

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
7th December 2022
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/1388/FUL

**Former Billingham Synthonia Football Club,
Engineering operations associated with ground preparation works, including foundation piling, for end-use development.**

SUMMARY

Planning permission is sought for piling works to be undertaken in connection with a proposed scheme to provide a new manufacturing facility (application 22/1669/FUL). This application is submitted as a separate proposal so that works can commence whilst any conditions on the main application are resolved.

The application is presented to Committee as there is a Departure from the Local Plan as the application is contrary to policy as it results in a loss of a playing field and does not meet any of Sport England's Exceptions. Nonetheless the proposed development will bring significant economic benefits to the area and when assessing the application as a whole it is considered that the benefits from the scheme outweigh the harm, especially when considered against the ongoing work to deliver sports facilities in Billingham.

Should members be minded to approve the application, due to the objections from Sport England in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application will be referred to the Secretary of State for consideration.

Due to significant growth in global demand for Fujifilm's services, the applicant has an urgent need to expand the campus further to accommodate a new state-of-the-art manufacturing facility. The applicant needs certainty in an outcome in order to commit the significant level of inward investment. Given the Secretary of State must also consider the matter, the timely resolution of the application would assist with the corporate decision-making process of Fujifilm.

It is therefore recommended that the Planning Committee be minded to approve the application for the reasons specified above and that the decision be delegated to the Planning Services Manager to amend any conditions deemed necessary following consideration by the Secretary of State.

RECOMMENDATION

That Members be minded to approved application 22/1388/FUL subject to the following conditions and informatives and that the decision be delegated to the Planning Services Manager to amend any conditions deemed necessary following consideration by the Secretary of State;

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 plan(s);

Plan Reference Number	Date Received
22085-STR-DRG-1604	20 September 2022
22085-ARC-DRG-0503	14 October 2022
22085-ARC-DRG-0560	16 June 2022
22085-ARC-DRG-0561	16 June 2022

Reason: To define the consent.

03 Construction 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) outside of these hours or on Sundays or on Bank Holidays without the prior consent of the Local Planning Authority having first been obtained.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.

04 Ecology

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed Section G of the submitted Ecological Appraisal (Project Number 6918 Version R01) by E3 Ecology Ltd

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

05 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

06 Lighting

Notwithstanding the submitted details, prior to any temporary or permanent lighting being erected, details of any such lighting shall be submitted to and approved in writing by the local planning authority. Any lighting shall be erected in accordance with the agreed details.

Reason: To ensure the ongoing safety of the rail line.

07 Construction Environmental Management Plan

Work shall be undertaken in accordance with the Framework Construction Environmental Management Plan (CEMP) Document Number: FDBK-BOR-CON-PLN-0001.

Reason: To ensure the construction phase limits the impact on the surrounding residents and businesses.

08 Arboricultural Method Statement and Tree Protection

Prior to the removal of any mounding/trees an updated arboricultural method statement and detailed tree protection plan, which must consider protection of all trees and their roots at different stages of construction shall be submitted and approved in writing by the local planning authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations
 2. BRITISH STANDARD 3998:2010 Tree Work - Recommendations
 3. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007
- Work shall be undertaken in accordance with the approved details

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

10 Tree Retention Zone

All trees within the “Tree Retention Zone” shall be retained unless expressly agreed with the Council’s Principal Tree and Woodlands Officer on site. Once agreed a Management Strategy shall be submitted to and approved in writing by the local planning authority and shall set out how the area within the Tree Retention Zone, and the retained trees therein, shall be managed and maintained. Once approved in writing, the Tree Retention and Management Plan shall be implemented and maintained thereafter

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

11 Tree Retention

Notwithstanding the submitted plans tree T12 close to the site entrance shall be retained unless removal is later agreed in writing with the local planning authority.

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

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

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.

Fence: Network Rail

Developers should ensure the security of the boundary fence to the railway is maintained at all times.

BACKGROUND

1. The applicant, Fujifilm commenced the expansion of its bio-campus in Billingham following the grant of detailed and outline planning permissions (19/1921/FUL and 19/1922/OUT) in late 2021. The first phase of its expansion has now been completed and the reserved matters application has been submitted for Phase 2 (22/2014/REM).
2. Due to significant growth in global demand for the applicants' services, there is an urgent need to expand the campus further with land that is suitable and available to accommodate a new state-of-the-art manufacturing facility.

SITE AND SURROUNDINGS

3. The application site relates to the former Billingham Synthonia Football Club which comprises a redundant athletics track / football pitch. The facility has remained out of use and in its current vacant state since 2017. The stadium was demolished by 2020
4. To the north is a railway line with residential development beyond. To the west is Cowpen Lane and to the east is a company known as Mantank and land with permission for industrial development. To the south is Central Avenue with the recently expanded Fujifilm Campus.
5. The trees along the boundary are covered by a group tree preservation order.

PROPOSAL

6. Planning permission is sought for engineering operations to enable below ground activities including foundation piling.
7. The operation will comprise the piling of a number of Continuous Flight Auger (CFA) piles of 350mm diameter, which will be drilled to a depth of 18m. As auger piles are drilled and filled with concrete in the same operation, the process is considered to be of lower impact in terms of noise, dust and vibration compared to driven piles.
8. It is anticipated that the redevelopment of this site will contribute to around 350 new employment opportunities created through the overall bio-campus expansion and further ensure that the company has the capability to grow its business on Teesside and meet the global demand for its services. In addition there will be approximately 300 construction jobs created across the Campus.
9. A separate detailed planning application the development of the manufacturing facility is also included for consideration at this Planning Committee (application 22/1669/FUL).

CONSULTATIONS

10. The following Consultations were notified and any comments received are set out below:-
11. Highways Transport & Design Manager
Highways Comments: Subject to a construction management plan being secured by condition there are no highways objections to the proposals.

Landscape & Visual Comments : Whilst the proposal itself does not directly affect site trees, construction works on the site may extend beyond the development footprint, and therefore a tree protection plan is required to protect trees around the site perimeter.

12. Sport England

Statutory Role and Policy: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England's Playing Fields Policy, which is presented within its 'Playing Fields Policy and Guidance Document': https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field : The proposal is for foundation piling. The works would lead to a complete loss of the playing field at this site.

Assessment against Sport England Policy/NPPF

National planning policy set out in para.99 of the NPPF and further developed in Sport England's playing field is a protective policy, with a presumption against any development which results in the loss of playing field (in whole or part) or prejudices its continued use. The proposed development would lead to the loss of the playing field at this site. For this development to be able satisfy playing field policy, the applicant must demonstrate that:

(playing field policy exception 1) A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport: or

(playing field policy exception 4) The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements

Sport England has engaged with the Football Association to understand the context to the site's vacant state. Through its delivery arm - the Football Foundation - it has responded to advise:

'There is no up-to-date evidence base able to fully establish the need for playing pitch provision in Stockton-on-Tees. However, a new PPS evidence base and strategy is under development and no facility should be lost to alternative development until the outcomes of this work are known and agreed. The proposed loss of the Billingham Synthonia football ground is not considered acceptable as there is a locally known present need for the facility. The ground could be restored to use and could meet this demand. Billingham Synthonia FC is currently exporting demand, playing outside of Stockton-on-Tees within another local authority area to meet National League System Ground Grading requirements at Step 6. The Club is currently ground sharing but is keen to return to play back within the Borough. Though not within club or Council ownership, there is a clear demand for use of this facility, one which is able to meet a specific prescribed specific facility requirement, of

which there are relatively few. Consequently, we recommend that Sport England objects to this proposal'

In summary, the applicant has made no attempt to address national playing field policy, or the protective local plan designation which covers this site. It is a complete falsehood to equate Billingham Synthonia' s departure from this site as meaning that it is somehow surplus to requirements and that playing field policy no longer applies.

Conclusion: In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

13. Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A. European sites :Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones : The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website Further general advice on the consideration of protected species and other natural environment issues is provided.

14. The Environment Agency

We have no objections to the proposed development as submitted. However, we have the following comments/advice to offer:

Groundwater and Contaminated Land - We would like to refer the applicant to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including Waste management, Discharge of liquid effluents, Land contamination; Ground source heat pumps. We recommend that you refer to our published 'Guiding Principles for Land Contamination' which outlines the approach which should be adopted when managing this site's risks to the water environment.

We also advise that you consult with your Environmental Health/Environmental Protection Department for advice on generic aspects of land contamination management. Where planning controls are considered necessary, we recommend that the environmental protection of controlled waters is considered alongside any human health protection requirements. This approach is supported by the National Planning Policy Framework.

We also note that the development proposals may include the requirement for piling activities for proposed structures. We would advise the local authority to ensure that as part of granting of planning permission, an appropriate controlled waters risk assessment is undertaken by the applicant which takes into account piling activities and which demonstrates no unacceptable risk to controlled waters. We also note that ground investigation boreholes are likely to be undertaken on site to provide information on geological ground and groundwater conditions. We would advise the local authority to ensure that as part of granting of planning permission, the applicant carries out remedial works to appropriately decommission any drilled boreholes in order to prevent the formation of preferential pathways allowing contaminant movement which could pose a risk to groundwater and / or surface water quality.

15. Environmental Health Unit

I have checked the documentation provided and I have no objection in principle to the development, subject to the imposition of conditions relating to Construction/ Demolition Noise

Land Contamination: No objection subject to the following conditions;

- Further Site investigation and Verification Report
- Unexpected Land Contamination

16. Network Rail

I can confirm we do not object to the piling. However we have concerns regarding the lighting which might impede the train drivers. We assume that the developer will be using floodlights here and this must be mitigated by the developer such that the glare and glint effect upon the railway is eliminated in the preliminary stages. The boundary treatment must not be compromised by this development.

17. Health And Safety Executive

The HSE LUP team has no comment to make

18. Billingham town Council

Supports the application

PUBLICITY

19. Neighbours were notified and 4 letters of objection were received from the addresses below with the main objections summarised below. The full details of the objections can be viewed online at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- I. Mr Stephen Duffy 143 Central Avenue Billingham
- II. Mrs Janet Dickinson 1 Hereford Terrace Billingham
- III. Mr Edward Smith 144 Central Avenue Billingham
- IV. Miss Jazmine Morris 21 Hereford Terrace Billingham

- Impact on traffic from the Closure of Belasis Avenue
- Lack of parking
- Impact from construction traffic
- Environmental Impacts on the nearby bird sanctuary appears to be disregarded.
- Noise
- Impact on light to residential properties including impact on the solar panels

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

Paragraph 83. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations

Paragraph 98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

Paragraph 99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Local Planning Policy

23. 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 2 (SD2) - Strategic Development Needs

Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

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.

Specialist Uses:

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

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

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.

b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

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.

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.

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.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:
 - a. it has been demonstrated to be surplus to requirements; or
 - b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
 - d. the proposal is ancillary to the use of the open space; and
 - e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

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.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:
 - a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
 - b. Work with partners to ensure existing deficiencies are addressed; and
 - c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.
4. To ensure needs for community infrastructure are met, the Council will:
 - a. Support opportunities to widen the cultural, sport, recreation and leisure offer;
 - b. Support proposals of education, training and health care providers to meet the needs of communities;
 - c. Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location;
6. Development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:
 - a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or

- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

MATERIAL PLANNING CONSIDERATIONS

24. The main planning considerations on this application relate to the principle of development (the loss of the playing pitch); impact on neighbours, impact on the railway; ground conditions; impact on ecology and any other matters. These are discussed below;

Principle of Development

25. The application as submitted forms part of a proposal for the erection of a manufacturing facility within Use Class B2/B8 (industrial, storage and distribution) with associated infrastructure / works.

26. The Local Plan identifies a series of Strategic Priorities that will enable its overarching vision to be achieved which are of relevance to the proposal.

Strategic Priority 1 states *“To encourage economic growth, job creation and a more entrepreneurial culture within the Borough, as a means of diversifying the economic base and strengthening existing economic strengths, clusters and sectors.”*

Strategic Priority 2 states *“To identify sufficient employment sites and premises to ensure the needs of inward investors, as well as existing and new businesses, are met.”*

27. The proposed site preparation works will contribute to and help to realise the above objectives as a development that will support the growth of a prominent business in the area, and deliver a boost to the local economy and generate an increase in employment opportunities.

28. Strategic Priority 5 states *“To provide high quality services and facilities for the Borough’s growing and ageing population, with an emphasis on health care, education and training, together with sport, leisure, recreation and cultural pursuits”.*

29. The site is allocated under Policy TI2 (Community Infrastructure) of the Local Plan and supporting Policies Map as ‘Playing Fields’. The policy reflects those tests set out in the NPPF (paragraph 99) and states that development on existing sports and recreational buildings and land, including playing fields will be resisted, unless:

- a. An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or
- c. The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.

30. The development as proposed does not comply with the NPPF or Local Plan Policy TI2 and does not meet the tests as set out by Sport England, whilst the proposal is contrary to local and national policy due to the loss of the playing pitch, a departure from those policies and the development plan is justified where material planning considerations may indicate otherwise.

31. Those material considerations are considered further in the report below;

Playing pitch strategy/Alternative provision:

32. It is important to note that the Council are currently in the process of finalising an updated Playing Pitch Strategy (PPS) for the Borough which will fully consider the need for playing pitches going forwards. Comments from the Football Foundation are noted which say that no facility should be lost to alternative development until the outcomes of this work relating to the PPS evidence base and strategy are known and agreed.
33. Whilst that position is noted, one of the emerging recommendations is the creation of a sports 'Hub' at the former Billingham Campus School site which would have the ability to provide a sustainable home for both of Billingham's football teams. Consequently it has the potential to deliver a National League standard facility which realistically is the best opportunity to achieve a new National League standard facility within Billingham.
34. It is also noted that the former Billingham Synthonia facility has remained out of use and in its current vacant state since 2017 and the stadium was demolished by 2020. The site is within private ownership and has no realistic probability of becoming as sports facility once more.
35. The Football Foundation will shortly be commencing engagement with strategic partners and following this the Council will then be undertaking wider community engagement. SBC are hopeful that Football Foundation Board Approval will be achieved in March 2023 which would allow progression to further design stages and ultimately the delivery of a Hub site in late 2024 / early 2025. Should the Hub Programme not be successful SBC will continue to work with our football league pyramid clubs over their sustainable future.
36. The lack of a wider playing pitch strategy or alternative facility is therefore arguably a matter of timing which is outside of either the Council's or the applicants control given the recent and significant growth in global demand for their services.
37. Equally pausing a decision on the application until the playing pitch strategy is complete (as suggested by the Football Foundation) is impractical given that the applicant and their business, need certainty in order to commit to a significant investment within their Billingham complex. To hold the application in abeyance until the playing pitch strategy is finalised would therefore risk the proposed investment being lost elsewhere within companies' global network of sites, also meaning the loss of significant social and economic benefits to the Borough.

Impact on Neighbours

38. The application relates to piling works which do have the potential for noise and disturbance. The piling works are expected to last approximately 8 weeks and the use of CFA piling is generally less noise intrusive than driven piles.
39. The hours of construction and deliveries have been controlled via condition and it is not considered that the development as proposed which is temporary and short term will have such a significant impact on neighbours to warrant refusal of the application.

Impact on the Railway

40. The piling operations will take place over 50m away from the railway line and the applicant has submitted sufficient information to demonstrate that there will be no adverse impact on the railway.
41. Network Rail have no objections subject to the lighting being directed so as not to spill onto the railway, a condition has been recommended to ensure any lighting proposals are submitted to the Local Planning Authority prior to installation at the site

Ground Conditions

42. Information submitted as part of this application addressed the potential risks to human health and built and natural environment receptors. A Phase 2 assessment and gas risk assessment were also submitted.
43. Comments from the EA regarding bore holes are noted and the applicant confirmed that the trial pits and boreholes were respectively backfilled with clean arisings and bentonite/installations upon completion.
44. The Environment Agency and Environmental Health Officer have raised no objections subject to conditions which have been recommended

Ecology

45. An Ecological Assessment accompanies the application. This report seeks to identify key ecological constraints to the proposed development and to inform the layout and design of the proposed works to ensure significant ecological effects are avoided. The report concludes that, based on its location and nature, the proposed works are not anticipated to give rise to significant ecological impacts on the site.
46. Natural England have been consulted on the application and raised no objections stating that a likely significant affect can be ruled out.
47. Comments in relation to the bird sanctuary are noted however the reports have considered the impacts on Charlton's Pond Local Nature Reserve (LNR) which lies about 50m to the north east at its closest point, along with the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and the Saltholme Nature Reserve.
48. The proposed development is not predicted to have any impacts on statutory/non-statutory sites given standard good working practices contained in the report which has been conditioned.

Traffic and Transport

49. Objections have been received in relation to the impact on traffic and parking on street.
50. The application includes a requirement for a construction traffic management plan to be submitted which will ensure that workers are parked in appropriate locations during construction works. Two options have been suggested, both of which are acceptable and a condition has been recommended to this effect.

Planning Balance

51. The piling works are required for the new manufacturing facility which will support the existing and proposed facilities to the immediate south and it is expected that the development would create around 350 new jobs across the expanded Bio-Campus in Billingham. In addition there are another 300 jobs during construction and given the investment in the facility and on-going job creation, it is considered that this is a significant inward investment into the area.
52. In addition to creating job opportunities, the proposed development would promote innovation and make a significant positive contribution to the local economy. The development would contribute towards wider strategic economic aims within Teesside, the north-east region and the UK, by helping to attract, retain and support global businesses in the advanced industrial sectors.

53. In determining this application, the applicant will be given certainty in their commercial decision making and should the application be approved, the applicant can deliver new accommodation in Billingham to meet business growth opportunities and global demands on its services. Approval of the proposed development will also further the operations in delivering key biopharmaceutical and medical research solutions, and accord with the NPPF's vision of creating *"the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development... This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential"*. Such economic and social benefits are as directed by national policy, therefore given significant weight in favour of this application.
54. It is acknowledged that the loss of the playing pitch weighs against the development as it is contrary to the development plan. Whilst it would be beneficial to wait until the Playing pitch strategy and replacement provisions are more advanced to give some certainty to Sport England and the Football Foundation. However, those benefits need to be balanced against the possibility that this investment could be lost to another area, due to the applicant needing to meet the significant global upturn in their services
55. In balancing the significant investment and job creation against the loss of the playing pitch facility which has not been used for over five years, it is considered that the benefits will outweigh the harm. Particularly given the direction of travel and potential for an alternative facility, that the local authority is working on with regards to the updated Playing Pitch Strategy and progressing those alternative facilities.

CONCLUSION

56. In view of those considerations, it is recommended that the Planning Committee be minded to approve the application for the reasons specified above and that delegated powers be given to the Planning Services Manager to amend any conditions as necessary.

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

WARD AND WARD COUNCILLORS

Ward	Billingham South
Ward Councillor	Councillor Mrs Jean O'Donnell
Ward Councillor	Councillor Mike Smith

IMPLICATIONS

Financial Implications:

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

National Planning Policy Framework
Adopted Local Plan
Application Files 22/1388/FUL and 22/1669/FUL