

**DELEGATED**

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

**22/1669/FUL**

**Industrial development comprising of the erection of a manufacturing facility within Use Class B2/B8 (industrial, storage and distribution) with ancillary office space, gatehouse, liquid waste treatment plant, solid waste management building, landscaping, parking, service areas and associated works.**

**Former Billingham Synthonia Football Club, Billingham,**

### **SUMMARY**

Planning permission is sought for the erection of a new manufacturing facility at the Billingham Synthonia Football Club, Billingham,

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.

There have been a number of objections which are considered further in the report, however it is considered that the proposed development is acceptable as proposed and any impacts can be suitably mitigated.

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 planning application 22/1669/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-ARC-DRG-0501	27 July 2022
22085-ARC-DRG-0530	25 July 2022
22085-ARC-DRG-0502 REVA	27 July 2022
22085-ARC-DRG-0504	25 July 2022
22085-ARC-DRG-0505	25 July 2022
22085-ARC-DRG-0506	25 July 2022
22085-ARC-DRG-0507	25 July 2022
22085-ARC-DRG-0508	25 July 2022
22085-ARC-DRG-0509	27 July 2022
22085-ARC-DRG-0510	27 July 2022
22085-ARC-DRG-0511	27 July 2022
22085-ARC-DRG-0512	25 July 2022
FUBO-RYD-ZZ-XX-DR-L-2101-S2-P3	25 July 2022
22085-ARC-DRG-0520	27 July 2022
22085-ARC-DRG-0540	27 July 2022
22085-ARC-DRG-0550	25 July 2022
22085-ARC-SKH-0107 REV T1	18 November 2022
22099 001 REV B	17 November 2022
<b>22085-ARC-DRG-0503</b>	<b>18 November 2022</b>

Reason: To define the consent.

## **03 Drainage**

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Plan" dated "27th May 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5801 and ensure that surface water discharges to the combined sewer at manhole 5801. The surface water discharge rate shall not exceed the available capacity of 10.9 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

## **04 Construction traffic management plan**

Construction should not commence until written details of a construction phase traffic management plan ("CTMP") for the management of construction traffic incorporating the number of construction trips, routing, timing, access details, wheel wash facilities and vehicle parking for contractors has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety

**05 Construction Environmental Management Plan (CEMP)**

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.

**06 Operational Management Plan**

Prior to the first occupation of the development hereby approved an Operational Management Plan shall be submitted to approved in writing by the Local Planning Authority in consultation with National Highways. Thereafter unless otherwise agreed in writing the development shall be operated in accordance with the approved Operational Management Plan.

Reason: To ensure that the A19 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

**07 Energy Efficiency**

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

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

**08 Further Site investigation and Verification Report**

No occupation of any building forming part of the hereby permitted development shall take place until a verification or validation report is submitted in writing to the local authority, demonstrating that further testing of area TP20 referred to in the site investigation report (Report Ref S220408, May 2022) has been undertaken to ascertain the extent of contamination. This ought to be assessed against the LQM/CIEH 'Suitable 4 Use Levels' present soil assessment criteria, and waste classification undertaken. The report shall include results of sampling and monitoring carried out, (within a 5 metre radius of the affected area) and provide evidence that all excavated contaminated material has been either removed from the site, or covered by hardstanding material. Where there is landscaping, a cover system ought to be installed and verified in accordance with the 'Verification requirements for Cover Systems – technical guidance for developers, landowners and consultants.' (YLPAG, June 2021)

Reasons: To validate that the additional site investigation work has been undertaken and demonstrates that the risks posed to human health have been identified and reduced to an acceptable level.

## **09 Lighting**

Details of the external appearance of all external lighting of the building, roads and car park areas, including colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Any temporary or permanent lighting shall be arranged to ensure that lighting does not adversely affect the safe operation of the railway line. The lighting shall be installed in accordance with the agreed details and be in place prior to occupation.

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

## **10 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.

## **11 Tree Retention Zone**

All trees within the “Tree Retention Zone” shown on plan ref. 22085-ARC-SKH-0107 shall be retained unless it is not feasible to do so in order to implement the approved scheme and is expressly agreed with the Council’s Principal Tree and Woodlands Officer on site. Prior to any works being undertaken to trees within the Tree Retention Zone, a Tree Retention and Management Strategy shall be submitted to and be 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 Strategy shall be implemented and maintained thereafter

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

## **12 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.

## **13 Soft Landscaping**

Notwithstanding the submitted plans, prior to the erection of any above ground development, full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

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

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

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

#### **14 Maintenance – Softworks**

No soft landscaping shall be provided until full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include maintenance access routes, long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the development or approved phases.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

#### **15 Noise disturbance from New Plant**

Prior to the installation of any new plant, full details including a noise assessment, shall be submitted and approved in writing by the local planning authority. The rating level of sound emitted from any fixed plant associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location to be agreed with the local planning authority and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority. Work shall be undertaken in accordance with the approved details.

Reason: To protect the amenities of nearby residents.

#### **16 Odour nuisance**

Prior to occupation, full details of any odour abatement measures for the liquid waste plant shall be submitted and approved in writing with the local planning authority. The plant shall be operated in full accordance with the approved details.

Reason: To ensure adequate odour abatement measures are installed to protect the amenities of nearby residents.

**17 Cycle Storage**

The cycle storage as shown on plan ref. TBC shall be installed and available to use prior to the occupation of each building/block. The scheme shall be implemented in full and retained for the life of the development.

Reason: In the interests of providing sustainable travel options for the site.

**18 Electric Vehicle Charging**

The electric vehicle charging points shown on plan ref. TBC shall be in place and available for use prior to the occupation of the buildings.

Reason: To ensure a satisfactory form of development

**19 Ecology**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed Section G of the in 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.

**20 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

**21 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.

**22 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.

**23 Employment and Training**

The development hereby approved shall not commence until details of a Training and Employment Management Plan, has been submitted to and approved in writing by the Local

Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and include:

The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the local planning authority.

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour
- Details of how services and materials used in the development are provided by businesses within the Target Areas
- Reasonable steps to procure that any contractor and / or subcontractor nominate an individual to liaise with the Principal Employability Officer.
- Targets for work experience opportunities Measures to provide training opportunities in respect of any new jobs created
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

Reason: In the interests of promoting economic and training opportunities in association with approved developments in accordance with saved local plan Policy SD4 and the National Planning Policy Framework.

## **INFORMATIVES**

### **Informative: Working Practices**

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

### **Informative :Environmental Permit**

This development will require a permit under The Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. We recommend that the applicant contacts Joe Catterson at [joe.catterson@environment-agency.gov.uk](mailto:joe.catterson@environment-agency.gov.uk) to discuss the issues likely to be raised. The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will:

- prevent pollution
- ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity
- ensure that there is no offence to a human sense or damage to material property

We would likely reject any permit application which did not include this information.

The operations of the facility will fall under the regulatory scope of the Environment Agency. It is, therefore, recommended that the applicant ensures the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018. Under the terms of the MCPD, it is likely that a permit will be required before the plant can operate. The applicant is advised to contact us for further information (as detailed above) and/or to apply for a permit by contacting our National Customer Contact Centre by email at: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) or by telephone on 03708 506 506.

Further advice is available on the gov.uk website at: <https://www.gov.uk/topic/environmental-management/environmental-permits> It is recommended that the applicant considers the implementation of the following features for their site design:

- Use of low-carbon cement to reduce carbon footprint and use of natural resources;

- Solar Panels on externals of buildings to off-set energy use on site and reduce the parasitic load of the carbon capture plant;
- LED directional lighting to reduce energy use;
- Low solvent paints to prevent polluting emissions to air;
- Ground-source heating to heat/cool buildings;
- Encourage the use of Electric Vehicles or similar alternatives by employees and contractors during the construction and operational phases of the site to reduce climate change.

Extreme events: It is recommended that extreme events, for example pandemics, and extreme climate such as storms, extreme winds, droughts and freezing are considered at the design stage of the development and how they may affect and possibly change the proposed building design, building location/orientation, plant operating conditions etc.

### **Informatives: Network Rail**

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with the Asset Protection Team prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety.

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance.

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways. Useful Network Rail contacts;

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

Land Information - For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyserviceslneem@networkrail.co.uk](mailto:propertyserviceslneem@networkrail.co.uk).

### **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 its 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. Detailed planning permission is sought for the erection of a new manufacturing facility. The main building which is to be a new bio-tech manufacturing facility, would comprise an array of production suites, work-in-progress warehouse and storage, buffer preparation and hold facilities, laboratories and offices. A liquid waste treatment plant, solid waste management building and standby generator are situated to the north of the main facility. A gatehouse is situated to the east of the main facility and is erected for the purposes of managing incoming / outgoing service traffic.
7. The main building is a three storey multi-platform biotech manufacturing facility which has a ground floor footprint of approximately 112m x 71m. The building is designed to be 3 storeys of accommodation with parapet height of approximately 20.4m high.
8. The site will be secured with a 2.4m high weldmesh fence with matching double gates to provide vehicular access into the site and a set of a single pedestrian gate and turnstile. The style of the fence is to match the existing fence currently installed across the site on the New Billingham House.
9. The appearance of the proposed manufacturing facility has been designed to reflect the look and feel of the other FDB manufacturing building on the adjacent Belasis Avenue site and connect with the new HQ office building on the opposite side of Central Avenue.

## **Procedure: EIA Regulations**

10. The development is Schedule 2 Development. It is the opinion of the Local Planning Authority that taking into account the characteristics of the development, its location, and the characteristics of the potential impacts, there are unlikely to be any significant impacts that would warrant an EIA, when considering the proposal against the criteria in Schedule 3. It is therefore concluded that the proposed development does not constitute EIA development

## **CONSULTATIONS**

11. The following Consultees were notified and any comments received are set out below:-
12. Highways Transport & Design Manager  
Highways Comments: The applicant has submitted a Transport Statement (TS), a site layout drawing, and a site access drawing in support of the proposals.  
Site Access / Layout - The site would be accessed from Central Avenue by a new signalised junction and the capacity of the proposed junction has been considered within the TS which has demonstrated it will operate within capacity with a maximum predicted queue of 3 vehicles on the eastbound arm of Central Avenue.  
The proposed signalised junction has also been subject to a Stage 1 Road Safety Audit and all concerns raised have been addressed and incorporated into the latest site access drawing (22099 001 Rev B).  
The site access arrangements are therefore broadly acceptable however, they will be subject to further detailed design as a part of the s278 Agreement that will be required for the delivery of the proposals.

The site layout, as shown on drawing 22085-ARC-DRG-0503, is broadly in accordance with the Councils design guide and adequate parking has been provided.

Due to the scale of the proposed development and in order to minimise the impact of the proposals during the construction phase a Construction Management Plan (CTMP) should be secured by condition.

Subject to the above there are no highways objections to the proposals.

Landscape & Visual Comments: The proposed development site is the former home of Billingham Synthonia Football Club. The majority of the site is level, with a mounded area wrapping around the north, west and southern boundaries. Parts of the mound and the external areas beyond the mound are covered in mature trees and scrub of mixed species. Part of this wooded area is protected by a Tree Preservation Order (TPO).

The wooded boundary contributes to the character of the local area, and forms a visual barrier alongside Cowpen Lane between the residential area to the north and west, and the industrial area to the east and south. There is a mixed composition of trees of varying ages, and with some significance. There are elm trees that have importance due to scarcity within the wider tree population, there is existing formal avenue planting, a row of holly trees planted in regular spacings along the western boundary, and a number of large poplars within this boundary planting, which have an age class of 70+ years old.

The updated proposal is a significant improvement on the original submission which included for clearance of all trees from the site. The submitted tree retention plan indicates trees to be retained around the western boundary external to the existing concrete boundary fence, in addition to a number at the south west corner which lie inside the fence. There is a further tree close to the site entrance, tree T12 a lime, which is not indicated on the Tree Retention Plan, and which the Council wish to retain.

It is requested that a number of conditions be secured as part of any consent, this shall include the following, with detailed wording to be agreed:

- 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, this must be secured prior to commencement of any works associated with this application;
- A condition to secure retention of all trees within the 'tree protection zone' unless expressly agreed with the Council's Principal Tree and Woodlands Officer on site, to allow for considered thinning and management of trees within this zone; and
- A condition to secure the retention of tree T12 close to the site entrance, unless removal is later agreed by the Council's Principal Tree and Woodlands Officer.

The applicant has submitted a planting strategy for the site, but this has not been updated to reflect the current proposal. The strategy outlined is acceptable and the principals shall be translated onto updated plants for the site. Therefore in addition to the above conditions relating to trees, it is requested that the following general conditions be secured:

- Soft landscape works, to secure updated landscape plans relating to the current layout; and
- Soft landscape management and maintenance plan, including a long term management plan for all retained trees.

Flood Risk: The Lead Local Flood Authority have no objection to the proposals. The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area.

### 13. 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':

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 proposed development would result in the complete loss of a playing field of 2.5Ha. Although now in a run-down state, the playing field contained a floodlit adult football pitch equipped to host a step 6 non-league football club, and a 400m redgra running track.

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.'*

Sport England notes and concurs with the Football Foundation's advice. There is no up-to-date evidence which is able to show that the site is surplus. Indeed, the last Playing Pitch Strategy showed there was a shortage of peak time pitch capacity for a number of the pitch sports in this part of the borough. As such the proposal is not covered by playing field policy exception 1. The applicant is not proposing that the playing field at the application site be replaced by playing field of at least an equivalent quantity and quality, and the proposal is not therefore covered by playing field policy exception 4. As no other playing field policy exceptions are applicable to the development, the proposal does not comply with playing field policy.

The applicant has submitted a Planning Statement which covers playing field policy. We have reviewed it and must advise we consider it flawed as it is based on a number of erroneous assumptions. In order to guide your deliberation on this matter Sport England has taken each assertion in turn.

Para 4.4 Point 1 "The site is not an existing sports facility - it has been out of use for five years" The site would have been approved and built as a sports ground serving the staff of ICI Billingham. Since no other approval has been granted on the site which would supersede and snuff out this permitted use, planning permission would not be needed to resume use of the football pitch and running track. In planning terms therefore it is an existing use. The applicant has also mistakenly conflated the reference to 5 years within The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order") with legal principles around the abandonment of use. The order simply clarifies when Sport England is a statutory consultee on playing field applications. There is often debate as to the implication of the 5 year period mentioned within the Order and its implications for the weight that should be afforded to the response that Sport England makes on planning applications. The duty to consult with Sport England on proposals affecting playing field was first established in 1996. The letter to Chief Planning Officers advising them of the impending change notes that the Order that was going before Parliament replaced the phrase 'development on land last used as a playing field' with 'development which....is on land which has been used as playing field at any time in the 5 years before the relevant application and which remains undeveloped'. The letter explains that the change was in response to concerns that 'land last used as a playing field' might not cover land which was being used for temporary purposes, such as grazing. It is clear from the above that the government intended to afford Sport England a strong role in the protection of playing field and it introduced the 5 year rule to close what might have been a 'loophole' to that protective role. Unfortunately experience suggests to Sport England that the 5 year rule is being used as 'loophole' in its own right. Landowners who wish to see their playing field developed for alternative uses will stop maintaining the site so that it becomes unusable to sports teams and then wait for 5 years to elapse in anticipation that Sport England will not be a statutory consultee when their proposals are considered. Sport England's advice to LPAs on this matter is that the 5 year rule is not intended to act as guillotine to statutory consultation with Sport England. In instances where it is clear that the use of a site has ceased due to the actions of its owners (rather than through lack of demand for playing pitches) then we encourage Local Authorities to consider Sport England as a statutory consultee.

Para 4.4 Point 2 "It was not a public facility: rather it was a private club". This is red-herring and a completely artificial distinction created by the applicant. NPPF para 99 does not make this distinction and neither does Sport England's playing field policy. Sport England's on-line database of sports facilities (Active Places Power) records that there are 70,892 playing pitches in England. Over 15,000 of them fall within ownership categories that the applicant would define as private. The applicant's logic would dictate that over 20% of playing pitches would not be protected by playing field policy. Taking their argument to its logical conclusion transferring a public site into private ownership and operation would take it outside the scope of protective playing field policies. This argument is clearly nonsensical and without legal basis.

Para 4.4 Point 3. "Its closure and relocation is evidence in itself that it was surplus to requirements". The current vacancy of the site is testament only to the fact that Billingham Synthonia Football Club could not continue to operate the site. The football club still exists and are still in need of ground locally as its home that meets league grading requirements. Sport England's playing field policy exception 1 explains what is meant by the term 'surplus' in this policy context, and that is: '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'

The assessment should follow Sport England's latest Playing Pitch Strategy guidance or an alternative methodology acceptable to Sport England. It should provide a robust and carefully documented assessment of the supply of, and current and future demand for, playing pitches in the catchment area taking into account the quantity, quality, accessibility and availability of provision. The geographical extent of an assessment should reflect the catchment of the site and the scale and coverage of the supply of, and demand for, playing pitches in the area.

A district/borough-wide assessment may be appropriate so long as it takes into account demand that is likely to cross local authority boundaries. Sport England would recommend in the first instance an applicant should refer to any up-to-date assessment developed and adopted by the relevant local authority, e.g. as part of a local authority playing pitch strategy. Where such an assessment does not already exist, an applicant will need to undertake their own assessment.

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. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

14. Highways England Company Limited

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Referring to the consultation on a planning application received 11 August 2022 referenced above, in the vicinity of the A19 that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted

15. Environmental Health Unit

Land Contamination: No objection subject to the following conditions;

- Further Site investigation and Verification Report
- Unexpected Land Contamination

16. Northern Gas Networks

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

17. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/> We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Proposed Drainage Plan". This document identifies that foul water flows will discharge to the existing public combined sewer at manhole 5801. Surface water flows will discharge to the existing public combined sewer at manhole 5801, at a restricted rate of 10.9 l/sec.

We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above named document:

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead

Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

For Information Only - Please note that the site lies within drainage area 11-D51. This drainage area discharges to Bran Sands Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

18. The Environment Agency

We have assessed the supporting information and can confirm that we have no objection to the planning application as submitted. However, we have the following comments to make. Environmental Permit Required – Advice to Applicant This development will require a permit under The Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. We recommend that the applicant contacts Joe Catterson at [joe.catterson@environment-agency.gov.uk](mailto:joe.catterson@environment-agency.gov.uk) to discuss the issues likely to be raised.

The Environmental Permitting (England and Wales) Regulations 2016 state that permitted sites should not harm human health or pollute the environment. The operator is therefore required to have measures in place which will prevent pollution; ensure that there is no harm to human health, the quality of the environment, or the surrounding amenity; ensure that there is no offence to a human sense or damage to material property. We would likely reject any permit application which did not include this information.

The operations of the facility will fall under the regulatory scope of the Environment Agency. It is, therefore, recommended that the applicant ensures the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018. Under the terms of the MCPD, it is likely that a permit will be required before the plant can operate.

The applicant is advised to contact us for further information (as detailed above) and/or to apply for a permit by contacting our National Customer Contact Centre by email at: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) or by telephone on 03708 506 506. Further advice is available on the gov.uk website at: <https://www.gov.uk/topic/environmental-management/environmental-permits> It is recommended that the applicant considers the implementation of the following features for their site design:

- Use of low-carbon cement to reduce carbon footprint and use of natural resources;
- Solar Panels on externals of buildings to off-set energy use on site and reduce the parasitic load of the carbon capture plant;
- LED directional lighting to reduce energy use;
- Low solvent paints to prevent polluting emissions to air;
- Ground-source heating to heat/cool buildings;
- Encourage the use of Electric Vehicles or similar alternatives by employees and contractors during the construction and operational phases of the site to reduce climate change.

Extreme events Advice to applicant - It is recommended that extreme events, for example pandemics, and extreme climate such as storms, extreme winds, droughts and freezing are considered at the design stage of the development and how they may affect and possibly change the proposed building design, building location/orientation, plant operating conditions etc.

19. Natural England

The proposed development is located within the catchment of the Teesmouth and Cleveland Coast SPA/Ramsar but does not provide additional overnight accommodation. Natural England's guidance on Nutrient Neutrality is focused on additional overnight accommodation and the wastewater generated. Although any plan or project could be in scope of this advice, Natural England has not produced other sector specific guidance and tools to assess their impact or guide mitigation. It is therefore a matter for your authority to determine if this proposal should be scoped in with regards to Nutrient Neutrality. If you decide that it is not in scope of this guidance, it can be screened out at the Stage 1 Habitats Regulations Assessment (Screening) and you do not need to consult Natural England. Natural England is a statutory consultee at Stage 2 (Appropriate Assessment) of a Habitats Regulations Assessment.

20. Tees Archaeology

I have checked the HER and the proposed development should not have a significant impact on any known heritage assets.

21. Chief Fire Officer (Cleveland Fire Brigade)

Cleveland fire Brigade offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in Approved Document B Volume 2: 2019, Section B5, for buildings other than Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2. It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

22. Cleveland Emergency Planning Unit

Cleveland Emergency Planning Unit has no objection to this development. Risk assessments, method statements during construction and operation of the site should take into account the proximity to Upper Tier COMAH sites and state notification methods and actions the workforce should take in account of an incident on one of the afore mentioned sites.

23. Network Rail (summarised)

No objection in principle to the development, but below are some requirements which must be met,

Works in Proximity to the Operational Railway Environment: Development Construction Phase and Asset Protection - Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

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

Boundary Treatments and Lighting :

Vehicle Incursion Measures: An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Lighting - Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Useful Network Rail contacts;

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

Land Information - For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyserviceslneem@networkrail.co.uk](mailto:propertyserviceslneem@networkrail.co.uk).

24. Health And Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's Land Use Planning Methodology. Consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

## **PUBLICITY**

25. Neighbours were notified and the application was advertised on site and in the local press. 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 the following web address <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 .
- smell (especially from the liquid waste treatment plant.
- Impact on light to residential properties including impact on the solar panels
- No impact assessment on the nearby residential areas appears to have been done. It is only recently that this area has finally got rid of environmental harm from chemical works.
- reduction of property value.



## **PLANNING POLICY**

26. 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.
27. 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.

### **National Planning Policy Framework**

28. 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.
29. 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**

30. 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 (T12) - 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**

31. The main planning considerations on this application relate to the principle of development (the loss of the playing pitch); impact on neighbours, character of the area, traffic and transport, impact on the railway; ground conditions; drainage impact on ecology and any other matters

### Principle of Development

32. 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.
33. 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.”*

34. 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.
35. 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”.*
36. 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:
- An assessment has been undertaken which has clearly shown the buildings or land as surplus to requirements; or
  - 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
  - The development is for an alternative sports and recreational provision, the needs for which clearly outweigh the loss.
37. 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.
38. Those material considerations are considered further in the report below;

### Playing pitch strategy/Alternative provision;

39. 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.

40. 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.
41. 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.
42. 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.
43. 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.
44. 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 the Character and Appearance of the area

45. The proposed development will be seen in context with the existing and newly built development opposite the site. The Development is screened from Central Avenue by the existing landscaping, some of which is now to be retained although there will be removal of the internal mound which will result in the loss of some trees. The development will also be partially screened by existing planting when viewed from the north beyond the railway, although the planting to the south of the railway will be removed to facilitate the development.
46. Whilst this building will be visible it will be a building that responds well to its surroundings and is simple in design. The design of the manufacturing facility, ancillary buildings and associated hard and soft landscaping is an appropriate response to the character of the wider area. The external appearance of the new facility has been designed to reflect that of the existing and associated buildings to the south.
47. Overall with the retention of the boundary landscaping to the west along Central Avenue it is considered that the proposal will not have a significant adverse effect on the character and appearance of the area. Conditions have been recommended to ensure that the final details and tree retention can be agreed, this will allow the retention of the better, older specimens and trees the LPA consider important to the visual amenities of the area.

#### Impact on Neighbours

48. The main manufacturing building is designed to be 3 storeys of accommodation with a parapet height of approximately 20.4m high.
49. The building will be approximately 70-80 metres from the nearest residential properties which are located to the north beyond the railway line. There are some trees to the north of the railway line which aid to screen this development, however it is considered that given the distances involved and the simple design of the building that this would not have an adverse impact on the visual amenities of the neighbours
50. Comments in relation to noise and odour are noted and conditions have been recommended to ensure that there are no adverse impacts arising from these issues.
51. In addition, the hours of construction and submitted CEMP have been conditioned to prevent any noise disturbance during construction.

#### Impact on the Railway

52. Network Rail have no objections subject to various conditions and informatives being recommended where required as most of the matters raised by Network Rail have been considered as part of the application, the development is over 50 metres from the boundary and the fencing and drainage as proposed have ensured the security and operation of the railway are not affected.

#### Ground Conditions

53. 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.
54. The Environment Agency and Environmental Health Officer have raised no objections subject to conditions which have been recommended
55. 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.

#### Ecology

56. 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.
57. Natural England have been consulted on the application and raised no objections stating that a likely significant affect can be ruled out.
58. 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 Species Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and the Saltholme Nature Reserve.
59. 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.

#### Nutrient Neutrality



60. The applicant is not proposing any overnight accommodation and therefore it is the opinion of the local planning authority that this can be screened out and no assessment is required.

#### Flood risk and Drainage

61. The application site is within flood zone 1 and a Flood Risk Assessment with an incorporated drainage strategy has been submitted to support the application.
62. This FRA complies with the NPPF and associated guidance and demonstrates that flood risk has been considered and determined to be very low for all sources.
63. The drainage strategy identifies how surface and foul water drainage will take place on the site. Surface water will be collected around the site using permeable paving, filter drains and channels. Both surface water and foul waste will be discharged into the combined sewer located on Central Avenue. No objections have been raised from the LLFA or NWL subject to conditions which has been recommended.
64. Overall, taking into account the above points the development of the site should not be precluded on flood risk or drainage grounds.

#### Traffic and Transport

65. Objections have been received in relation to the impact on traffic and parking on street.
66. A Transport Statement and Travel Plan accompanies the application and considers the implications of development-related travel on the operations and safety of the surrounding highway and transport networks. The assessment of traffic generation has established that the peak hour traffic generation of the scheme would be low, and as such, the development would not have any significant impact on the surrounding highway network.
67. It is the applicant's intention to maintain a fully integrated and connected Bio-Campus in order to facilitate the sustainable movement of people. To achieve this, alterations are to be made to Central Avenue to create a new signalised junction, which would open the site up and allow for safe access by foot and bike to and from the wider Bio-Campus to the south. The site would be accessed from Central Avenue by a new signalised junction and the capacity of the proposed junction has been considered within the TS which has demonstrated it will operate within capacity. A Stage 1 Road Safety Audit has been undertaken and the site access arrangements are therefore broadly acceptable.
68. The parking arrangements for the development have been informed by shift patterns that are proposed within the development and includes approx. 137 new car parking spaces with 9 electric vehicle charging points and 6 disabled parking spaces; 20 covered cycle parking spaces, linked to Central Avenue by the proposed shared footpath / cycle path; and 6 motorcycle parking bays.
69. The construction period for the development is anticipated to be in the region of 12-18 months and employ up to 300 staff on site at any one time. During the construction phases, access to the site will be gained from the existing junction from Central Avenue. A site compound will be delivered to the east of the site, within the areas reserved for the service yard. As this area becomes required for delivery of the yard, the compound is likely to move to the car park area, south of the new building. Staff parking areas have yet to be finalised, but two locations have been identified. The first is to the east of the site on the disused playing field to the rear of the Mantank unit. The second is to the south of the campus site, on hardstanding controlled by FDB off Chilton's Road (if this option is delivered staff would be provided with a 'shuttle bus' to access the site).

70. Traffic and Transport has been considered by the HTDM and Highways England and no objections have been raised subject to the provision of a CTMP.

Other matters

71. **Sustainability:** A report accompanies the application and provides evidence for the BREEAM assessment to demonstrate compliance with a "Very Good" rating. The study has determined that the most suitable LZC technologies for the development are Air Source Heat Pumps and Solar Photovoltaic Panels (PV). A condition has been recommended to secure these details.

Planning Balance

72. 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.

73. 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.

74. 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.

75. 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.

76. 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**

77. 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**

<b>Ward</b>	<b>Billingham South</b>
<b>Ward Councillor</b>	<b>Councillor Mrs Jean O'Donnell</b>
<b>Ward Councillor</b>	<b>Councillor Mike Smith</b>

**IMPLICATIONS**

**Financial Implications:** See report

**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:**

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