheme in proximity to the operational railway. From the details provided, we are unable to fully assess the risk that lighting may have upon the railway environment. In the unlikely event that issues arise, we would request that our standard monitoring condition be included. The types of complaints that could arise from a scheme of this nature include the potential for train drivers to be dazzled and the potential for confusion with the signalling arrangements on the railway.

Monitoring condition: Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the LPA), in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the floodlighting scheme shall cease the use/operation of the floodlights (upon instruction of the Local Planning Authority and notwithstanding any other restriction(s) or limitation(s) imposed by any other condition attached to this planning permission) and shall, not later than 28 days from being notified by the Local Planning Authority of any complaint from Network Rail, submit to the Local Planning Authority for its approval in writing details of a scheme of remedial measures to address the concerns raised by Network Rail, and details of a timescale for implementation of the remedial measures identified.

The use/operation of the floodlights shall not re-commence until such time as the remedial measures have been carried out in accordance with the approved details and timetable. The remedial measures shall thereafter be maintained as such.

Reason: This condition is imposed in the interests of the safety, operational needs, and integrity of the adjacent railway and associated infrastructure."

Reason for above conditions: The safety, operational needs and integrity of the railway.

17. Tees Archaeology
I have checked the HER and the proposed development should not have a significant impact on any known heritage assets.
18. Cleveland Police
These types of premises have the potential to generate large amounts of anti-social behaviour, however, properly managed, with robust procedures in place, these issues can be significantly reduced. Reading the lighting schedule, there appears to be good levels of white light across the development. Good quality CCTV should cover both inside and outside of the premises and be capable of recording in colour in all lighting conditions. Planting of trees, and shrubs should not interfere with CCTV, and the lighting scheme for the site. We would encourage the applicant to get in touch at their earliest convenience to discuss other measures that might be incorporated, in order to reduce crime and anti-social behaviour.

PUBLICITY

19. Neighbours were notified and 47 letters of objection and 36 letter of support have been received with the content summarised below . The full details can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

Letters of Objections Summarised;

- Concerns over Health and wellbeing – obesity
- Concerns over smell
- Concerns relating noise and pollution (cars idling, music playing loudly)
- Concerns relating to increase in traffic
- Concerns relating to light pollution
- Concerns relating to anti social behaviour
- Concerns over Waste and Litter - 3 litter picks a day is not enough
- Concerns over 24 hour opening
- Impact on Air Quality from increased traffic
- Enough MacDonalds in the area
- Loss of privacy – people may use green space to front of residential area as picnic area
- Too Close to Schools
- Impact on local businesses who sell food
- Over concentration of uses - There are 17 fast food restaurants within a 3 mile radius of Lidi, and 72 'take away' and 33 'Dessert' shops within 2 miles all of which sell high fat, high sugar content food.
- Presence of Japanese Knotweed
- Devaluation of houses

Letters of Support Summarised;

- Creation of over 120 much-needed new jobs in the local community,
- Creation of further opportunities in construction and the supply chain.
- Improve Local food and drink offer
- Portrack is not local to this area so will be an added facility for local residents
- Will regenerate an industrial area and unused piece of land

PLANNING POLICY

20. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area,

unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

21. 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.

22. National Planning Policy Framework

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.

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 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 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 97. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 98. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.

Paragraph 108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Paragraph 109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of

transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

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 114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

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 123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 124. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers..

Paragraph 131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 136. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users

23. Local Planning Policy

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

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

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

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

Strategic Development Strategy Policy 4 (SD4) - Economic Growth Strategy

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

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:

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

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

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

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

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

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.

d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

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

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

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

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

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

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

c. Supporting sustainable water management within development proposals.

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

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

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

- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

Economic Growth Policy 3 (EG3) - Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:
 - a. Stockton Town Centre Primary Shopping Area; then,
 - b. Sites within the boundaries of Stockton Town Centre; then,
 - c. Sites within the ground floor shopping frontages of the District Centres; then,
 - d. Sites within the boundaries of the District Centres; then,
 - e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area; then,
 - f. Sites on the edge of the District Centres which have the opportunity to connect to the District Centre's main shopping areas or frontages; then,
 - g. Sites within the Local Centres; and finally,
 - h. Sustainable out-of-centre locations within the limits to development.
2. Other main town centre uses will be directed to suitable and available sites and premises in the following locations, subject to the scale and catchment of the proposal:
 - a. Town and District Centres, and for office development only, Principal Office Locations; then,
 - b. Sites on the edge of the Town and District Centres, which are well served by public transport and have a high likelihood of forming links with the centre; then,
 - c. Within the boundaries of the Local Centres; then,

- d. Sustainable out-of-centre locations within the limits to development.
- 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.

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

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

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.
- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Non domestic

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

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

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

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

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

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

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

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and

- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
 - a. Support reduced run-off rates.
 - b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - 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.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:
 - a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:
 - i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or
 - ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

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.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

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

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

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

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

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

Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

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

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

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

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

6. To improve the quality of the water environment the Council will:

a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;

b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and

c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Historic Environment Policy 3 (HE3) - Stockton and Darlington Railway

1. The Council will support development which safeguards the route of the historic Stockton & Darlington Railway of 1825, the branch line to Yarm and associated structures, and which preserves and enhances this cultural asset, its archaeological remains and setting.

2. The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

Delivering A Sustainable Transport Network

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

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

a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.

b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.

- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.
 - d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
 - e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.
13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

MATERIAL PLANNING CONSIDERATIONS

Principle of the Proposed Development

- 24. The National Planning Policy Framework (NPPF) sets out the Governments aims and objectives for the planning system. The general ethos of the NPPF is to promote and encourage development that accords with the definition of sustainable development (made up of three components; social; economic; and environmental) and sets out core planning principles.
- 25. The NPPF places a strong emphasis on promoting and supporting the vitality and viability of the town centres. Paragraph 91 of the NPPF states that planning applications for main town centre uses, such as the proposed drive-thru restaurant, which are not in a defined centre nor in accordance with an up-to-date plan, should be subject to a sequential test. Specifically, it states that 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.
- 26. The application site lies outwith any defined centre and Policy EG3 states that main town centre uses outside defined centres will be subject to sequential testing. It should be noted that Policy EG3 also defines which uses are subject to the impact test but it does not include food and beverage uses, such as that proposed in the subject application.
- 27. Planning Practice Guidance supports a positive approach to meeting needs, making clear that local planning authorities should assess and plan to meet needs in full. It also states *"It may not be possible to accommodate all forecast needs in a town centre: there may be physical or other constraints which make it inappropriate to do so. In those circumstances, planning authorities should plan positively to identify the most appropriate strategy for meeting the need for these main town centre uses, having regard to the sequential and impact tests."*
- 28. The applicant has submitted a sequential assessment. It is noted that the PPG states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. It also recognises that, as promoting new development in town centre locations can be more expensive and complicated than elsewhere, local planning authorities need to be realistic and flexible in terms of their expectations.
- 29. In this case the site search is for a "drive thru restaurant" in south /west Stockton which can serve both the residential areas which lie to the south of Stockton Town Centre and north of the A66 dual carriageway and able to conveniently meet the needs of passers-by / other motorists travelling through the area. This location takes into account McDonald's existing network of restaurants in Stockton and the surrounding area and the commercial need that the proposed development is seeking to meet.

30. Paragraph 92 of the NPPF states that 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. On this basis, the applicant carried out an assessment of potential alternative sites within or on the edge of the following centres that are capable of accommodating the application proposals:
- Stockton Town Centre
 - Yarm District Centre
 - Harper Parade, Stockton, Local Centre
 - Oxbridge Lane, Stockton, Local Centre
 - Orchard Parade, Eaglescliffe, Local Centre
 - Sunningdale Drive, Eaglescliffe, Local Centre
31. The applicant states that the proposed drive-thru restaurant with associated surface level car parking responds to the specific business model requirements of McDonald's. The drive-thru elements of the proposal are integral to the viability of the intended operator's business model, in order to capitalise upon passing trade from both local traffic and the strategic road network (A66) to the south. As such, in undertaking the sequential approach, consideration should be given to whether the potential alternative site could accommodate the proposed development in its entirety. Notwithstanding this, the NPPF states that applicants and local authorities should demonstrate flexibility on issues such as form and scale. It should be noted that that this proposal however is for a drive through restaurant which requires appropriate vehicular access and circulation space.
32. The applicant has undertaken a review of numerous sites including the following, but each were considered unacceptable due to size, accessibility or availability
- 89-92 High Street (Former GLAM night club and Post Office buildings)
 - 149 High Street (Former Debenhams)
 - Maxwell's Corner, 1-3 Norton Road
 - Bishopton House, 16 Bishopton Lane
 - Surface Car Parks, Stockton Town Centre
 - Chandlers Wharf Retail Park, Bridge Road
 - Smaller Vacant units, Stockton Town Centre
 - Yarm
 - Other local Centres
33. The applicant has demonstrated that there are no sequentially preferable opportunities within Stockton Town Centre, Yarm, District Centre or the identified local centres which could realistically accommodate the proposed development. Whilst a small number of potential alternative sites have been identified, the sequential assessment ultimately concludes that there are no suitable and available opportunities that exist within the identified areas.
34. On reviewing the proposals the Local Planning Authority is not aware of any other alternative site and given the requirements of the applicant, the already commercial nature of the site, on this basis, it is concluded that the proposals satisfy the requirements of the sequential test, as set out in the NPPF and the development plan.
35. Policy EG6 states that outside the defined centres, proposals for hot food takeaways will be resisted where they would result in a harmful over-concentration of such use. The proposed development is a drive through restaurant however it is not adjacent to any hot food takeaways and therefore would not lead to any over-concentration of similar uses.
36. The proposed development will provide a range of economic opportunities, bringing an underutilised vacant brownfield site into active use and create around 120 jobs. The development will also attract additional expenditure and provide greater consumer choice

within this area of Stockton. As a result, the proposal would deliver a range of social, economic and environmental benefits.

Health and Obesity

37. It is noted that several objectors have raised concerns in relation to the impact on health and the proximity to schools within the immediate area. Whilst these comments are duly noted, section 8 of the NPPF (which promotes healthy communities) does not offer any protection in this regard other than access to healthy food. Furthermore, there are no adopted Local Planning Policies that would prevent an A3/A5 use from being within a given proximity to schools. It is therefore considered that there would be insufficient grounds to refuse the application on health grounds

Vitality and Viability

38. In terms of the impact on the vitality and viability of the town and local centres, given the nature of the proposals as a fast food restaurant/ drive thru it is considered that the proposed development is unlikely to create any significant adverse impacts and there is no evidence to suggest that the proposed development would result in any significant harm to the vitality and viability of the defined retail centres by drawing trade away.
39. However, in order to prevent the unit benefiting from any permitted development rights for change of use to a general retail use (without justification) restrictions should be imposed and a condition has been recommended in this regard.

Impact on the Character and Appearance of the area

40. The area is a mix of residential and commercial. Opposite and to the north of the site are modern housing developments, to the south is a food store with commercial buildings beyond. There is no dominating character or design in the area.
41. The proposed restaurant / drive thru is a modern flat roof building that will be seen in the context of the existing Lidl Food Store which is also a flat roof modern building. The proposal follows the company corporate image, whilst being in keeping with the character and appearance of the neighbouring Lidl store. The building is grey cladding, dark grey brick, with timber cladding panels.
42. The proposed restaurant is sited to ensure all mature trees are protected and retained on site which provide some softening to the appearance of the building and a landscaping scheme accompanies the application. The mature trees on the eastern and western boundary of the site are retained which are covered by a tree preservation order and the proposals include planting of trees including 9 additional trees at the entrance to the site, along Yarm Road.
43. Overall, given the nature of the site and simple design of the proposals it is not considered that that the scheme will have an adverse impact on the character and appearance of the area.

Impact on neighbours and amenity issues

44. Comments have been received in relation to noise and disturbance, air quality and odour. Residential properties are located opposite the site to the east and also to the rear of the site to the north beyond an existing railway line. The nearest properties are in excess of 50 metres across an existing carriageway to the east and approximately 30 from the boundaries

of the gardens to properties to the north beyond the railway line. It is therefore considered that the building itself will not have an adverse impact on these neighbours. Comments in relation to people using the open space are noted however this space has no restrictions and can be used unrestricted.

45. In terms of noise, a noise assessment accompanies this application. The assessment has considered the noise from deliveries, external plant and idling of car engines in the drive-thru and concludes that noise associated with the proposed development is predicted to give rise to a negligible impact on nearby sensitive receptors with noise from worst case scenario i.e. full occupation of the car park during peak use, likely to result in an overall negligible impact. The report has been considered in full by the Environmental Health Team who agree with the conclusions and raise no objections to the proposed scheme when considering noise.
46. Comments have been received regarding 24 hour opening, however the hours proposed are 6am to midnight. The submitted noise assessment is based on 24 hour opening which has given a worse case scenario and the results show there will be no adverse impact through noise/ cars idling. It is therefore considered that hours proposed are reasonable given the location and proximity to houses and this view is supported by the Environmental Health Team.
47. An air quality assessment accompanies the application and in terms of the predicted traffic flows associated with the proposed development, the assessment has shown that the proposed development itself will have a not significant impact on local air quality in relation to traffic generation. There may be a medium to low risk of dust impacts / particulate matter concentrations if construction activities are not mitigated. Details of mitigation measures are included, and it is considered that with these mitigation measures in place the construction activities will not give rise to a significant impact. The report has been reviewed by the Environmental Health Team who agree with the findings and raise no objections.
48. An Odour Assessment accompanies the application and concludes that the proposed risk of an adverse odour effect is not significant provided that high level odour control measures are installed. A bespoke odour and grease abatement system is used at restaurants where there is considered to have very high odour sensitivity. Whilst the site is not classified as the highest level of sensitivity, this approach will be adopted, and the proposed mitigation measures will therefore exceed the minimum recommendations. A condition has been recommended to ensure the plant in the kitchen extraction system is utilised. The report has been reviewed by the Environmental Health Team who agree with the findings and raise no objections
49. Overall, it is considered the proposed restaurant would not result in any adverse impacts upon neighbouring properties, and therefore the development complies with adopted development policies ENV7, SD5 and SD8 in terms of amenity.

Impact on Ecology and Biodiversity Net Gain

50. An Ecological Appraisal accompanies this application and concludes the proposed development will not result in any significant adverse effects on ecology subject to the protection of existing trees during construction and the implementation of measures to protect nesting birds. Conditions have been recommended to secure this mitigation.
51. In terms of Biodiversity Net gain, by managing the retained habitat and undertaking additional planting , the accompanying Biodiversity Net Gain Assessment demonstrates the proposals will result in a 16.07% Biodiversity Net Gain. With this mitigation the development is considered compliant with Policies SD5 and ENV5 of the Local Plan and paragraph 186 of the NPPF, as well as the requirements of the Environment Act 2021.

Highways and Transport

52. A Transport Assessment has been submitted and additional information supplied to satisfy the requirements of National Highways.
53. The TA demonstrates that the impact from the traffic generated by the development will have a negligible impact on queuing and delay in the surrounding area and the development can be accommodated without resulting in any significant detrimental impact upon existing road safety or the capacity of the highway network. The development proposals are forecast to generate some 257 and 316 two-way vehicle trips during the PM and Saturday peak hours respectively. However, the proposals only result in 23% and 24% of this traffic being 'new / additional' to the network. The impact of the development-generated traffic on the surrounding area has been shown to be of a negligible impact on queuing and delay and the TA concludes that the development proposals could be accommodated without resulting any significant detrimental impact upon existing road safety or the capacity of the highway network.
54. The site will be accessed via the existing bell-mouth junction that connects with the Lidl foodstore access road which is deemed acceptable to serve the development. 48 parking spaces, including 2no. grill bays, 2no. accessible spaces and 2no. electric vehicle spaces are provided. Six cycle parking spaces are also proposed. This quantum of car and cycle parking is considered acceptable to serve the development.
55. The site is accessible by walking, cycling and public transport and is therefore a sustainable location.
56. No objections have been received from the Highways Transport and Design Manager or National Highways and therefore it is considered that the proposals accord with the provisions of development plan Policy TI1.

Impact on Rail Infrastructure

57. The proposed development is adjacent to the boundary with Network Rail and a standard response has been received. Whilst no objections have been raised there are a number of requirements which have been conditioned and an informative added to ensure the applicant contacts Network Rail prior to commencement of work to ensure that the proposed development does not cause any risks to the safety or operation of the rail network.

Flood Risk and Drainage

58. A Flood Risk Assessment and Drainage Strategy accompanies this application. The site is located within Flood Zone 1 and therefore has a low risk of flooding. The proposed development has been designed to ensure that flood risks are not increased by the development. The proposals include flood reducing features such as SUDs drainage, flow control device, safe pedestrian and vehicular routes and dry parking areas.
59. The application has been reviewed by the drainage bodies and no objections have been raised subject to the drainage plan being secured by condition which has been recommended.

Other Matters

60. In accordance with Policy ENV1, the proposal will need to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite

renewable energy equipment or design efficiencies and this information can be secured by a planning condition.

61. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer and more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design principles also requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well-maintained developments so that a sense of shared ownership and responsibility is created.
62. Many of the objections received have raised concerns in relation to anti-social behaviour, as a result of problems from 'fast-food' restaurants. There is no strong evidence to suggest that approval of the development will automatically give rise to an increase in anti-social behaviour and preventing such instances occurring will largely be down to management of the premises and appropriate liaison with community police officers as necessary. The proposed development has been designed with 'secured by design' principles in mind. Cleveland Police have commented and raised no objections. An informative has been added to ensure the Applicant contacts Cleveland Police, Secure by design Team for advice on preventing anti-social behaviour.
63. Several objections have raised concerns in respect of the restaurant increasing litter within the surrounding area. Along with the provision of litter bins within the site, staff will carry out litter patrols 3 times each day within the vicinity of the restaurant. Although the control of litter patrols is a matter for the management of the restaurant it is not considered that this would be a sufficient reason to refuse the application.
64. Whilst concerns in relation to the devaluation property prices are noted, this is not a material planning consideration and cannot be taken in account as part of the determination of this application.

CONCLUSION

65. In view of the above considerations, it is considered that given the nature of the proposal and the business model, the proposed development satisfies the requirements of planning policy in that there are currently no sequential preferable site available and that there is no demonstrable evidence that the associated impacts will have any significant detrimental impacts on the vitality and viability of the Borough's retail centres, in particular Stockton Town Centre. In addition the proposal is also considered to have some social and economic benefits which weigh in its favour
66. In planning terms, the proposed development is considered to be acceptable in all other regards. The proposed development is therefore recommended for approval subject to those planning conditions set out in the report.

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

WARD AND WARD COUNCILLORS

Ward	Ropner
Ward Councillor	Councillor Shakeel Hussain
Ward Councillor	Councillor Sufi Mubeen

IMPLICATIONS

Financial Implications: None

Environmental Implications: None

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

Stockton on Tees Local Plan Adopted 2019

SPD3 – Parking Provision for Developments - Oct 2011

Application File