

MPK/17-02018

19 March 2019

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Dear Helen

Re: Planning Application Ref. 18/2403/FUL for the erection of food store with associated car parking and landscaping at land north of Blair Avenue, Ingleby Barwick, Stockton-on-Tees, TS17 5BL.

I am writing on behalf of my client, Lidl Great Britain Limited (Lidl), further to recent correspondence received on 15th March 2019 from Pegasus Group acting on behalf of Asda Stores Limited.

This letter has been prepared in response to the above correspondence and for ease of reference will mirror the headers utilised by Pegasus Group in their letter.

I would be grateful if you could take into account the contents of this letter and strongly advise that this new information is presented to the Planning Committee Members either verbally or as a supplementary report prior to the Committee.

1. Public Open Space

The correspondence received on 15th March 2019 refers to concerns that Pegasus Group have regarding the details of the transfer of land to west of the site to form public open space.

In this context, it should be noted that the same planning obligation was imposed upon the previous planning application (ref. 15/2431/FUL) for the development of 40 no. apartments with associated communal facilities. Accordingly, it was deemed by the Officers that the same approach should be taken on this application, and therefore as part of making the proposed development acceptable in planning terms (subject to those conditions outlined within the Committee Report), the Applicant has agreed to enter into a Section 106 agreement (S106) for the transfer of the adjacent site to the Council.

This is solely to ensure that the site in question is not built upon and remains as an area of public open space for the benefit of the local community. It should be acknowledged that within the adopted Development Plan, the site to the west is allocated for 'Open Space' subject to Policy SD5 and ENV6. In addition, this would enable a pedestrian link to and from the recently constructed residential development to the north, i.e. 'The Rings' and the facilities within Ingleby Barwick District Centre.

Furthermore, the S106 will also incorporate a commuted lump sum of £28,122 towards the open space landscaping and maintenance. The detailed breakdown of the sum is as follows:

- £25,000 towards the costs of landscaping and maintenance of the open space land;
- £552 towards the costs of additional trees required for grading, including maintenance; and
- £2,570 towards the costs of French Drain with soakaway.

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2. Condition 16

Pegasus Group makes a reference to the enforceability of Condition 16 as currently worded. Having reviewed the wording of the condition, we are of the opinion that restricting the amount of products at the store and reference to Lidl's business model would indeed be unenforceable by the Council. On that basis, it is considered that the reference to the number of product lines and 'deep discount operator' should be removed.

Our proposed wording of Condition 16 is as follows:

The hereby approved premise shall be used only for A1 retail use and for no other purpose (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that class revoking or enacting that Order. The hereby approved premises shall have a maximum net retail floor space (net sales area) of 1,325sqm. In addition no more than 20% of the permitted retail floor area shall be used for the sale of comparison goods. and the number of lines that shall be available for sale in the store at any one time shall not exceed 1,800. The hereby approved store shall also not include any post office, pharmacy, butcher or bakery other than the heating of pre-prepared products. For the purposes of this condition comparison goods are items not obtained on a frequent basis, including clothing, footwear, household and recreational goods.

*Reason: ~~The proposal has been justified solely on the basis of a 'deep discount operator' and in the interests of~~ **To control the amount of convenience goods floorspace in the new store in order to protecting the vitality and viability of the defined retail centres.***

3. Deliveries

In this regard, it should be noted that the Highway, Transport and Design Manager's comments have been considered by the Planning Officers. However, during the course of the planning application it was agreed (and justified by a Noise Report) that deliveries can occur between 07:00 – 23:00 without any adverse impact on residential amenity.

In terms of the delivery window proposed by the Highway, Transport and Design Manager, this was deemed unreasonable for Lidl or indeed any other retailer and therefore the highway safety aspect of the servicing has been secured by carefully worded Condition 6.

I trust the above information is useful and provides the Committee Members with sufficient level of knowledge to make an informed decision.

Yours sincerely,

Marcin Koszyczarek

Marcin Koszyczarek (Mar 19, 2019)

Marcin Koszyczarek

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