

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 19th April 2006

**REPORT OF THE CORPORATE
DIRECTOR, DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

04/0738/OUT

LAND OFF GREENWOOD ROAD, BILLINGHAM

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT.

EXPIRY DATE: 5TH MAY 2004

SUMMARY

This outline planning application seeks approval for residential development on 2.23 hectares of land located on Greenwood Road, Billingham opposite the Belasis Hall Business Park. The land is currently largely disused but was previously used as part of a golf course operated originally by ICI for its employees. The applicant Osborne House now owns it. The site is within the established urban limits and as a former golf course is allocated for playing space use in the adopted local plan. The proposal seeks outline approval for the erection of 30 No dwellings on the site with the remainder of the former golf course (some 9 hectares) being offered to the Council for use for open space purposes together with a financial contribution of £90,000.

An objection has been made by an occupier of one of the units on the business park concerned about the proximity of the proposed housing to an hazardous installation and that the site should remain in an open space use. Sport England was also initially concerned about the loss of the recreation land.

Notwithstanding the conflict with the land use allocation in the local plan, the bulk of the site will not only remain in open space use but also be upgraded and become publicly available for use by the local community. At present this is private open space. As such it will accord with planning policy. The concerns by Sport England about the loss a sports facility have been overcome by the offer of the developer through a Section 106 agreement to contribute towards the provision of facilities at Billingham Campus. The Engineer has also asked for a financial contribution relating to public transport and other highway safety matters. The concerns of local businessman are noted but issues raised are not sufficient for a recommendation of refusal.

RECOMMENDATION

It is recommended that subject to a Section 106 Agreement the application be approved subject to the following conditions:

- 01. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.***

Reason

By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

- 02. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990

- 03. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning Authority:**

Drawing Nos SBC001, SBC002, SBC003

Reason: To define the consent

- 04. Approval of the details of the siting, design, external appearance, means of access and landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Local Planning Authority in writing before any development is commenced in accordance with the details of a scheme to be submitted to, and approved in writing by the Local Planning Authority.**

The plans and particulars submitted in accordance with this condition shall include:

- (a) Details of any proposed works to trees or hedgerows on the site giving details of all pruning operations and any trees to be felled and hedgerows removed, indicating in each case where works are required for development purposes;**
- (b) Details of any proposed alteration in existing ground levels, and of the position of proposed excavation within the crown spread of any retained tree;**
- (c) Details of a suitable protection scheme for all retained trees and hedgerows including the specification and exact locations of protective fencing. This must also include a method statement to detail all other measures to be taken for the protection of any retained tree from damage before and during the course of all phases of development particularly for those protected trees that may potentially be affected by the proposed site access road.**
- (d) Landscaping details shall also, amongst others include:**
 - (i) The final contours of the site indicating how such contours tie in with the existing contours on adjacent land;**

- (ii) The details of the tree and shrub planting and seeding to be carried out which shall include:**
- a) the species to be planted, the density and percentage of the total to be accounted for by each species**
 - b) timetable of planting;**
 - c) the size of each plant and the spacing between them;**
 - d) the preparations made to the ground before planting;**
 - e) the fencing off of planted areas; and**
 - f) the subsequent maintenance and management programme once the tree and shrub planting has been carried out, which shall include the weeding if the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease.**
- (iii) Details of all means of enclosure including the positions, design, materials and type of boundary treatment, which shall be completed before the buildings(s) are occupied or in accordance with a timetable to be agreed in writing with the Local Planning Authority. The fencing arrangements to include re-positioning of the fence on western boundary of the site three metres to the east.**
- (iv) Details of hard landscaping.**

Reason: To reserve the rights of the local planning authority with regard to these matters.

- 05. Plans and particulars of the reserved matters referred to in condition 4 above, relating to the siting, design, means of access, external appearance of the building(s), and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved documents.

- 06. Except as may be required for the provision of the means of access or as agreed as part of the approval of reserved matters, the trees and hedgerow forming the boundary of the site shall be retained and not removed without the written consent of the local planning authority.**

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

- 07. The development hereby approved shall be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development).**

Reason: To ensure a satisfactory form of development and in the interests of highway safety

08. Operations authorised by this permission shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 hours Saturday with no working allowed on Sundays or Public/Bank Holidays.

Reason: In the interests of residential amenity.

09. Details of all external finishing materials shall be agreed with the Local Planning Authority before development commences.

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

10. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.

Reason: To achieve a satisfactory form of development.

11. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation to the existing rate has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

13. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.

The following policies were relevant in this decision:

Stockton on Tees Local Plan policies GP 1, HO 3, HO11, REC 1, EN38

Tees Valley Structure Plan policies ENV16, H1A, SUS2, T25.

Regional Policy Guidance 1

Planning Policy Statement 1 and Guidance Notes No 1, 3, and 13

Heads of Terms for the 106 Agreement

1. Transfer of land

- Following proof of ownership, freehold title transfer of the agreed land including the pedestrian bridge (number POC1/1A) from Osborne House to Stockton Borough Council within three months of obtaining detailed planning permission.
- Osborne House to retain a claw back equating to 50% of the increase in value if the whole or part of the conveyed land was ever developed for use other than a Park.

2. Payment of Commuted sums

- The developer, within 3 months of obtaining detailed approval, to provide the Council with a commuted lump sum of £90,000 to pay for site improvements and future maintenance of the site and bridge.
- The developer, within three months of obtaining detailed approval, to pay to the Council a £15,000 contribution to Stockton Borough Council to upgrade playing pitches at Billingham Campus school, in association with Sport England.
- The developer, within 3 months of obtaining detailed approval, to provide the Council with a commuted lump sum, amount to be agreed, for improvements to Public Transport, Cycling, Pedestrian and 'safe routes to school'

3. Provision of fences

- Osborne House will be responsible for the erection and maintenance of suitable fencing along the southern and western boundary of the site (lines A-B and A-C on the drawing submitted with document "Specification for Proposed Park on land at Greenwood Road, Billingham" received on 11 January 2005) except as amended as below.
- Osborne House will be responsible for moving the Council owned metal fence 3 metres eastwards (in the direction of Greenwood Road) and its reinstallation including installing 2 extra sections of like-for-like fencing to fill the gaps created and an access point for a vehicle near point A. The access point must be a gate made of the same height and type metal fencing to ensure pedestrians are still excluded from the area.

BACKGROUND

1. The application relates to a 2.23 hectare site located off Greenwood Road in Billingham. The land was formerly part of the Belasis Hall Golf Course, which extended in total to 11.5 hectares, a facility provided for employees of local industry (ICI). The use ceased some years ago and the site has now become disused. The application site is bounded to the north by existing housing and a scout hut. To the south is the remainder of the former golf course. To the east is the Belasis Hall Technology Park and to the west is Charlton's pond.
2. The whole of the application site is within the middle zone of Consultation Distance (CD) for the Billingham hazardous installation apart from a very small section on the southern boundary.
3. The application seeks to develop a small portion of the former golf course for some 30 houses. The application is in outline with all matters of detail reserved for

approval. The application has been held in abeyance for some time whilst negotiations took place particularly regarding what was to happen to the remainder of the land held by the applicant (approximately $\frac{3}{4}$ of site). In the initial submission (which was for 32 houses) the applicant indicated that it was intended to upgrade and enhance the landscaping of the remaining open area through new planting, seeking also to increase the site's biodiversity. The purpose was to allow its use for informal recreation.

4. Negotiations on how these benefits would be delivered have been protracted and further information required and submitted including an arboriculture survey of the site. The applicant has now stated it is willing to transfer the freehold of the residual land to the Council for use for open space purposes together with a lump sum (£90,000) for maintenance and development purposes. The transfer would be secured by means of a section 106 agreement. In addition money (£15,000) would be provided as a contribution to pitch upgrades at Billingham Campus School to overcome concerns raised by Sport England about the loss of part of a recreational facility.
5. Determination of the application has been further delayed by the need for the applicant to provide a Transport Statement on the traffic implications of the development. This has now been received.

THE CONSULTATIONS

6. The local residents and occupiers have been individually notified of the application. The application has also been advertised on site and in the local press. Two responses have been received as a result of this publicity.
7. JPH Phillips of JPHP consultants which occupies premises in the Belasis Hall Technology Park opposite objects to the proposal and considers the site totally unsuitable for housing, noting it is allocated for recreational purposes in the adopted local plan. He is concerned about its location near to hazardous industry and that it may have pipelines under it. As a local occupier he has been warned by the Cleveland Emergency Planning Unit of the dangers associated with the proximity of hazardous industry. He considers the site should be retained as a green lung to separate housing from chemical industry.
8. Synthonia Scout Group, whilst not objecting to the proposal comments it has a licence from the landowner to occupy a small portion of the site for outdoor activities and would wish to retain this use though it recognises it has no security of tenure. It also requires clarification of fencing arrangements on the boundary to its property, access arrangements for services and security arrangements during construction.

The Head of Integrated Transport and Environmental Policy comments:

"A traffic assessment has now been received and is acceptable, however, it does identify a number of issues relating Public Transport, Cycling, Pedestrian and 'safe routes to school' provision. However, as the application is outline these issues can be addressed by section 106 contributions at the full application stage.

The development will need to comply with the Design Guide and Specification (Residential & Industrial Estates Development). The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries".

The Environmental Health Unit

9. No objections

Sport England comments:

10. *Objects to the development would withdraw its objection once a section 106 agreement is signed covering all the matters discussed with the developer for a financial contribution towards the provision of replacement sports facilities*

Parks and Countryside

11. Following protracted negotiations concerning the offer by the applicant to gift the remaining part of the former golf course to the Council, Parks and Countryside has commented:

"I can confirm that in principle we are willing to accept the land, bridge and commuted lump sum of £90,000, providing the Heads of Terms are met, as laid out under the 106 Agreement. These are as follows;

- 1. Following proof of ownership, freehold title transfer of the agreed land including the pedestrian bridge (number POC1/1A) from Fifield Glyn to Stockton Borough Council.*
- 2. The developer to provide the Council with a commuted lump sum of £90,000 to pay for site improvements and future maintenance of the site and bridge.*
- 3. The developer to pay a £15,000 contribution to Stockton Borough Council to upgrade sports facilities in the Billingham area, in association with Sport England."*

Landscape officer comments:

"The full application should be accompanied by the following in respect of the housing area:

- 1. In order to fully assess the impact of the development on existing trees a full pre development tree survey/report is requested; this should be prepared by a qualified arborist. The survey/report should include and address the following:*
 - a. Accurate survey of trees both on and adjacent to the site;*
 - b. Tree root protection measures to satisfy BS 5837 as a minimum standard during demolition and construction;*
 - c. Protective fencing and positioning;*
 - d. Changes in level which could affect the tree;*
 - e. Implications of services on existing trees.*
- 2. A detailed landscape plan for hard construction indicating materials and construction methods is requested; this should detail all boundary treatments.*
- 3. A planting plan detailing soil depths, plant species, numbers, locations, and sizes, planting methods, maintenance and management regimes is also requested.*

In addition we would welcome further discussions with the developer and any other partner/interested parties with regard to the enhancement of the area to the south of the proposed housing area. Prior to any approval for development on this site we request more detail on this area and in particular what commitment to the enhancement of this area can be sought from the developer in terms of capital works and management of the area to create a sustainable development."

Tees Forest

12. Tees Forest supports the proposal to enhance and upgrade the area to the south of the proposed housing development.

13. Environment Agency comments:

“The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning CONDITION be imposed:

CONDITION

No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation to the existing rate has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON To prevent the increased risk of flooding.

CONDITION: Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment.

CONDITION: There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment.”

14. Transco:

No objections

15. NEDL:

No objections

16. HSE

Initially had concerns but with clarification over the location of the development and being no more than 30 dwellings it does not advise, on safety grounds, against the granting of planning permission in this case provided that less than 10% (i.e. less than 3 housing units) are within the inner zone of the Billingham CD.

PLANNING POLICY CONSIDERATIONS

National Planning Policy

17. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

18. Relevant to this application are:

PPS 1 “Delivering Sustainable Development”

PPG 3 “Housing” (advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed)

PPG 13 “Transport” (promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas)

19. Regard also has to be given to the emerging Regional Spatial Strategy, which will ultimately replace RPG1. Policies in RPG1 set out the need for a sequential approach to development; sub-regional guidance to include, inter alia, targets for the re-use of previously developed land and buildings; and a managed release of housing land for development.
20. Section 54a of the Town and Country Planning Act 1990 states that all planning applications have to be determined in accordance with the Development Plan(s) for the area unless material considerations indicate otherwise. The development plan for the purposes of the application comprises the Tees Valley Structure Plan 2004 and the Stockton Borough Local Plan 1997.

Tees Valley Structure Plan

21. The Tees Valley Structure Plan policies that particularly need to be considered include:
 - H1A (Sequential approach for allocation of new housing sites) preference given to previously developed land
 - ENV16 (protection of trees and hedgerows)
 - SUS2 (Sustainable Development Policy) states the Tees Valley authorities should give regard to several factors through their local plans, development control decisions and partnership activities, including: give preference to brown field sites, and prevent the unnecessary use of Greenfield sites; promote the re-use of vacant land and buildings; encourage development in locations which minimise the need for travel and can be well served by public transport; maintain and enhance the vitality and viability of town and district centres.
 - T25 (Transport Requirements for New Developments) promotes the location of new development to give priority to walking, cycling and public transport access.

Stockton Borough Local Plan

22. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -
 - i. The external appearance of the development and its relationship with the surrounding area.
 - ii. The effect on the amenities of the occupiers of nearby properties.
 - iii. The provision of satisfactory access and parking arrangements.
 - iv. The contribution of existing trees and landscape features.
 - v. The need for a high standard of landscaping.
 - vi. The desire to reduce opportunities for crime.
 - vii. The intention to make development as accessible as possible to everyone.

- viii. The quality, character and sensitivity of existing landscapes and buildings.
- ix. The effect upon wildlife habitats.
- x. The effect upon public rights of way.

23. Policy HO3 states that within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

24. Policy HO11 requires all new residential development to be designed and laid out to a high quality standard with open space and a satisfactory degree of privacy and amenity for both the new dwellings and the occupiers of nearby properties.

25. Policy REC1 states:

“Development which would result in the permanent loss of playing space will not be permitted unless:

- (i.) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii.) Alternative provision of equivalent community benefit is made available, or
- (iii.) The land is not required to satisfy known local needs.”

26. Policy EN 38 states residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

MATERIAL PLANNING CONSIDERATIONS

27. In light of the objection received, the consultation responses, and current and emerging planning policy a number of planning issues are considered material to the consideration of this application.

Part loss of recreational facilities and re-use of remaining land

28. Sport England has objected because of the part loss of the existing, albeit disused, golf course. If its objection is to be removed compensatory provision needs to be provided in mitigation. To achieve this, the applicant has agreed to pay £15,000 towards pitch upgrades at Billingham Campus School, which is acceptable in principle to Sport England. However, to secure this mitigation a **Section 106**

Agreement is required which would be signed by all relevant parties. Subject to the signing of such an agreement the Sport England objection would be withdrawn.

29. As well as offering £15,000 for pitch upgrades the applicant is also offering to transfer ownership to the Council of the remainder of the land, some 9 hectares, together with a commuted lump sum of £90,000 for development of the land for public open space purposes. Again this would be secured through a Section 106 Agreement.
30. It is clear that the existing golf course is no longer usable and the opportunity exists to secure the use of the bulk of the land for public open space purposes extending in effect the Charlton Ponds area. This is to be welcomed as the land would otherwise become increasingly derelict and potentially subject to fly tipping and trespass the detriment of local amenities. The opportunity exists to provide a new open space facility benefiting the local community. To assist in this future development the applicant has already provided a survey of trees on the site as requested by the landscape architect.

Proximity of the development to hazardous installations

31. The development is located within the consultation distance of a hazardous installation (Terra Nitrogen) which requires formal consultation with the Health and Safety Executive (HSE). Because of the relatively low numbers and density HSE has not raised any objection on health and safety grounds to the proposed development. Policy EN38 of the adopted local plan permits residential development in the vicinity of a hazardous installation but only where there is no significant threat to the safety of the people involved. The concern of the local businessman is noted but as the Council is advised that the development presents no significant safety concerns, no case can be made for rejecting the development as being contrary to the relevant planning policy (EN38). The bulk of the site will remain as a green lung as requested by the objector.

Planning Policy

32. Policy HO3 of the approved local plan allows for new residential development within the limits to development provided a number of criteria are met including that:

- “(iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.”

33. Viewed against the criteria, it is considered that there is no significant loss of a recreational facility (see below); the development is considered sympathetic to the area and there is no unacceptable loss of amenity and that satisfactory arrangements can be made for access and car parking. Accordingly, it is not considered the application conflicts with Policy HO3.

34. In terms of Policy REC1:

- Alternative provision of equivalent community benefit is made available, and
- the land is not required to satisfy known local needs, and
- the bulk of the land is to be retained in public rather than private open space use.

35. The proposed development therefore satisfies the relevant tests set out by the policy.

Highway issues

36. With the provision of the Transport Assessment the Head of Integrated Transport and Environmental Policy considers the application to be acceptable. However, he has raised the issue of financial contribution towards improvements to public transport etc. This has been quantified to include bus stop improvements on Greenwood road at a potential cost to the applicant of £16,000. The applicant is concerned at the request that has come late in the negotiation process. His transport consultant in particular argues that the findings of the report demonstrated that the existing infrastructure for public transport, cycling and walking is acceptable in its current form when considering the scale of the development proposed and that for the scale of development proposed that such improvements are not justified.

37. The argument raised by the applicant's transport consultant is noted and whilst I have understand the concern give the lateness of the request, it is nevertheless reasonable to expect developers to contribute in some form towards any necessary improvements to public transport etc. Further discussion on this point is needed, however, rather than continue to delay determination of this application it is considered that the matter of the exact amount of the financial contribution can be left to be finalised in as part of the 106 agreement.

Other Issues

38. The concerns raised by the Synthonia Scout Group regarding fencing can be secured by planning condition. The matter of retaining the outdoor activities area is for the Scout group to discuss direct with the landowner.

CONCLUSIONS

39. The application site, whilst is allocated for recreational open space in the adopted local plan, it is located within the defined urban limits the development of which does not conflict with planning policy. The loss of recreational facilities is limited to disused facilities and is to be compensated for. This site is a Windfall housing site (a site not specifically identified through the local plan process). Whilst technically it might be viewed as a Greenfield site, it is within the urban area, in a sustainable location for housing development close to bus routes and within the vicinity of the site there are a range of shopping and service facilities, schools, community and health facilities necessary to meet the everyday needs of residents. Existing trees and hedgerow around the site the site will be affected but not to an unacceptable degree and conditions can be imposed requiring the remaining trees and hedgerows to be properly managed and maintained.

40. On balance it is considered approval can be recommended subject to appropriate planning conditions to secure necessary controls over the development.

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

Financial Implications:

None

Environmental Implications:

See report

Human Rights Implications

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

Community Safety Implications

None

Background Papers:

Application file:

Ward and Ward Councillors:

Billingham East:

Councillor M Stoker
Councillor A Cunningham