

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**31 JULY 2019**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**18/0195/OUT**

**Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees  
Residential Development comprising up to 200 homes and including provision of a  
Neighbourhood Centre, Multi-Cultural Centre, Primary School, Open Space and Means of  
Access**

**SUMMARY**

At the Planning Committee meeting on the 31<sup>st</sup> July 2019 Members resolved to grant planning consent for the above application subject to planning conditions and the development entering into a Section 106 agreement. The original report is contained within the appendices.

Since that time discussions have been ongoing with the land owner and their agent over the Heads of Terms, whilst there is agreement on most issues, there have been areas of disagreement leading to a revised masterplan being provided and the landowner asking for a conclusion to all matters so a decision can be issued.

The outstanding issue is in relation to the provision of the recreational route and footbridge leading the site to Ingleby Barwick and whilst the landowners has offered two options to resolve matters, neither is deemed acceptable. Consequently the landowner asked that the application be determined without a connection and associated bridge being provided or an appeal on non-determination would be submitted.

As these are considered to materially affect the decision Members reached in 2019, the matter is referred back to Planning Committee to make a decision on the merits of the scheme and revised Heads of Terms.

All material planning considerations remain as outlined within the original committee report unless otherwise addressed within the report below;

**RECOMMENDATION**

**That planning application 18/0195/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;**

- Approved plans;**
- 01      **The development hereby approved shall be in general accordance with the following approved plan(s);**
- |                              | <b>Date on Plan</b> |
|------------------------------|---------------------|
| <b>Plan Reference Number</b> |                     |

LTP-2691-TS-06-01-B  
5755\_200  
5755\_201\_E

23 May 2019  
26 January 2018  
27 February 2020

Reason: To define the consent.

**Reserved matters;**

- 02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

**Time limit for submission of the reserved matters;**

- 03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

**Time limit for commencement;**

- 04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

**Phasing programme;**

- 05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

**Open Space Strategy;**

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

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

**Dwelling numbers;**

- 07 The total number of dwellings authorised by this permission shall not exceed 200

Reason: To ensure a satisfactory form of development.

- 08** Energy efficiency:  
No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Local Plan policy ENV1.

- 09** Construction Method Statement:  
No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
- i. Construction access;
  - ii. Parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
  - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
  - vii. A Site Waste Management Plan;
  - viii. Details of the routing of associated HGVs;
  - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

- 10** Construction activity:  
No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

- 11** Ecological Survey:  
No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To conserve protected species and their habitat

**Restrictions on retail provision**

- 12 Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.

Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.

**Noise protection – traffic and commercial noise**

- 13 No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

**Drainage**

- 14 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;

- a) Detailed design of the foul water management system
- b) Detailed design of the surface water management system
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure
- d) A management plan detailing how surface water runoff from the site will be managed during construction phase
- e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:
  - I. Identification of those areas to be adopted and
  - II. Arrangements to secure the future operation of the system throughout its lifetime

Thereafter the development shall take place in accordance with the approved details.

Reason; To ensure that satisfactory drainage is provided and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

**Unexpected land contamination**

- 15 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters

## **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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

### **HEADS OF TERMS**

- Provision of access to serve the development
- The provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout
- Provision of 20% affordable housing
- To dedicate a parcel of land (0.8 ha) on the western boundary for the purposes of a primary school
- A contribution towards secondary education provision in line with the Council formula
- Provision for a scheme for open space and its future management
- Provision of a footway access to Thornaby Road
- Provision of a footway access to Low Lane
- Provision of a scheme for open space and its future management, including the arrangements for transfer to a Management Company or the Council or another person or organisation
- Provision of a Travel Plan and associated incentives

### **MATERIAL PLANNING CONSIDERATIONS**

1. Following on from the previous planning committee resolution (original report at Appendix 1), discussions have been ongoing with the landowner and their agents to bring outstanding matters on the Heads of Terms of the S.106 agreement to a conclusion.
2. Whilst the majority of the Heads of Terms are now agreed, the matter of providing a recreational route and footbridge have resulted in a disagreement and the landowner has asked that in such an event, the application be determined without a connection and associated bridge being provided or an appeal on non-determination would be submitted.
3. For clarity the landowner has offered to either;
  - a) Build a low level footbridge over Bassleton Beck which would then be retained and maintained by the development. The landowners expectation is that the bridge would be based upon that recently installed by the Council upstream of the site and would not be built to DDA standards or lit.
  - b) Alternatively, the landowner would be willing to make a contribution of £10,000 towards facilitating the bridge.
4. In response, it is considered that by doing so there could be safety and financial risks to the Authority and it would not be acceptable to have a private bridge built on Council land as any bridge must to designed, installed and maintained to a specification approved by the Local Highway Authority. In addition, the offer of a commuted sum is not sufficient enough to cover the estimated costs of construction and maintenance of any such bridge, which are estimated to cost in the region of £50,000.
5. In view of the lack of agreement and the applicants request to have the application determined, it is necessary to consider whether or not the scheme is acceptable in planning terms without

the proposed footbridge connection across Bassleton Beck. **The question in reconsidering this application is therefore whether the lack of the footbridge makes the proposal so inherently unsustainable that it alone means the application should be refused.**

6. As set out within the original committee report (paras 19 to 22) the sustainability of the site was considered and deemed acceptable. In weighing up whether that remains the case without the pedestrian connection, it is noted that the proposal includes;
  - Provision of a neighbourhood centre and a community centre – secured by planning condition to control future details and use of these facilities to ensure that they serve and meet a local need.
  - Pedestrian linkage to both Thornaby Road and Low lane
  - Indicated connections to neighbouring housing sites
  - Provision of an extension/diversion of an existing bus service in order to serve the site
7. As detailed within the original planning committee report (para 22) the provision of a recreational pedestrian/cycleway connection to Ingleby Barwick was desirable, rather than an essential planning requirement. Given the recreational nature of the intended connection, it would not have been a route that would have catered for all and cannot be attributed the same weight as a typical footpath/cycleway connection. It should also be noted that such a connection was not a stipulation of the adopted Local Plan.
8. Nevertheless, given the identified facilities and connections above (para 6), without the recreation link to Ingleby Barwick, it is considered that the proposals will; maintain access to day-to-day services through the on-site provision; enable people to access employment at Teesside Industrial Estate; have pedestrian linkage to the two main highways (Thornaby Road and Low Lane); and, will support provision of a bus service to offer access to an alternative form of transport.

## **CONCLUSION**

9. In view of the above and whilst it is regrettable no solution could be reached to resolve the recreational route, it is considered that the development as now proposed will remain consistent with the new Local Plan.
10. It remains the case that despite the loss of the recreational route, sufficient facilities are provided within the development to serve future residents and meet an element of their day-to-day needs. The access to other community facilities (supermarkets, schools etc...) is also not considered to be substantially different from other areas of Ingleby Barwick.
11. On balance the scheme is considered to remain a sustainable location and in view of the other material considerations outlined in the original report, is acceptable in planning terms.

**Director of Economic Growth and Development**  
**Contact Officer Simon Grundy Telephone No 01642 528550**

## **WARD AND WARD COUNCILLORS**

**Ward Ingleby Barwick East**  
**Ward Councillor(s) Councillors Sally Ann Watson; Alan Watson; and Ted Strike**

## **IMPLICATIONS**

### **Financial Implications:**

Other than those identified within the heads of terms, there are no known financial implications.

**Environmental Implications:**

The environment impacts of the proposed development have been fully considered and addressed within the report above. In view of those considerations it is not considered that the proposal has any significant environmental implications.

**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

**Supplementary Planning Documents**

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing