

Date: Wednesday 5 July 2023 at 1.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Stockton - on - Tees,
TS18 1TU

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Stefan Barnes

Cllr Dan Fagan

Cllr Elsi Hampton

Cllr Tony Riordan

Cllr Norma Stephenson OBE

Cllr Sylvia Walmsley

Cllr Carol Clark

Cllr Lynn Hall

Cllr Eileen Johnson

Cllr Andrew Sherris

Cllr Jim Taylor

Cllr Barry Woodhouse

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes of the meeting which was held on 7th June 2023** (Pages 9 - 16)
- 5 Planning Protocol** (Pages 17 - 18)
- 6 23/0061/REM Castlegate Shopping Centre, Multi Storey Car Park And Former Swallow Hotel, High Street, Stockton-on-Tees Reserved matters application for (access, appearance, landscaping, layout and scale) for phases 3-9 for the re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, vehicular access, highways alterations and servicing provision.** (Pages 19 - 82)
- 7 22/2517/VARY Playing Field, Aislaby Road, Eaglescliffe Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of extended car parking area.** (Pages 83 - 100)

- 8** **21/0345/FUL Erection of local centre comprising of eight commercial units and associated infrastructure work. Land East Of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard.** (Pages 101 - 148)
- 9** **1. Appeal - CK Hutchison Networks (UK) Ltd - Bishopton Avenue, Stockton-on-Tees 22/2041/TEL - DISMISSED 2. Appeal - Mr Cresswell Welch - Land At Leven Bank 21/2169/FUL - DISMISSED** (Pages 149 - 158)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance



Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

This page is intentionally left blank

Planning Committee

A meeting of Planning Committee was held on Wednesday, 7th June, 2023.

Present: Cllr Mick Stoker(Chair), Cllr Michelle Bendelow(Vice-Chair), Cllr Stefan Barnes, Cllr Carol Clark, Cllr John Coulson, Cllr Dan Fagan, Cllr Elsi Hampton, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Nigel Cooke (Sub Cllr Norma Stephenson O.B.E), Cllr Jim Taylor, Cllr Mrs Sylvia Walmsley, Cllr Barry Woodhouse

Officers: Julie Butcher, Sarah Whaley (DoCS), Stephen Donaghy (D o A&H), Simon Grundy (D o F,D&R), Martin Parker (DoCS,E&C)

Also in attendance: Applicants, Agents, and Members of the Public.

Apologies: Cllr Norma Stephenson O.B.E

P Evacuation Procedure

1/23

The Evacuation Procedure was noted.

P Declarations of Interest

2/23

There were no declarations of interest.

P Planning Protocol

3/23

The planning protocol was noted.

P Draft Minutes from the Planning Committee meetings which were held 15 March and 12 April 2023

4/23

Consideration was given to the Planning Committee minutes from the meetings which were held on 15 March and 12 April 2023 for approval and signature.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

P 21/1270/RET

5/23

16-16A Leven Road, Norton, Stockton-on-Tees

Retrospective application for change of use to café/hot food takeaway to include the installation of a flue and associated abatement system.

Consideration was given to a retrospective planning application 21/1270/RET for 16-16A Leven Road, Norton, Stockton-on-Tees.

The application site was an end of terrace commercial unit, 16-16A Leven Road, Norton which was located to the east of Norton High Street. The premises lay within both the boundaries of Norton Conservation Area and District Centre.

Planning permission was sought retrospectively for the change of use of the property to a cafe/hot food takeaway to include the installation of a flue,

following an enforcement complaint and investigation.

During the course of the application, the applicant and agent had worked with Planning and Environmental Health Officers to agree a satisfactory odour abatement system, which had recently been installed at the site.

The application was referred to planning committee as six letters of objection had been received meaning it fell outside of officer's scheme of delegation.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the proposed development subject to those conditions recommended within the main report, were considered to adequately mitigate the visual impacts on the character of the area and setting of the listed buildings. Additional measures to reduce odour had also been installed and these were all controlled along with the maintenance/servicing arrangements, ensuring satisfactory levels of residential amenity for surrounding residents.

The proposal was therefore recommended for approval subject to those considerations as detailed within the main report.

The Applicants Agent attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- The principal application was for a change of use and was in line with policy and was the same as others in the area.
- A lot of time had been spent on mitigating against odour and noise with a state-of-the-art filtration system and since installation no complaints had been received.
- The filtration box was a complicated system which would be regularly serviced, and which would be conditioned and maintained by a service management plan.
- All concerns had been mitigated with the main concern being the extraction flue, which had since been changed from a vertical to horizontal flue and was less visible to neighbouring properties.
- It was noted that Highways had not submitted any objections.

Ward Councillor, Councillor Steve Nelson attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Councillor Nelson informed the Committee that he was speaking on his and Ward Councillor Lisa Evans behalf.

- The issues surrounding the application site had been ongoing for over three years which both Cllrs Evans and Nelson had been involved with matters and concerns which had been raised by residents.

- Several site visits had taken place alongside officers, where noise and smells had been witnessed, and since the new system had been installed the noise and smells still persisted which required addressing. It was noted however that since the new installation ward councillors had not been contacted by residents.

Objectors attended the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- Since the installation of the new flue / filtration system, residents were still experiencing smells and noise. The smell was getting into people's homes, on peoples clean washing and was preventing some from sitting in and enjoying their gardens.

- Some residents felt the smells were escaping from the kitchen due to the kitchen door being constantly opened for delivery drivers to collect takeaway food.

- It was suggested that delivery drivers should collect food from the same place as customers at the front of the premise.

- The noise residents were experiencing was a constant buzzing / humming that carried on long after the premise closed for business.

- Some residents felt that if the issues concerning the smell was eliminated then they would be ok for the business to operate.

- The flue was still visible from some neighbouring properties.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows: -

- As smells and noise were still posing a problem a suggestion was made that a condition be added to prevent the kitchen door being wedged open.

- Questions were raised in terms of how the premise had been allowed to, operate for three years without the appropriate planning permission and what had the Council been doing during this time?

- As detailed within the officer's report at paragraph 33 'Residual Matters' Members sought clarity as to how many more of these retrospective applications would come to this committee after being picked up by planning enforcement?

- Clarity was sought as to what the accumulative noise / smells would be from the pizza shop and neighbouring bakery.
- Officers were asked what the material planning considerations were for granting planning permission for a change of use from café to pizza takeaway?
- The impact of the noise and smells on the amenity of the area was discussed and a suggestion was made that Members visit the premises to appreciate this better prior to a decision being made.
- Was the noise only prevalent when the system was purged and if so, could it be conditioned that the system be purged at set times to reduce disturbance to nearby properties?
- Questions were raised relating to how noise was measured when officers visited the site. Was the noise measured in and out of the premises, and was the door closed?
- Members asked if the door was being opened for the comfort of the kitchen staff or for delivery staff?
- Clarification was sought that if Members were minded conditioning a self-closing door, would this apply to all external doors or just the kitchen door?
- Officers were asked to confirm if residents had been consulted about the application.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows: -

- Officers confirmed to Members that a condition could be considered for a self-closing door to mitigate against odour escaping from the premises.
- It was explained that this particular planning application was submitted in 2021 and did not have the flue on the plan, however the premise had been operating prior to this. The alternative was officers refuse the application and risk losing at appeal, therefore a softer approach was adopted to reach a successful conclusion for all.
- It was confirmed that there was another premise on Leven Road with a retrospective application relating to an air-conditioning unit and another premise where negotiations were on going to get a flue removed.
- Where questions had been raised relating to accumulative noise, officers confirmed that the bakery was not using the oven flue, however in terms of the application site, officers had attended the premises three to four times and asked the applicant to turn up the system to its highest speed where noise was witnessed, however when operating at 50% speed, there was no audible noise. The only audible noise was when the system was purged. The system was suitable for stronger smelling takeaway odours than that of a pizza shop therefore making it suitable for the application site.

- Members briefly discussed the material planning considerations to be considered when granting planning permission from a cafe to a pizza takeaway. The main changes were around the impact of the flue from a visual and amenity perspective.
- The last time officers visited the application site the system was inaudible when operated at the agreed level with the client, however when the system is purged it does hum, however this is not loud.
- In terms of purging, this could not be conditioned to set times as this would need to be undertaken as and when required, for example if a pizza was burnt.
- If Members wished to add a condition for a self-closing mechanism on the door, then this could be included and would be enforceable.
- The system was intelligently designed, and with the correct management plan in place then all issues relating to noise, and smells would be successfully managed.
- The Committee were informed that the noise was from external parts of the building and not from the door being opened, these were separate issues.
- It was confirmed that the system extracted from the building to nullify odour and the door being left open could be a contribution to odours escaping.
- In terms of staff comfort, this was the responsibility of the management of the premise, for example the provision of fans for staff.
- It was clarified that residents had been consulted at the at the beginning of the application process which was required by policy / planning law.
- Officers explained that should Members be minded conditioning a self-closing mechanism, then it would make sense to condition all external doors.

A motion was proposed and seconded that a condition be included so that all external doors to the premise be fitted with self-closing devices to prevent the egress of odour and noise

A vote took place, and the motion was carried.

A vote then took place, and the application was approved with the additional condition as detailed below.

RESOLVED that planning application 21/1270/RET be approved subject to the following conditions and informatives;

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number Date Received
TPS001A 10 October 2022
TPS002A 10 October 2022

02. Operating Hours

The hereby approved hot food takeaway use (sui generis) shall not be open to customers outside the hours of 09:00 - 22:00 Monday to Sunday.

03. Service Deliveries to the Premise

No deliveries or associated service vehicles shall serve or visit the Hot Food Takeaway outside of the hours of 07:00 - 19:00 Monday to Sunday.

04. Extraction System Specification

The extraction system hereby approved shall be maintained in accordance with the submitted and approved extraction specification details as shown on drawing TPS001A (10 October 2022) and including the carbon filtration box with pre-filtration and twin carbon filters. The extraction system and carbon filtration box shall be operated and maintained in strict accordance with the submitted service agreement (J&T Ventilation Services, dated 1st March 2023) for the lifetime of the development.

05. Paint colour of odour abatement system

Within one month of the date of this permission, the rear bend (adjacent to the Fox Almshouses) of the hereby approved odour abatement system (as indicated on plan TPS001A, 10 October 2022) shall be painted black and this paint colour shall be retained and maintained for the lifetime of the development.

06. Egress of odour

Notwithstanding the submitted information, within one month of the date of this permission, all external doors to the premise shall be fitted with self-closing devices to prevent the egress of odour and noise. All self-closing mechanisms shall remain unimpeded at all times, be maintained in a satisfactory working condition and be retained for the lifetime of the development.

INFORMATIVE OF REASON FOR PLANNING APPROVAL Informative:

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

P
6/23

Local Plan: Housing Supply Assessment (2022 – 2027)

Members were asked to consider and note a report that provided Members with an update on the level of housing supply in the Borough based on the 5 years starting from 1 April 2021 (2022 – 2027).

This report provided Members with an update on housing supply and delivery in the Borough. The National Planning Policy Framework (NPPF) was clear that the implications of not being able to demonstrate a five-year housing supply or

pass the housing delivery test were that the NPPF 'Presumption in Favour of Sustainable Development' would apply to planning applications.

The Council adopted the current Local Plan on the 30th January 2019, following an independent examination which identified that the Local Plan was a 'sound' document.

The NPPF required Council's to update the five-year supply annually with updates published since the Local Plan was adopted. Appendix A of the main report included a further assessment which covered the period 2022 – 2027 and identified 5.21 years of housing supply.

The report also identified that the annual report was delayed following the imposition of Nutrient Neutrality and advice from DLUHC on what adjustments may be allowed for the purposes of housing land supply calculations, having not been published. In order to undertake this assessment a review of developments constrained by this issue have been considered and adjusted accordingly.

Government had not published revised Housing Delivery Test results for 2022 as yet following the consultation on planning reforms, and the latest figure remained that for 2021, in which the Housing Delivery Test for the Borough was 185% (a delivery of 2389 dwellings vs a requirement of 1291 dwellings).

Agreed that Members note the report.

This page is intentionally left blank

Planning Committee Procedure

1. Officers present the report to Members
2. Members of the public, applicants and agents speak for/against the application, 3 minutes each
3. Officers respond to any queries/misinformation which may have been raised as a result of public speaking
4. Members discuss the application in general and seek clarification from Officers/agents if necessary
5. Officers respond to any points raised by Members and give a brief summary of the proposal in view of comments raised
6. If it looks as if the application may go contrary to officer recommendation, Members debate and propose the possible reasons for the decision and the lead planning and legal representatives and other officers will advise which reasons are acceptable or not. Members respond on whether they wish to vary the reasons accordingly
7. Following the discussion, Members will be asked to confirm and then agree the reasons upon which they will rely if they vote for refusal of the application
8. Members vote on the officer recommendation or any alternative motion successfully carried
9. If the decision taken is contrary to officer recommendation, the Planning Officer, and Legal Representative are given the appropriate amount of time to discuss whether the protocol for decisions contrary to officer recommendation should be invoked and that the committee and members of the public be informed of the outcome of that decision
10. The next application is then debated

This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
5 JULY 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/0061/REM

Castlegate Shopping Centre, Multi Storey Car Park And Former Swallow Hotel, High Street, Stockton-on-Tees

Reserved matters application for (access, appearance, landscaping, layout and scale) for phases 3-9 for the re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, vehicular access, highways alterations and servicing provision.

Expiry Date 7 July 2023

SUMMARY

Outline planning permission with all matters reserved was approved by Planning Committee on the 9th August 2021, for demolition of existing structures, including shopping centre, hotel and multi storey car park for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision (21/0786/OUT). Work has commenced on the demolition and work is ongoing.

This application seeks reserved matters approve for phases 3-9 of the development which is generally the new urban park, bridge and road alignment changes.

The vision remains to deliver transformational change within Stockton Town Centre through the demolition of the Castlegate Shopping Centre and consolidation of Stockton Town Centre's retail offer to address the oversupply of retail floor space within the Town Centre, which has now already occurred. The park is designed to be a destination with multiple spaces for events and part of a wider strategy to reduce reliance on retail and address the unit vacancy rates. The layout of the park is informed by the historic burgage plots and the east west movement route from High Street to the Riverside. Overlaying this is the free flowing "cultural ribbon" that leads people through the park to the event spaces and link to areas of "cultural confetti" - features that tell the heritage stories of Stockton. The 'ribbon' is a trail through the park and the 'confetti' are points with heritage interpretation along the way.

The application has been considered in full and there are no policy or consultation objections to the proposals subject to a number of conditions which have been recommended.

The application is recommended for approval with conditions.

N.B. As part of the planning committee there will be a short presentation by the Applicants representative to explain the concept and design in more detail to give Members more insight into the design process and ideas to complement the history of the area.

RECOMMENDATION

That planning application 23/0061/REM be approved subject to the following conditions and informatives

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
SUPW-RWD-00-XX-DR-L-2105 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2000 REV P8	17 May 2023
SUPW-RYD-00-XX-DR-L-2001 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2101 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2102 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2103 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2104 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2108 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2109 REV P6	17 May 2023
SUPW-RYD-00-XX-DR-L-2700 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L-2701 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2702 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2703 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2704 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-2710 REV P4	17 May 2023
SUPW-RYD-00-XX-DR-L-7000 REV P5	17 May 2023
SUPW-RYD-00-XX-DR-L_2106 REV P5	17 May 2023
STCMP-RYD-00-ZZ-DR-A-01000-S2-P5	12 January 2023
SUPW-RYD-00-XX-DR-L-0100-S2-P1	12 January 2023
SUPW-RYD-XX-XX-DR-A-4001-S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4002 -S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4003-S2-P2	12 January 2023
SUPW-RYD-XX-XX-DR-A-4004-S2-P2	12 January 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01122_P05	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01123 REV P02	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01190 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01191 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01192 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01197_P04	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01900 REV P07	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01901 REV P07	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01902 REV P09	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01903 REV P06	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01904 REV P05	17 May 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01119 P03	12 January 2023
SUPW-BGP-01-ZZ-DR-C-52-01001 P02	12 January 2023
SUPW-BGP-01-ZZ-DR-C-52-01002 P01	12 January 2023
SUPW-BGP-01-ZZ-DR-C-90.4-01193 P03	12 January 2023
SUPW-BGP-01-ZZ-DR-A-16-01922 PO2	18 January 2023

SUPW-BGP-01-ZZ-DR-S-16-01924 PO2
SUPW-BGP-01-ZZ-DR-S-16-01923 PO2

18 January 2023
18 January 2023

Reason: To define the consent.

02 Landscaping – Softworks

Notwithstanding the submitted plans, full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning. 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 tree 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 prior to the opening to the public of any part of the development or over an alternative timetable to be agreed with 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.

03 Soft Landscape Management and Maintenance

Full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

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.

04 Landscaping – Hardworks (Tactile Paving)

Full details of proposed tactile paving shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area

05 Street Furniture

Details of any street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. This shall include seating, litter bins, bollards and cycle stands and skate stops. Such street furniture as agreed shall be erected before the development hereby approved is open to the public.

Reason: In the interests of the visual amenity of the locality.

06 Signage, Artworks and Heritage Details

Details of all artworks, heritage details and interpretation signage and all other site signage locations materials and dimensions shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. Such street furniture as agreed shall be erected before the development hereby approved is open to the public.

Reason: In the interests of the visual amenity of the locality.

07 Enclosures

Details of all balustrades, railings, pedestrian guardrails, fencing and walls shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority. All enclosures as agreed shall be erected before the development hereby approved is open to the public.

Reason: In the interests of the visual amenity of the locality

08 Water Feature

Details of the design, appearance and function of any water features shall be submitted to and approved in writing in accordance with a timetable to be agreed with the local planning authority.

Reason: In the interests of the visual amenity of the locality.

09 Play Equipment and Future Management

Details of all play equipment including safety surfacing shall be submitted to and approved in writing by the Local Planning Authority in accordance with a timetable to be agreed with the local planning authority.

The developer shall also provide a management and maintenance plan for the play area and equipment, to guide the future management of the play facility. The management details shall be prepared for a minimum period of 20 years from completion of the works.

Reason: To enable the Local Planning Authority to satisfactorily control the development and ensure long term maintenance of the play facility.

10 Scheme for Illumination

Full details of the method of any external illumination including siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority in accordance with a

timetable to be agreed with the local planning authority and the lighting shall be implemented wholly in accordance with the agreed scheme prior to the park opening to the public.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, highway safety; and protection of sensitive wildlife habitats.

11 Drainage:

Development shall be implemented in broad accordance with the drainage scheme contained within the submitted document entitled "Indicative Drainage Schematic" dated "21st December 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6902 and ensure that surface water discharges to the existing watercourse.

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

12 Archaeology

(A) Prior to works commencing on the built development a programme of works and associated archaeological strategy, has been submitted to and approved by the local planning authority in writing. A Written Scheme of Investigation must also be submitted to, and approved by, the local planning authority in writing prior to starting any programme of archaeological work. The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the programme of works and associated archaeological strategy approved under condition (A).

C) The development shall not be open to the public until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological strategy approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological interest

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Canal and River Trust

The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust.

Informative: Landscaping

The following British Standards should be referred to:

BS: 3882:2015 Specification for topsoil

BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations

BS: 8601:2013 Specification for subsoil and requirements for use

BS: 5837 (2012) Trees in relation to demolition, design, and construction - Recommendations

BS: 3998:2010 Tree work – Recommendations

BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).

BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs

BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)

BS: 4043:1989 Recommendations for Transplanting root-balled trees

BACKGROUND

1. Outline planning permission with all matters reserved was approved by Planning Committee on the 9th August 2021, for demolition of existing structures, including shopping centre, hotel and multi storey car park for the erection of new mixed use building(s) incorporating Use Classes E and/or F1 and/or F2, re-alignment and bridging over the A1305, creation of new urban park, performance space and pavilions, public realm improvements, and associated hard and soft landscaping, parking, vehicular access, highways alterations and servicing provision (21/0786/OUT). Work has commenced on the demolition and is ongoing.
2. The vision for the proposal was to deliver transformational change within Stockton Town Centre through the demolition of the Castlegate Shopping Centre and consolidation of Stockton Town Centre's retail offer to address the oversupply of retail floor space within the Town Centre. The outline scheme included an urban park that creates high quality spaces that are multifunctional by providing leisure and recreational opportunities as well as supporting the Council's events programme. The aim was to connect High Street to the riverside with a new land bridge over the reduced width A1305 road and deliver a new, flexible public space to accommodate a range of events, riverside building plots and future commercial and leisure opportunities.
3. The work is to be undertaken in Phases with the new diagnostic centre and public buildings forming phases 1 and 2. The reserved matters application for phase 1 for the erection of a Community Diagnostics Centre building to include substation and associated hard and soft landscaping, parking, cycle store, vehicular access, highway alterations and servicing provisions is currently under consideration (23/0975/REM).

SITE AND SURROUNDINGS

4. The overall site comprises 5.57 ha and is located adjacent to the River Tees which was occupied by the Castlegate Shopping Centre and adjoining multi-storey car park, as well as the former Swallow Hotel building.
5. The site is bounded, to the north by various commercial uses facing on Finkle Street, the High Street, Green Dragon Yard and the Georgian Theatre; To the east by the River Tees and Castlegate Mills buildings, with the Teesdale business park and Durham University campus on the other side of the river; to the south by a new Lidl foodstore, and the A1305 dual carriageway beyond this; and to the west by the High Street, which contains areas of public space, the Town Hall and various bus stops, with retail and other commercial units.

6. This application relates to Phases 3 -9 which is the Urban Park element of the wider scheme. The site lies within the Stockton Town Centre Boundary and is predominately adjacent to the boundary of the Stockton Town Centre Conservation area, although a small part lies within the conservation area. In the vicinity of the site are a number of listed buildings and the Market Cross which is a scheduled ancient monument.

PROPOSAL

7. This application seeks approval of all reserved matters, including details of layout, scale appearance, landscaping and means of access(es), pursuant to outline application 21/0786/OUT, comprising Phases 3-9 .
8. The park is designed to be a destination with multiple spaces for events. The applicant states that the play elements will offer something unique within the region helping to attract families and draw people into Stockton Town Centre, on a more regular basis, diversifying the range of attractions in the centre. This forms part of a wider strategy to reduce reliance on retail, and reduce the unit vacancy rate.
9. The layout of the park is informed by the historic burgage plots and the east west movement route from High Street to the Riverside. Overlaying this is the free flowing “cultural ribbon” that leads people through the park to the event spaces and link to areas of “cultural confetti” - features that tell the heritage stories of Stockton. The ‘ribbon’ is a trail through the park and the ‘confetti’ are points with heritage interpretation along the way.
10. The design of the park is totally unique to Stockton. The layout references the historic burgage plots, the **corten materiality** of features reflects the ship building past of the River Tees and ties into the materials palette with the town centre. Historic stories are integrated to gateways and art features to bring a richness and strong sense of place. The layout and gradients across the park are all accessible and enable everyone to use the same main routes and the play area is to be designed to ensure it is accessible for everyone. The layout encourages active travel by connecting to cycle routes and creating circular walks.
11. A new 55m wide land bridge and connecting paths is proposed and draws people through the park from the High Street to the Riverside with art, planting, seating, shelter and play along the way. A secondary route from the eastern end of Finkle Street allows people to cross the Riverside Road and onto the waterfront. The park connects with Cycle Route 14 to the north providing a route into Stockton from this popular cycle route.
12. The frontage of the park is aligned to the historic High Street with gateways formed in **corten** archways, inscribed with local stories. The tree line will create height to reflect the building scale that once was there and help to provide some enclosure to the High Street urban form. Gateways into the park are provided along the frontage aligned to historic alleyways and shop fronts.
13. The park will provide a range of new planted areas and habitat types and a range of sustainable drainage systems will be integrated including rain gardens and natural filtration systems. Wind breaks along the southern boundary are to be provided by means of tree planting and perforated metal panels to the bridge structure. A number of shelters are provided across the park allowing people to enjoy shade or escape the rain.

CONSULTATIONS

14. Consultees were notified and the following comments were received.

15. Highways Transport & Design Manager

General Summary: Subject to the conditions set out below being imposed the Highways, Transport and Design Manager raises no issues with the proposals.

Highways Comments - There are no highways objections to the proposals.

Landscape & Visual Comments - The Highways Transport and Design Manager raises no landscape and visual objections to the proposals, however there is still a significant amount of information outstanding, and this should be conditioned. The suggested conditions are included in the informative section below.

Flood Risk Management - The Lead Local Flood Authority have reviewed the information submitted to support the above application and have no objection to the proposals. Detailed design will be addressed via the condition no. 14 attached to the outline application. Future phases 1 & 2 must be restricted to a total discharge of 39 l/s and sufficient storage provided for the 1 in 100 + 45% Climate Change event. The submitted drawing 'Indicative Drainage Schematic Ref; 01001 Rev P02 Dated 21.12.2022' must be updated to reflect this. Informative At detailed design stage the LLFA would recommend against the use of crates for storage of surface due to maintenance implications and the limited life span of the crates.

16. Tees Archaeology

Thank you for the consultation on this application. At present, we do not consider that there is sufficient technical detail regarding the proposed groundworks to determine the need for archaeological work. Unless further details are submitted, we recommend that an archaeological condition be placed upon the application, with the exact scope of mitigation to be agreed upon with Tees Archaeology at a later date.

17. Northern Gas Networks

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. 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. Should diversionary works be required these will be fully chargeable.

18. Canal & River Trust (Former British Waterways)

The Trust are Navigation Authority for the Tees Navigation, located to the immediate east of the proposed new park. Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

Overall, the scheme should help improve engagement between the town centre and the River Tees, in line with the wider aims of policy SD5 'Natural, Built and Historic Environment' from the adopted Local Plan, where part c) promotes enhancements to green infrastructure and assets. In our response to the outline application (your ref: 21/0786/OUT), we did request the provision of cross sections to demonstrate that changes to land levels would not impose loading onto the River Tees bank. We have reviewed the section information provided, and are satisfied that proposed new retaining structures will be located suitably distant from the river so as to limit the risk of land instability.

We request that the Local Planning Authority should ensure that appropriate details are provided with regards to construction materials and vegetation prior to the commencement of works. Details could be secured by the means of appropriately worded condition. Notably, masonry may need to be appropriately detailed to add visual interest and reduce the risk of graffiti; whilst we request that the planting strategy should include native species and an appropriate density of planting to add interest to the park area, and to enhance local biodiversity. There is a risk that the sole use of grass and low lying species as shown in the indicative landscaping plans, for example, could lack visual interest, and minimise the potential benefits for wildlife.

Other Comments : In our capacity as navigation authority, we wish to highlight that the applicant/developer may need to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust' due to the proximity. We therefore request that, in the event of a positive determination, the following informative is appended to the decision notice: "The applicant/developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust"

19. The Environment Agency

We have no objections to the above application as submitted. However, we have the following comments to offer:

Flood Risk : A small part of the proposed development lies within Flood Zone 2 and 3, which is at risk of flooding. However, we do not consider the proposed development to have an increased risk of on or off-site flooding.

Flood risk issues that are not in our direct remit : The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Flood warning and emergency response - We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Signing up for flood warnings - The applicant should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

20. Highways England Company Limited

From a National Highways perspective, new information provided with regards this application appears to amount to fine-tuning of the landscaping of the layout of the site that will have no significant impact on our network. We do not wish to alter our earlier position of no objection

21. Cleveland Police

Crime and anti-social behaviour does occur when criminals can operate, including when travelling to and from a location, without fear of being seen, therefore, surveillance is very important for this development. Planting schemes should complement the proposed CCTV surveillance system for the site. CCTV should record in colour in all lighting conditions. A maintenance scheme should be developed to prevent the trees and foliage obscuring the vision of CCTV, and any natural surveillance that exists. Consider public address system monitored by CCTV Control to provide for announcements/warnings. Well deigned lighting reduces fear of crime and makes spaces more inviting. There should be a uniform level of lighting across the development, which should enhance formal and informal surveillance across the site. Consider defensive planting within the scheme to deter desire lines being created.

22. Friends Of Stockton And Darlington Railway

The Friends of the Stockton & Darlington Railway are pleased to see the revised plans showing locations for S&DR interpretation panels. However, can you please confirm that the S&DR Walking and Cycling Route will have clear passage through the site along the riverside, in particular where the event space and the specialist play area are shown on the plan?

NB This was confirmed to the Friends and the confirmation welcomed.

23. Environmental Health Unit

I have checked the documentation provided, and have found no objection to this reserved matters application from a contaminated land perspective. I have no comments to make for the above application.

24. 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 do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled "Indicative Drainage Schematic". This document reflects our pre-planning enquiry advice. We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Indicative Drainage Schematic" dated "21st December 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6902 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers 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.

For information only - We can inform you that a number of assets cross the redline boundary of the wider site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. Information is available at <https://www.nwl.co.uk/services/developers/>

25. Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

26. SBC Place Development Manager

The updated plans have positively addressed previous comments given by the Place Development team. Place Development are otherwise supportive of this application and have no further comments.

27. Historic England

Historic England's remit for the urban park proposal is how it meets a large section of the Stockton Town Conservation Area, defined along the south eastern section of the Market Place and Finkle Street. The character of park and conservation area are entwined at this meeting point and this presents exciting opportunities for both.

The emerging proposals recognise this, presenting a very contemporary form of park planted securely within the historic grain of the town. This is achieved by defining the edge of the park along the historic building lines. The boundary of planting and trees broken at regular intervals by portals echoes, in an almost ghostly way, the historic pattern of houses, shops and alleyways that characterised the area before the construction of the Castlegate Centre.

Further references through details, to historic events, people and occupants of this part of the town deepens its connection to the conservation area and rich heritage more widely. Of particular note is the reference to the riverside branch of the Stockton and Darlington Railway which compliments conservation, research and access improvements that are underway or planned on the whole route as part of a Historic England Heritage Action Zone and forthcoming Bicentenary Celebrations.

In reference to the National Planning Policy Framework the proposals would conserve and enhance the significance of the Stockton Town Conservation Area and reinforce the value heritage makes to the creation of sustainable communities and economic prosperity (paras. 197, 199 and 206). Recommendation : Historic England supports the application on heritage grounds.

28. 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

PUBLICITY

29. Neighbours were notified, the proposal was advertised in the press and a number of site notices and no comments were received.

PLANNING POLICY

30. 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.
31. 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

32. 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.
33. 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.
34. The following paragraphs of the NPPF are considered relevant to the determination of the application.

Paragraph 38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible

Paragraph 86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes

in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;

c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones

d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;

e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;

Paragraph 92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling

Paragraph 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services

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 100. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

Paragraph 104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places

Paragraph 105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Paragraph 106. Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans

Paragraph 108. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists

Paragraph 110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that :

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Paragraph 112. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Paragraph 120. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

Paragraph 123. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Paragraph 126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 130. Planning policies and decisions should ensure that developments:
will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131. Trees make an important contribution to the character and quality of urban can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 132. Design quality should be considered throughout the evolution and assessment of individual proposals

Paragraph 134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Paragraph 157. In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

Paragraph 159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Paragraph 183. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 184. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 189. Heritage assets range from sites and buildings of local historic value to those of the highest significance,

These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

Paragraph 194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available

evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

Paragraph 205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible

Paragraph 206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Paragraph 207. Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole

Local Planning Policy

35. 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

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.
6. To meet the town centre use needs of the Borough, there is a need for:
 - a. Up to 2,700 sq m (gross) of convenience retail floorspace by 2031/2032.
 - b. Up to 4,500 sq m (gross) of comparison retail floorspace by 2021/22, although this could be met through the implementation of existing commitments. Beyond 2021/22 there may be a need to bring forward new comparison retail which will be determined by future retail capacity assessments.
 - c. Economic growth proposals which improve the quality, range and choice of retailers in Stockton Town Centre and Billingham District Centre.

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.

General Employment

7. The following sites are identified as principal office locations where new office development will be directed:

- a. Stockton Town Centre and the District Centres.

Town Centres

10. Stockton Primary Shopping Frontage will be the main location for new retail development to 2032, whilst the wider town centre will be the main location for new leisure and evening economy uses.

11. Proposals for new town centre uses will be directed to suitable and available sites and premises in the centres within the following Town Centres Hierarchy:

Centre Tier	Location	Role and Function
Primary Shopping Area /Town Centre Shopping	a. Stockton	The largest shopping centre within the Borough containing the Primary Area, an administrative function and evening economy.

Sustainable Tourism and the Tranquil River Corridor

17. Support will be given to sustainable tourism proposals in the Borough's main town centres, tourist attractions, main parks and country parks, as well as enhancing the River Tees as a leisure, recreation and water sports destination.

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.

c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.

f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.

g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.

h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:

i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;

ii. Any alterations or extensions are limited in scale;

iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and

iv. Any associated outbuildings/structures are of an appropriate design and scale.

i) Considering development proposals within green wedges against Policy ENV6.

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.

k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

- 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.
 - m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.
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.
3. Conserve and enhance the historic environment through a variety of methods including:
- a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.
 - d. Supporting proposals which positively respond to and enhance heritage assets.
 - e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.
4. Priorities for interventions to conserve and enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.

Strategic Development Strategy Policy 6 (SD6) - Transport and Infrastructure Strategy

- 1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.
- 2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.
- 4. To ensure residents needs for community infrastructure are met, where the requirement is fully justified and necessary, the Council will support planning applications which:
 - a. Provide for the expansion and delivery of education and training facilities.
 - b. Provide and improve health facilities.
 - c. Provide opportunities to widen the Borough's cultural, sport, recreation and leisure offer

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.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

Economic Growth Policy 1 (EG1) - General Development Sites

3. In order to maintain an adequate supply of land and premises for economic growth, all allocated sites, and all existing land and buildings last used for employment purposes, will be protected from alternative uses, unless it can be demonstrated through the submission of proportionate evidence that:
4. The following sites within Stockton Town Centre are allocated for an appropriate mix of main town centre uses and or residential development:
 - b. Southern Gateway, Stockton.

Economic Growth Policy 2 (EG2) - Managing Centres

Maintaining Vitality & Viability

1. The Council will seek to maintain and enhance the vitality and viability of all centres in the Town Centre Hierarchy, as defined in Policy SD4 and represented on the Policies Map. Proposals for the change of use, or redevelopment of premises, away from retail (Use Class A1) will only be supported where it can be demonstrated that:
 - a. The proposal will contribute to the centre's vitality and viability and does not detrimentally impact on the retail function of the centre; and
 - b. The proposal does not result in the unjustified loss of a key retail unit which due to its size, location or other characteristic is an important component of the retail function of the centre; and
 - c. The proposal does not result in an over-concentration of non-retail or evening economy uses to the detriment of the vitality and viability of the centre; and
 - d. Proportionate evidence has been provided to demonstrate that the premises are no longer required for retail purposes.
2. In addition to the above, within town, district and local centres the Council will support proposals for food and drink (Use Classes A3, A4 and A5) and other evening economy uses

providing the activities in the area do not result in a harmful over-concentration of that use, either as a proportion of the centre overall or as a cluster within the centre.

Stockton Town Centre

3. The Primary Shopping Area, as defined on the Policies Map, will continue to be the main town centre shopping location in the Borough. The Council will aim to retain and enhance the retail function of the town centre whilst seeking a reduction in the number of vacant ground floor commercial units. In addition to the criteria above, the vitality and viability of the Primary Shopping Area will be maintained and enhanced by:

- a. Directing proposals for hot-food takeaways (Use Class A5) and uses that operate principally outside daytime hours away from the Stockton Primary Shopping Frontage, with significant clusters of these uses resisted elsewhere in the town centre; and
- b. Resisting development proposals that would result in a harmful over-concentration of non-retail uses to the detriment of the vitality and viability of the Primary Shopping Area; and
- c. Resisting proposals for ground floor residential development within the Primary Shopping Area; and
- d. In order to consolidate the retail offer of the centre, encouraging proposals which reduce the proportion of retail uses (Use Class A1) in the wider town centre, outside the Stockton Primary Shopping Area, that provide opportunities for a wider variety of town centre uses, including offices (Use Class B1), hotels (Use Class C1) and assembly and leisure (Use Class D2).

4. The Council will support proposals for food and drink uses (A3, A4, A5 Use Class) and other evening economy uses outside the Stockton Primary Shopping Frontage, providing the activities do not result in a harmful over-concentration of that use in that area, either as a proportion of the centre overall or as a cluster within the centre.

5. Proposals to reconfigure and modernise commercial units throughout the town centre, whilst protecting and enhancing the historic character of the area, will be encouraged.

Economic Growth Policy 3 (EG3) - Protecting Centres

1. Subject to the scale and catchment of the proposal, retail (A1 use class) development will be directed to suitable and available sites and premises in defined centres, as identified on the Policies Maps, in the following sequence:

- a. Stockton Town Centre Primary Shopping Area; then,
- b. Sites within the boundaries of Stockton Town Centre;
- e. Sites on the edge of Stockton Town Centre which have the opportunity to connect to the defined Primary Shopping Area;

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

2. A comprehensive, integrated and efficient public transport network will be delivered by:

- a. Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;
- b. Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;
- d. Improving public transport interchanges to allow integration between different modes of transport;
- e. Working with public transport operators to maintain and enhance provision wherever possible;
- f. Working with partners to promote the provision of accessible transport options for persons with reduced mobility; and
- g. Ensuring appropriate provision is made for taxis and coaches.

3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:

- a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and
- b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.

Highways Infrastructure

6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.

8. The Council and its partners will support the development of the Key Route Network which through continual assessment of the strategic and local road network, will help identify and ensure appropriate improvements are delivered.

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.
- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

4. To ensure needs for community infrastructure are met, the Council will:

- a. Support opportunities to widen the cultural, sport, recreation and leisure offer;
- b. Support proposals of education, training and health care providers to meet the needs of communities;
- c. Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location;
- f. Support the provision of additional river accesses with increased landing stages/moorings/marina at appropriate locations where they are of a scale appropriate to the location;

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.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended.
5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible

enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

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.

6. To improve the quality of the water environment the Council will:

a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;

b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and

c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Historic Environment Policy 3 (HE3) - Stockton and Darlington Railway

1. The Council will support development which safeguards the route of the historic Stockton & Darlington Railway of 1825, the branch line to Yarm and associated structures, and which preserves and enhances this cultural asset, its archaeological remains and setting.
2. The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred.
5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before development commences.
6. The following are designated heritage assets:
 - a. Scheduled Monuments - Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle Mound and Bailey; Larberry Pastures Settlement Site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge
 - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Eggescliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
 - d. Listed Buildings
8. The route of the Stockton & Darlington Railway of 1825, the branch line to Yarm, and associated structures should be considered for their international interest.
9. Where the Council identifies a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest, it will be considered a heritage asset.
10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.
11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ

preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.

12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.

Policy T13: Communications infrastructure

Taking into consideration viability, The Council require developers of employment or main town centre uses to deliver, as a minimum on site infrastructure including open access ducting to industry standard to enable new premises to be directly served by local fibre internet connectivity.

MATERIAL PLANNING CONSIDERATIONS

36. The principle of development has been established on this site and this application seeks reserved matters approval for the appearance, landscaping, layout and scale only.
37. The design of the Urban Park is largely influenced by researching the heritage context of the area which then informed the heritage strategy. The site is adjacent to the Town Centre Conservation Area, the significance of which stems from Stockton's role as a medieval market town and as a port in the eighteenth century, which together with the railway enabled the growth of Stockton into the principal town in the region. The original street pattern can still be seen in much of the Conservation Area. Buildings are aligned with the original street pattern, with narrow plots and frontages, and with more important buildings occupying wider plots. This layout and hierarchy has been reflected in the proposals for the High Street edge.
38. The site also forms part of the setting of several designated heritage assets, including the Grade II* listed Town Hall, buildings along the western side of the High Street, and a cluster of listed buildings to the north of the site along Finkle Street. Around the site, the townscape character is a mix of mainly Victorian and Georgian buildings of mainly three - four storeys with more prominent focal buildings such as the Town Hall. The character of the conservation area, materials and heritage stories have been reflected throughout the park.
39. The structure of the park will respond to the physical heritage of the site, taking influence from the linear burgage plots and historic connections between the working river and High Street. The future of the town concentrates its effort on growing the cultural offer of entertainment, events and art. A cultural ribbon will flow through the park taking people on a journey of discovery and connecting the event spaces through art, culture and play. The 'cultural confetti', will relate to specific heritage stories, through the public realm / landscape / interpretation / artwork), with the 'ribbon' linking them together. Key themes which will be interpreted include
 - Origins – medieval, castle, 600 year market town history
 - Industries – shipbuilding, ropemaking, inventors
 - Stockton and Darlington Railway – railway tracks, warehouses, staithe, and the link to the Town Hall
 - Merchant and trading – import / export, global connectivity, including connections with the slave trade and abolitionist campaigners
 - High Street and beyond – market, shops, department stores, public houses, hotels and lodgings, yards and stables
 - People – department store workers, hoteliers, ship builders, Kelley's Ferry which took workers across the river between Thornaby and Stockton
40. The proposed development shows the creation of new public spaces which are summarised below;

High Street Frontage: A series of street gardens that form the boundary of the site between the High Street and the park. The gardens reflect the historic frontages and the positions of shops / public houses / businesses that once populated this edge, with planting species inspired the buildings former uses.

Finkle Square: 'A square within the Park', providing a place for markets and seasonal events. Its location opposite the Market Square allows for a natural extension of existing large events and acts as a key connection between the park and the town centre.

The Playground - A play experience that will draw families to come and visit.

The Oval Lawn - A large flexible green space where a range of different events can be hosted.

The Amphitheatre - A large, terraced events arena on the riverside that provides access between the park and the waterfront. Seating terraces focus on a central stage area located on the riverside or potentially floated on the river Tees.

The Waterfront: Dedicated to health and wellbeing / fitness and exercise, the waterfront will host a multipurpose space where people can play on skateboards, scooters and bikes or used for bootcamps / fitness groups. The space will also reflect historic uses of the river and its connections to the Stockton and Darlington railway.

41. The Stockton and Darlington Railway had a huge impact on the riverside and the town. The railway curved north onto the quayside, linking with the coal staithes. There is also an important connection between the riverside railway lines, and Stockton Town Hall. Some heritage interpretation already exists along the riverside, forming part of the site. The Stockton and Darlington Railway Heritage Action Zone will see the 26 mile route of the railway developed as a heritage attraction, working towards its 2025 bicentenary.
42. The railway lines will be reflected in the ground scape as part of the waterfront proposals and Identified locations for S&DR Interpretation references to the railway lines has been included. Noting the comments from the Friends of Stockton and Darlington Railway it is confirmed that the S&DR walking and cycling route will have clear passage through the site along the riverside, including where the event space and play area are shown on the plan.
43. A Heritage Impact Assessment accompanied the outline application which addressed the significance of and the impact on the Stockton Town Centre Conservation Area and listed buildings and has been updated to reflect the more detailed proposals included in this application. The Design Code includes a number of design principles which directly address the heritage impact of the proposals. In particular, they required that the proposals respond positively to the history of the town centre and Stockton on Tees; conserve and enhance the character and setting of the High Street and wider Conservation Area, actively seek opportunities to better reveal the significance of and enhance the conservation area and heritage assets; and to ensure that the treatment of the boundary between the High Street and the Urban Park strikes a balance between providing a highly porous open transition while respecting the historic building line of the High Street.
44. The detailed design relates to the specific history of the site, making it possible to appreciate the past uses and rhythm of built form in this part of the town, both through the spacing of openings but also through integral interpretative features. The creation of a strong boundary along the line of the previous façades, while not recreating lost built form, allows the new park and the High Street to be appreciated as distinct spaces.
45. Historic England have been fully informed at both outline and reserved matters stages and as can be seen they raise no objections to the detailed scheme and confirm that the proposals would conserve and enhance the significance of the Stockton Town Conservation Area and reinforce the value heritage makes to the creation of sustainable communities and economic prosperity.

46. When considering this reserved matters application, the application is in broad accordance with both the Design Principles and the Design Code that formed part of the outline application and there are no objections to the proposed plans, subject to a number of conditions relating to the detailed design including planting plans/schedules, play areas, street furniture, lighting design (for both the urban park and highways), water features, fencing and balustrades and heritage details (i.e. stories to be integrated into the development). These conditions have been recommended.
47. The submission also includes an Arboricultural Method Statement, an updated Stage 1 Road Safety Audit (RSA), Updated Flood Risk Assessment (ref. SUPW-BGP-01-XX-RP-C-001), prepared by BGP; and Drainage Philosophy which are all included in a separate discharge of conditions application and will be considered in full before the conditions are formally discharged.
48. The Updated Flood Risk Assessment confirms that the risk to the proposed development is low from all forms of flooding and that the proposed uses of land are appropriate in flood zone 1. Comments from the Environment Agency are noted and have been passed to the Applicant for review and would not prevent the approval of the application under consideration today.
49. Comments from Tees Archaeology are noted and a condition has been recommended.

CONCLUSION

50. Overall the submitted details have been considered and are broadly compliant with the approved parameters of the outline planning permission.
51. It is recommended that the application be Approved with Conditions for the reasons specified above.

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

WARD AND WARD COUNCILLORS

Ward	Stockton Town Centre (Pre May 2023)
Ward Councillor	Councillor Paul Kirton
Ward Councillor	Councillor Pauline Beall

IMPLICATIONS

Financial Implications: **xx**

Environmental Implications: See Report

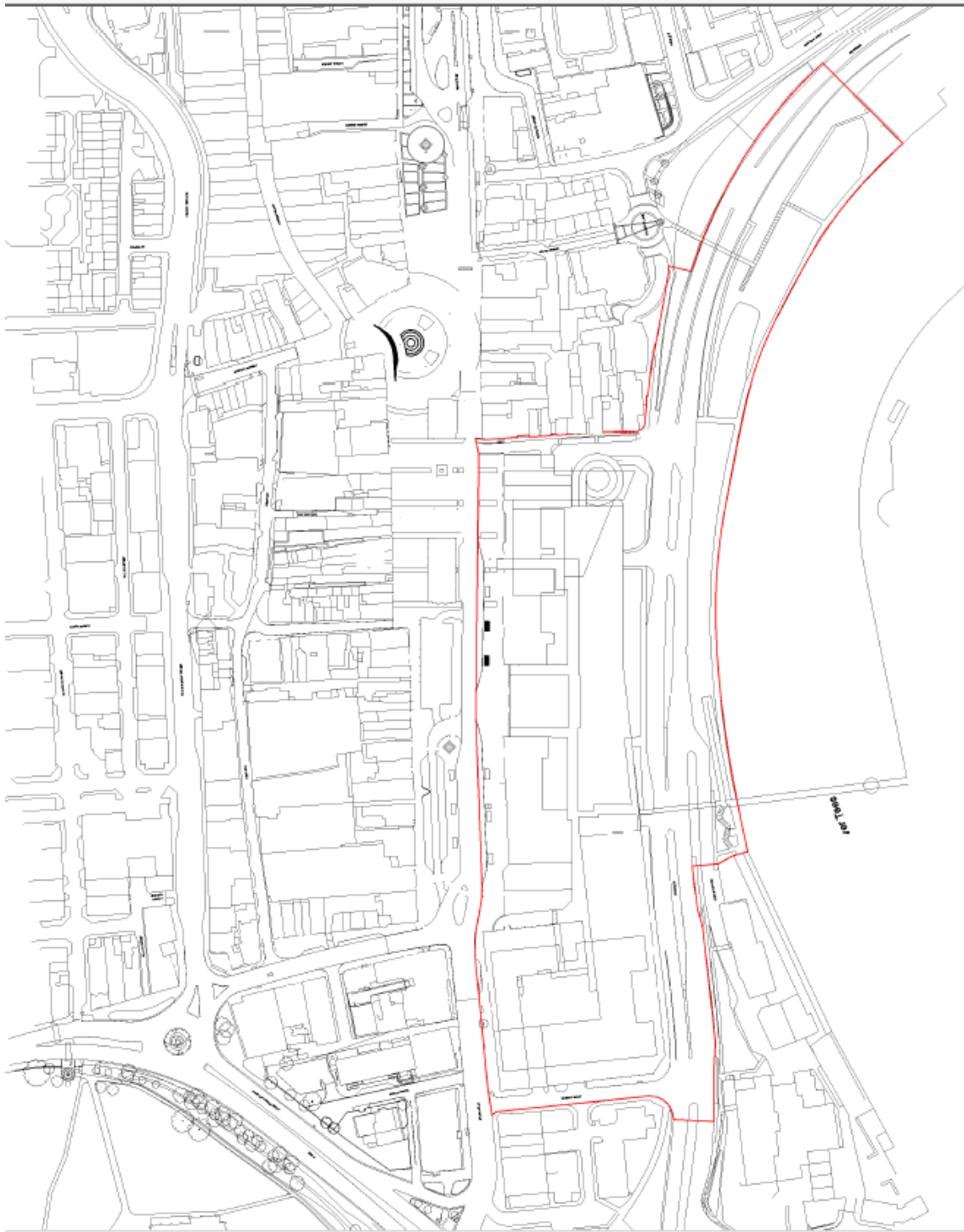
Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

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
Stockton on Tees Local Plan Adopted 2019
Application File

This page is intentionally left blank



This page is intentionally left blank

Appendix 2 Proposed Landscape Master Plan



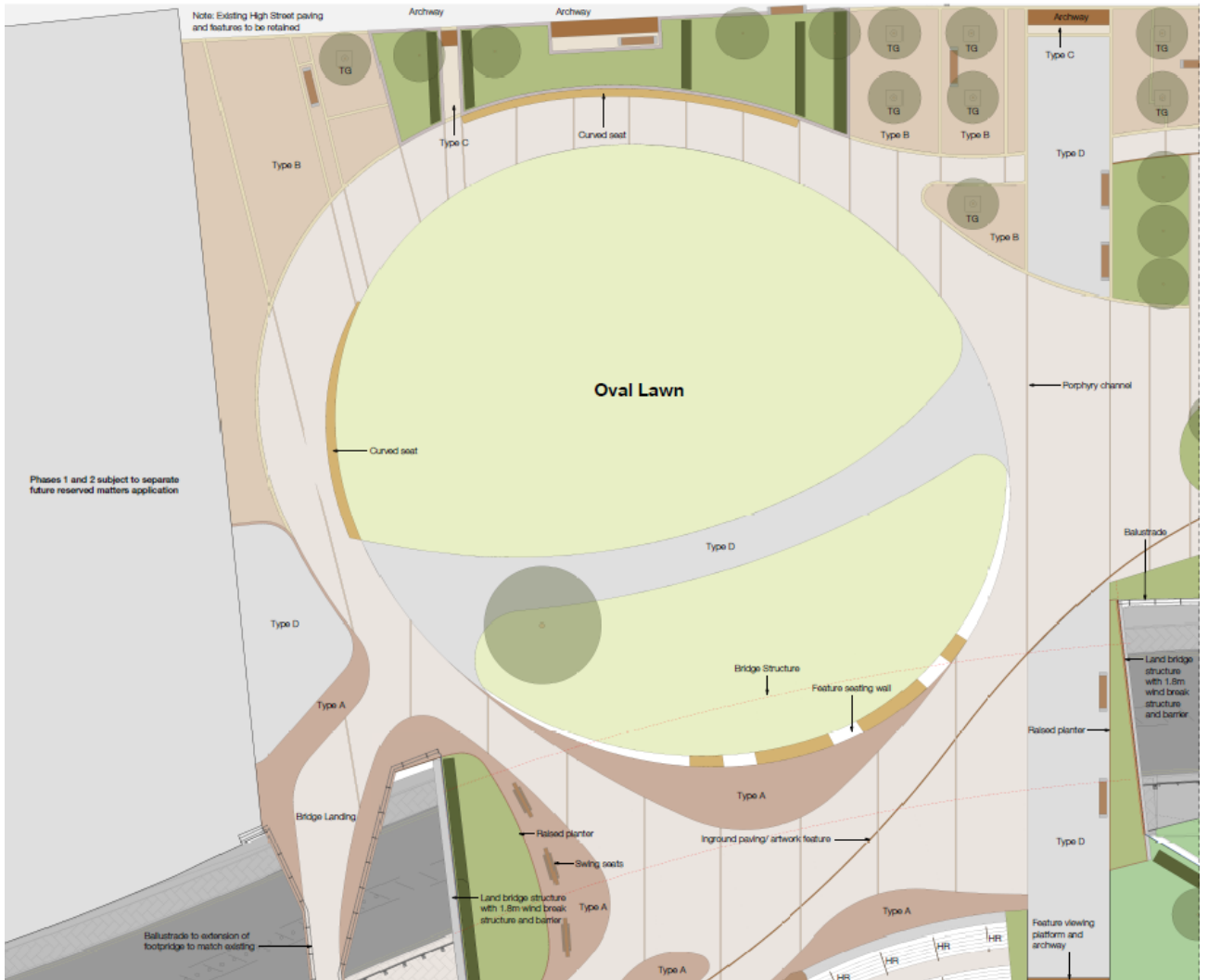
This page is intentionally left blank

Appendix 3 Proposed Phasing Plan



This page is intentionally left blank

Appendix 4 The Oval Lawn Phase 3



This page is intentionally left blank

Appendix 5 The Play Area Phase 4



This page is intentionally left blank

Appendix 6 Finkle Square Phase 5



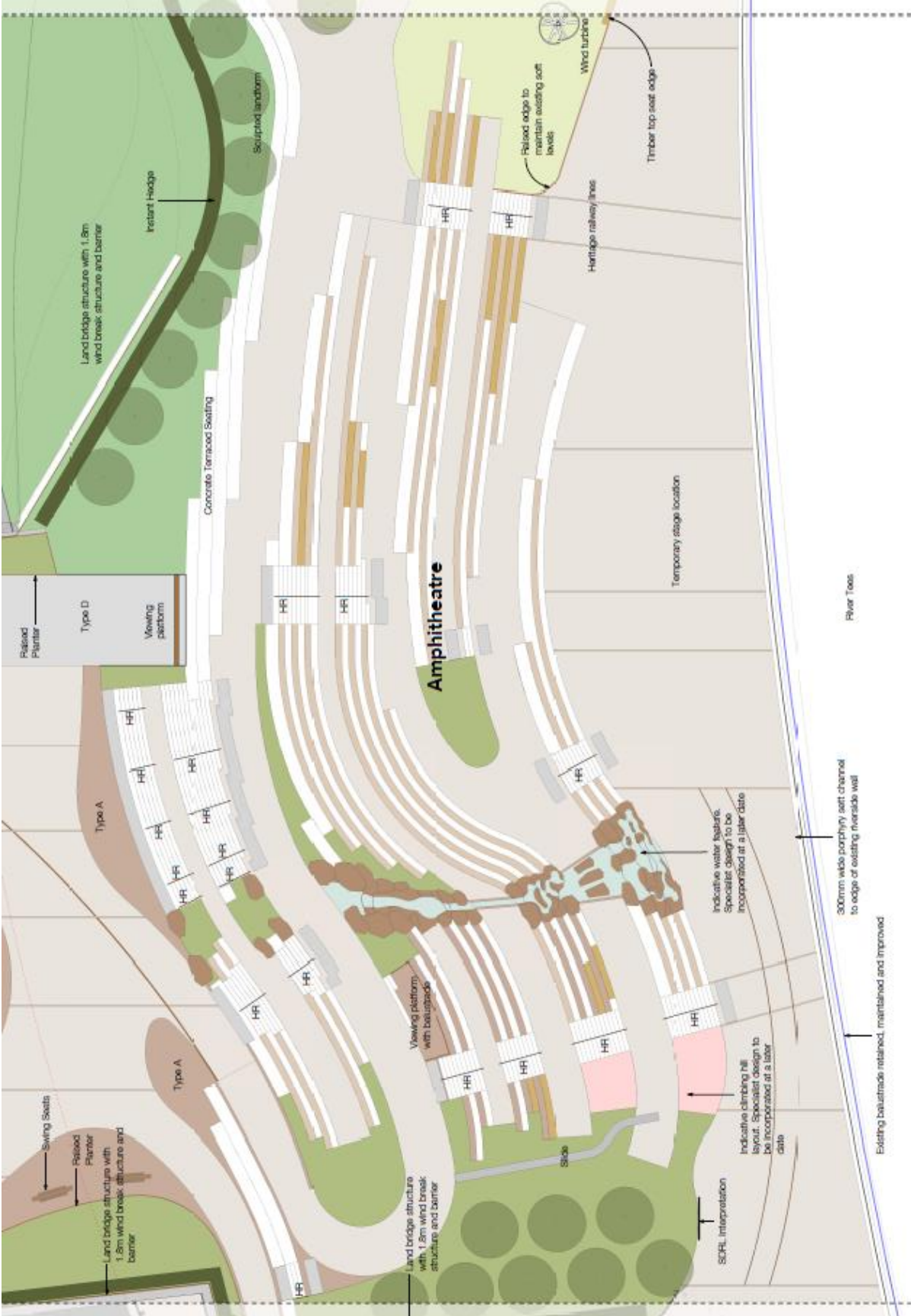
This page is intentionally left blank

Appendix 7 Proposed Quayside Phase 6



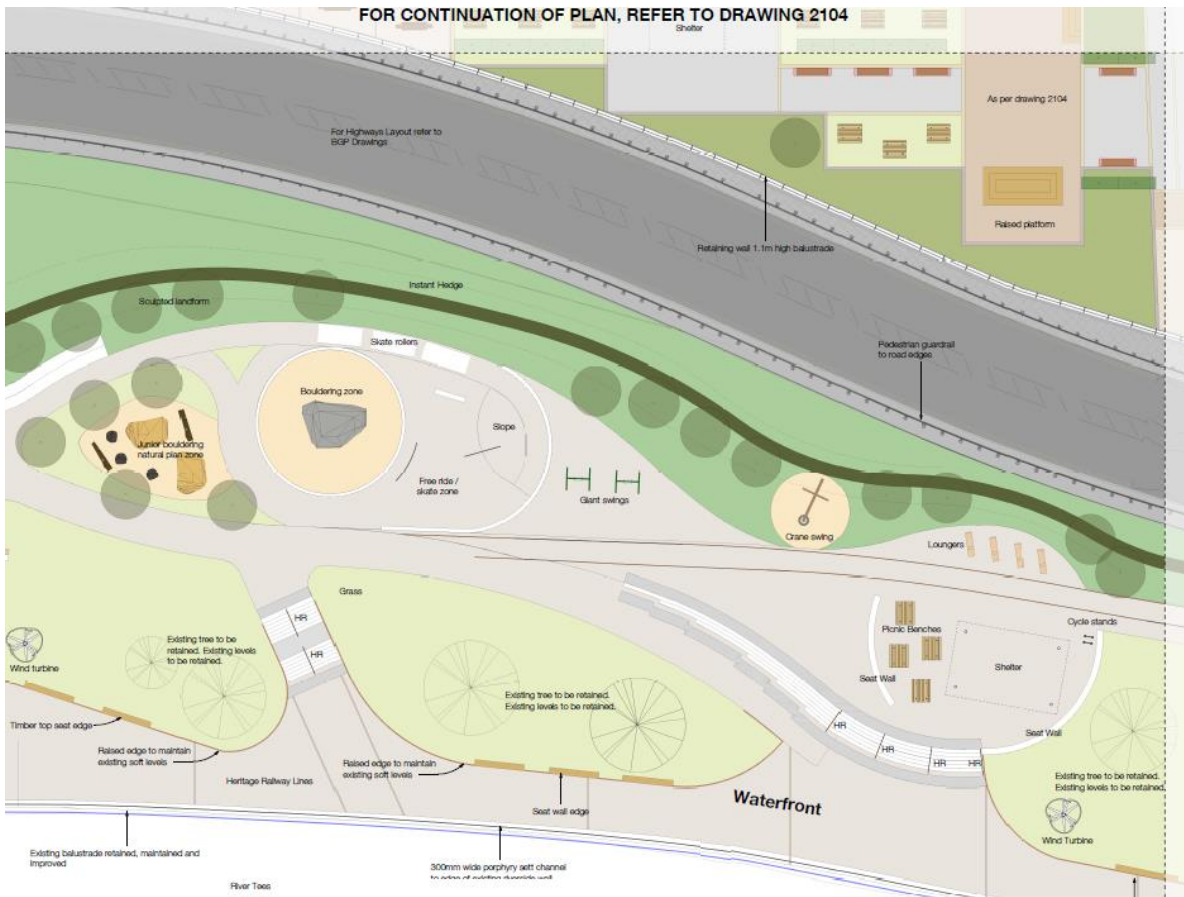
This page is intentionally left blank

Appendix 8 The Amphitheatre Phase 7



This page is intentionally left blank

Appendix 9 The Waterfront Phase 8



This page is intentionally left blank

Appendix 10 Proposed Road Realignment



Issue	NO	DATE	BY	CHKD	DATE
Issued for Planning	1004	15.05.2023			
Issued for Highways Comment	1004	14.04.2023			
Issued for Planning	1004	20.12.2022			
Issued for Planning	1004	14.12.2022			
Issued for Information	1004	20.09.2022			
AMENDMENT	01				

Site: P1-Stockton T1 - Newish - 1:1 Collaboration (1:1) - Local Consultation Map
 Date: 15/05/2023
 Issue: P1-Stockton T1 - Newish - 1:1 Collaboration (1:1) - Local Consultation Map

Billinghurst George & Partners

Legend:
 Proposed DMA Highway

This page is intentionally left blank



This page is intentionally left blank



This page is intentionally left blank

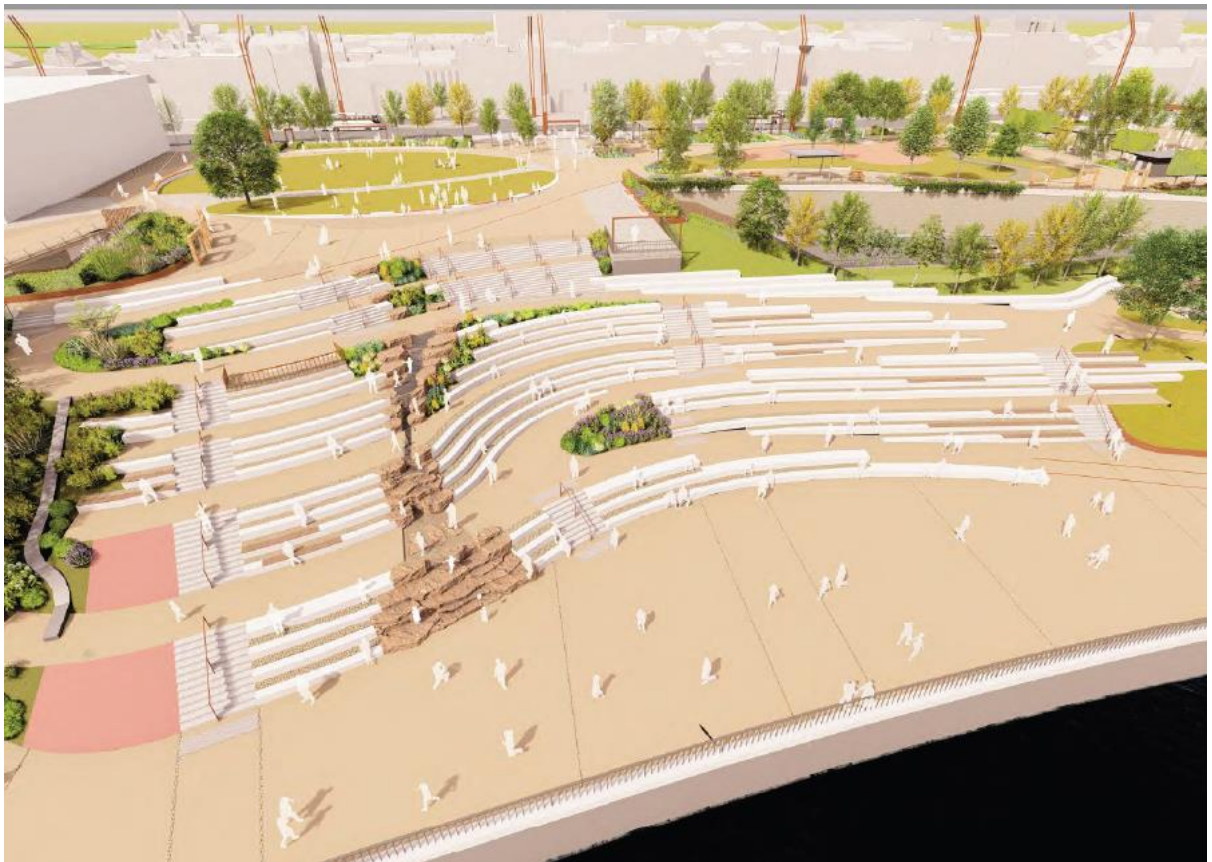


This page is intentionally left blank



This page is intentionally left blank

Appendix 15 Visuals



This page is intentionally left blank



This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
5 July 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

22/2517/VARY

Playing Field, Aislaby Road, Eaglescliffe

Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of extended car parking area.

Expiry Date 7 July 2023

SUMMARY

Planning permission is sought to remove conditions no1 and no2 of planning approval S268/79 to allow community use of the playing pitches at the Yarm School Playing Field, Aislaby Road, Eaglescliffe. The proposal also includes the creation of an extended car parking area to facilitate 97 car parking spaces.

Planning permission was approved in 1979 for the use of the land as school playing pitches with restrictive conditions for use by Yarm School only. The applicant seeks consent to allow Yarm School along with their associated partners/community groups and facilitate wider community use and participation in sport at the site.

There have been 34 letters of support and 11 letters of objection which the main cause for concern relating to on street and indiscriminate parking. To overcome this the applicant has proposed the provision of a 97 space car park.

The proposed extended community use would be supported by national and local planning policy and with conditions to control the operation and use of the site it is considered that there are no sustainable planning reasons to refuse the application and the application is recommended for approval subject to planning conditions.

RECOMMENDATION

That planning application 22/2517/VARY be approved subject to the following conditions and informatives

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date Received
2819 AL(0)100 YS	18 May 2023
SBC0001	9 December 2022

Reason: To define the consent.

Car Parking

- 02 Prior to the community use being brought into operation, the car park as shown on plan 2819 AL(0)100 YS received 18 May 2023 shall be provided and available for the parking of vehicles when the playing pitches are in use. The car park shall be retained for the life of the development.

Reason: In the interests of highway safety.

Community Use Agreement

- 03 Within three months of the commencement of the use of the development by any person other than Yarm School pupils a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Yarm School's Aislaby Road Playing Field and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport

Community Use

- 04 The use of the facility for organisations other than Yarm School shall be capped at of a total of 125 uses per year and a maximum of 10 senior league matches per year, by non-Yarm school organisations.

Reason: To ensure the protection of nearby residential properties and their amenity.

Hours of operation

- 05 The playing pitches shall not be used outside the hours of 9.00 am – 8.30pm. After 6pm, where there is only one game taking place, the southern pitch shall be used.

Reason: To ensure the protection of nearby residential properties and their amenity.

Lighting

- 06 No floodlights or other methods of illuminating the site shall be erected site without the prior written consent of the Local Planning Authority.

Reason : In the interests of the amenity of the surrounding properties and to protect the visual amenity of the open countryside.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Community Use Agreement

Guidance on preparing Community Use Agreements is available from Sport England.
<http://www.sportengland.org/planningapplications/>

BACKGROUND

1. Planning permission was approved in 1979 for the use of the land as school playing pitches. The application was approved with the following restrictive conditions

Condition 1:

This consent shall enure for the benefit of the Trustees of Yarm Grammar School only and shall not enure for the benefit of its successors or for the benefit of the land.

Reason: Permission has only been granted on the basis of an undertaking made by the applicants which would not be binding upon successors in title or other users of the land.

Condition 2:

The use of the land for playing field hereby approved shall be for the use of the Trustees of Yarm Grammar School and its staff and pupils only and shall not be hired, let out or in any other way used by any other persons or bodies.

Reason: To limit the use of the playing field in the interests of the amenities of local residents and highway safety.

SITE AND SURROUNDINGS

2. The application site is located south of Aislaby Road and to the west of the River Tees and Yarm Conservation Area.
3. The site is wholly in Flood Zone 3 and Outside the Limits to Development.

PROPOSAL

4. Planning permission is sought for the removal of Conditions 1 and 2 associated with planning permission S268/79 which is the historic consent granting approval for the use of the site as school playing pitches for Yarm Grammar School.
5. The application seeks to remove the above conditions to allow the playing pitches to be used by Yarm School along with their associated partners/community groups and facilitate wider community use and participation in sport at the site.
6. The playing field will remain in use by the school, and the school are currently in negotiations with Yarm Rugby Club to take a lease on the pitches which would permit the rugby club to use the pitches along with continued use of the pitches by the school.
7. The playing field provision at the site currently extends to approximately 8 acres and the school uses the site for rugby, football and cricket provision along with other sports.
8. It should be noted that the Applicant states Yarm Rugby club do currently use the playing field on an ad hoc basis, with no deliberate intended breach of this condition by the School as until recently they were unaware that such restrictions on use, were in place. The use has since ceased.
9. The rugby club have indicated that they would likely use the pitches in the evenings no later than 20.30pm in the summer months and weekends no later than 18.30pm.

CONSULTATIONS

10. Consultees were notified and the following comments were received.

Sport England

Thank you for consulting Sport England in respect of the application to remove the above conditions. The original approval is from 1979, pre-dating Sport England's role as a consultee by some 17 years. Nevertheless, had a consultation come to us today for a new school playing field at this site, Sport England would, inter alia, have sought to see managed community use of the playing field in addition to its [principal] curriculum use.

Sport England has developed tools and methodologies to help Local Authorities understand the availability and carrying capacity of playing pitches in their areas relative to demand for their use. This information helps provide a context for developing planning policies on the protection of and access to playing field sites. Such contextual information would not have been available when the decision was taken in 1979 to approve the new area of playing field with the conditions restricting its use. Had such information been available then, it would have material to the decision reached and the conditions that the Council imposed.

Stockton's new Playing Pitch Strategy (PPS) and Action Plan has been signed off by its Steering Group (including Sport England) and is awaiting ratification by Cabinet. The PPS shows there are capacity issues for cricket, rugby union, and football in the Yarm/Eaglescliffe area, and as such proposals that have the potential to increase the supply of publicly accessible playing pitches are to be welcomed. In light of the above, Sport England supports the removal of the conditions.

We appreciate however that a change to a situation that allows unfettered public use of the playing field might itself give rise to planning issues. Sport England usually recommends that community use of playing fields is carefully managed to strike the appropriate balance between the site's tolerance and capacity for such additional use and the suitability of its location for accommodating extra-curricular use. Advice on these and inter-related matters can be found at the 'Use Our School' resource at the following location on our website: <https://www.sportengland.org/funds-and-campaigns/use-our-school>. Rather than simply remove the respective conditions, the Council may wish to consider their replacement with a condition requiring the submission of a community use agreement condition. The agreement would then provide transparency as to the intended hours of community use and likely users. Sport England can provide a model condition for this should the Local Authority and applicant be amenable.

Sport England has considered the amended application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-Sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the extended car park meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.' This being the case, Sport England **does not wish to raise an objection** to this aspect of the application.

Comments on the inclusion of the car park and amended description for the above application.

Sport England has considered the amended application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed at https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the extended car park meets exception 2 of our playing fields policy, in that 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this aspect of the application.

12. Highways Transport & Design Manager

General Summary - Subject to the agreement of the condition set out below the Highways, Transport and Design Manager raises no objections to the proposals.

Highways Comments: The applicant has provided a Transport Statement (TS) setting out the traffic generation and parking requirements associated with the use of the playing pitches for various training sessions and games on a weekday evening or a weekend including the occasional use of the pitches for senior matches when the existing facilities at the Yarm Rugby Club ground are unavailable. Based on the additional information provided regarding the senior games, currently held at the existing Yarm Rugby Club ground, the vehicles associated with both players and spectators attending a match could easily be accommodate within the proposed 100 space car park within the site, as shown on drawing reference 2819 AL(0)100 Ref X. The activities at the site, associated with use by the rugby club, would also take place outside of the weekday peak periods for traffic movements on the local highway network and are therefore unlikely to cause a severe impact. Based on the above the Highways, Transport and Design Manger is unable to raise any objections the removal of the condition restricting the playing pitches to school use only however, in order to minimise the impact of the use by non-Yarm school organisations it is proposed that the use of the pitches:

- is restricted to Yarm School and Yarm Rugby club only or by organisations other than Yarm school is restricted on a weekly, monthly, or annual basis.

- Considering the frequency of training sessions / games set out with the TS a cap of a total of 125 uses per year and a maximum of 5 senior league matches per year, by non-Yarm school organisations, appears to be reasonable.

Therefore, subject to a suitable condition being imposed on the frequency the pitches can be used by non-Yarm school organisations the Highways, Transport and Design Manager raises no objections to the proposals.

13. Eggescliffe And Eaglescliffe Parish Council

Eggescliffe and Eaglescliffe Council have concerns about the additional traffic and parking that will be generated by the increased use of this playing field. It's understood the original restriction was put in place to address vehicle traffic on the narrow Aislaby Road accessing the playing field and the 'layby' at the site entrance intended as a visibility splay for exiting the grounds. The hard standing within site, whilst adequate for the current number of vehicles transporting children to site, unchanged will not have the capacity for extra vehicles. Is a Road Safety Audit being carried out as part of the application to address increased traffic and parking along this narrow road ? Have Yarm Rugby Club & Yarm School indicated the numbers of vehicles expected to access site and how they can ensure that visitors do not park on the roadside ? A concern was also raised about any flood or contamination risk from nearby 'Nelly Burdon' Beck. Whilst not wanting to stand in the way of better facilities for local community groups, Eggescliffe and Eaglescliffe Council would like these concerns addressing. A comment was received by one of the E&EPC Councillors saying the lack of basic amenities such as toilets etc. are still going to be an issue and is the lack of changing room facilities and showers going to be addressed by the Club.

14. Environmental Health Unit

I have checked the documentation provided, have found no grounds for objection in principle to the development. I would however recommend a condition be placed on the application restricting the hours of use or to ensure that after a set time i.e. 18:00hrs only the area of the field furthest away from residential properties is used.

PUBLICITY

15. Neighbours were notified and there have been 13 letters of objection and 31 letters of support with the details summarised below

Objectors:

Lynn Dobson 9 Burdon View Eaglescliffe
Mr Nigel Ibbetson 5 Burdon View Eaglescliffe
Susan Ibbetson 5 Burdon View Eaglescliffe
Mrs Lynn Dobson 9 Burdon View Eaglescliffe
Mr Stewart McKenzie 17 Carr Bridge Close Eaglescliffe
Mr Brian O'Donnell Willow View Aislaby Road
Mr Nigel Vaughan 4 Burdon View Eaglescliffe
Mr Stephen Joyce 5 Carr Bridge Close Eaglescliffe
Mr Jeromie Dobson 9 Burdon View Eaglescliffe
Mr Andrew Anderson 20 Carr Bridge Close Eaglescliffe
Mr Andrew Watson 2 Carr Bridge Close Eaglescliffe

Reasons for objections (Summarised)

- Noise in a rural area
- Traffic impact and lack of parking
- Yarm Rugby Club has been actively using the Yarm School fields without approval; their use has been conducted in an unsafe manner providing a dangerous environment for

participants and residents alike and despite claims informal car parking was not marshalled nor was Aislaby Road was kept clear.

- The offer of 'potential' car parking is not the same as an actual agreement and this needs securing
- The traffic survey is very biased in favour - the walking times are unrealistic. There are only 2 safe walking routes to the playing fields: via Leicester Way & Carr Bridge or via the river path from Yarm Bridge. The traffic report disregards the routes one must walk and assumes the players & spectators can walk very quickly.
- Littering

Support:

Mr Simon Thorpe 10 Morley Carr Drive Yarm
Mr Richard Vaux 3 Burdon View Eaglescliffe
Mrs Zara Leggett 9 Brantingham Drive Ingleby Barwick
Miss Anne-Marie Jones 25 Angrove Close Yarm
Dr Howard Leigh Saltergill Cottage Low Worsall
Mr Paul McMann 1 Trevithick Close Eaglescliffe
Mr Garry Palmer 59 Lingfield Drive Eaglescliffe
Mr Dave Jones Preston Cricket Club And Yarm Rugby Club Wass Way
Mrs Jennifer Leigh 26 Mayfield Crescent Eaglescliffe
Mrs Noelle Dixon 11 Mourie Wood Way Yarm
Mrs Gemma McRobert 21 Dyce Close Eaglescliffe
Matthew White 14 Caldey Gardens Ingleby Barwick
Mr Richard Martin 29 White House Croft Long Newton
Mr Rob Kensey 2 Dinsdale Drive Eaglescliffe
Mr Michael Snaith 18 Hazel Slade Eaglescliffe
Mr Paul Howlett 85 South End Osmotherley
Mr James Stonier 1 Holly Pond Court Yarm
Mr Craig Wilson 5 Ramsey Crescent Yarm
Dr Finlay Copeland 25A South Side Hutton Rudby
Mr Marcus Grantham 52 Debruse Avenue Yarm
Mr Olly Flight 38 Angrove Close Yarm
Mr Martin Hardy 63 Lingfield Drive Eaglescliffe
Mrs Victoria Ellis 1 Butterfield Grove Eaglescliffe
Mrs Lesley Burkin 1 Exford Close Ingleby Barwick
Ms Samantha Hellewell 8 Timothy Court Stockton-on-Tees
Miss Andrea Rogers 14 Buttercup Close Stockton-on-Tees
Mr Robert Stonier Lingfield House Lingfield Drive
Miss Bahera Abu-Shamat 1 Holly Pond Court Yarm
Mr Steven Passman 561 Yarm Road Eaglescliffe
Mr David Hunter 49 Albert Road Eaglescliffe
Mr Jamie Knight 9 Grasmere Avenue Middlesbrough
Mr James Ellis 1 Butterfield Grove Eaglescliffe
Mr Hunter 49 Albert Road, Eaglescliffe
Mrs C Fidgeon Highfield Manor Aislaby Road (support however some concerns raised re parking)

Reasons for support (Summarised)

- Proposals support the health and wellbeing of children and adults.
- The children in Yarm/Eaglescliffe currently have very little or no leisure facilities and sporting options available to them, compared to other children who live in other areas in Stockton borough.
- There are now no other local viable alternative playing fields or land in the Yarm to facilitate sporting activities.

- Traffic issues can be mitigated by extending the car park
- The playing fields would only be used for a couple of hours each week, within reasonable daytime hours.

PLANNING POLICY

16. 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.
17. 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

18. 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.
19. 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:
 - i. 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
 - ii. 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 93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

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

20. 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 4 (SD4) - Economic Growth Strategy

18. The Council will support appropriate economic growth development within the countryside that cannot be located within the limits to development, or is of an appropriate scale and does not harm the character and appearance of the countryside; where it:

- a. Is necessary for a farming or forestry operation; or
- b. Provides opportunities for farm diversification; or
- c. Provides opportunities for equestrian activity; or
- d. Is a tourism proposal requiring a rural location; or
- e. Is a site for new and existing land based rural businesses/enterprises.

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.

e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.

f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.

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:

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.

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.

Economic Growth Policy 7 (EG7) - Supporting Rural Economic Development

5. The Council will support and promote the retention and development of local services and community facilities in villages, which meet the day to day needs of rural communities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Proposals which involve the re-use or redevelopment of existing land or buildings where the last use was for community purposes or providing community facilities will be considered against Policy TI2.

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.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

a. The successful completion of the Sequential and Exception Tests (where required); and

b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where

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:
- it has been demonstrated to be surplus to requirements; or
 - the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
 - the proposal is ancillary to the use of the open space; and
 - 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.

Transport and Infrastructure Policy 2 (TI2) - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- Work with partners to ensure existing deficiencies are addressed; and
- 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:

- Support opportunities to widen the cultural, sport, recreation and leisure offer;
- Support proposals of education, training and health care providers to meet the needs of communities;
- Encourage the multi-purpose use of facilities to provide a range of services and facilities within one accessible location;
- Safeguard land at the former Blakeston School site for the provision of a crematorium;
- Identify land for the delivery of cemetery provision within Stockton and to the south of the Borough to meet identified needs;
- Support the provision of additional river accesses with increased landing stages/moorings/marina at appropriate locations where they are of a scale appropriate to the location; and
- Safeguard areas of land at Ingleby Barwick for:
 - Leisure facility adjacent to the Local Centre, and
 - Community Centre at Sandgate.

6. 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.

MATERIAL PLANNING CONSIDERATIONS

21. The application site has been in use since 1979 with the permission relating solely to Yarm School. As noted the in the comments from Sport England, should this permission be sought in 2023 then Sport England would have sought to see managed community use of the playing field in addition to its curriculum use.
22. Stockton has recently undertaken a new Playing Pitch Strategy and Action Plan which has recently been adopted. The PPS shows there are capacity issues for cricket, rugby union, and football in the Yarm/Eaglescliffe area, and as such it is consider that these proposals have the potential to increase the supply of publicly accessible playing pitches. Sport England supports the removal of the conditions and the extension of the car park.
23. In terms of national and local policy, support will not be given to developments which would lead to the loss of or would prejudice the use of all or any part of a playing field which this development would not. Whilst the car park will be extended and formalised this supports the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or use and there are no policy reasons not to support this aspect of the proposal.
24. Whilst the site is outwith the limits to development the use is already in operation. The car park is to me laid with permeable chippings and not a tarmacked area and this surface is more suitable to the open countryside.
25. Overall, it is considered that additional community use in the manner proposed will bring a number of benefits to both sports provision and access to sport for the local community with associated health and wellbeing benefits and there are no policy reasons not to support the development.

Impact on neighbours

26. Since the use was approved for the School there have been a number of new residential developments built in close proximity to the site, whilst the majority of the objections relate to car parking which is considered below, the increase in usage will no doubt increase the noise in the area and therefore it is considered reasonable to add additional conditions to control the hours and operations at the site.
27. With these conditions in place it is considered that the use can be suitably controlled to ensure the residents are not adversely affected by the additional community use of the facility.

Traffic and Transport

28. The site was approved with limited parking as the school transported children by minibus. Concerns have been raised about indiscriminate parking and parking on Aislaby Road. The applicant has agreed that a 97 space car park will be provided to accommodate the traffic.
29. The application is accompanied by a transport statement and additional information was provided detailing the number cars that are usually parked on site, with a recent home game having 37 cars parked at the Wass Way site (players and spectators).
30. The applicant states that as there are no facilities at Aislaby Playing fields the likely scenario would be that the teams would meet at Wass Way to change and then travel to Aislaby Playing fields for the game, estimated to be the club minibus and possibly 10 cars.

31. Nonetheless with the formalisation of the car park and increase in capacity it is considered that the proposal would not lead to significant adverse impact on on-street parking or traffic safety and accordingly the Highways Transport and Design Manager has raised no objections to the proposal subject to conditions which have been recommended.

Other Matters

32. Comments in relation to pollution to Nelly Burdons Beck are noted but this is an existing site and the changes will not increase flood risk or pollution.
33. Comments on littering are noted and have been passed to the applicant to manage.

CONCLUSION

34. Overall, it is considered that the benefits from allowing the community use of the playing fields is significant and the site can be sufficiently controlled through conditions to manage the site so as not to adversely affect residents.
35. The application is recommended for approval with conditions.

WARD AND WARD COUNCILLORS

Ward	Eaglescliffe (Pre May 2023)
Ward Councillor	Councillor Stefan Houghton
Ward Councillor	Councillor Laura Tunney
Ward Councillor	Councillor Jacqueline Bright

IMPLICATIONS

Financial Implications: None

Environmental Implications: See Report

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

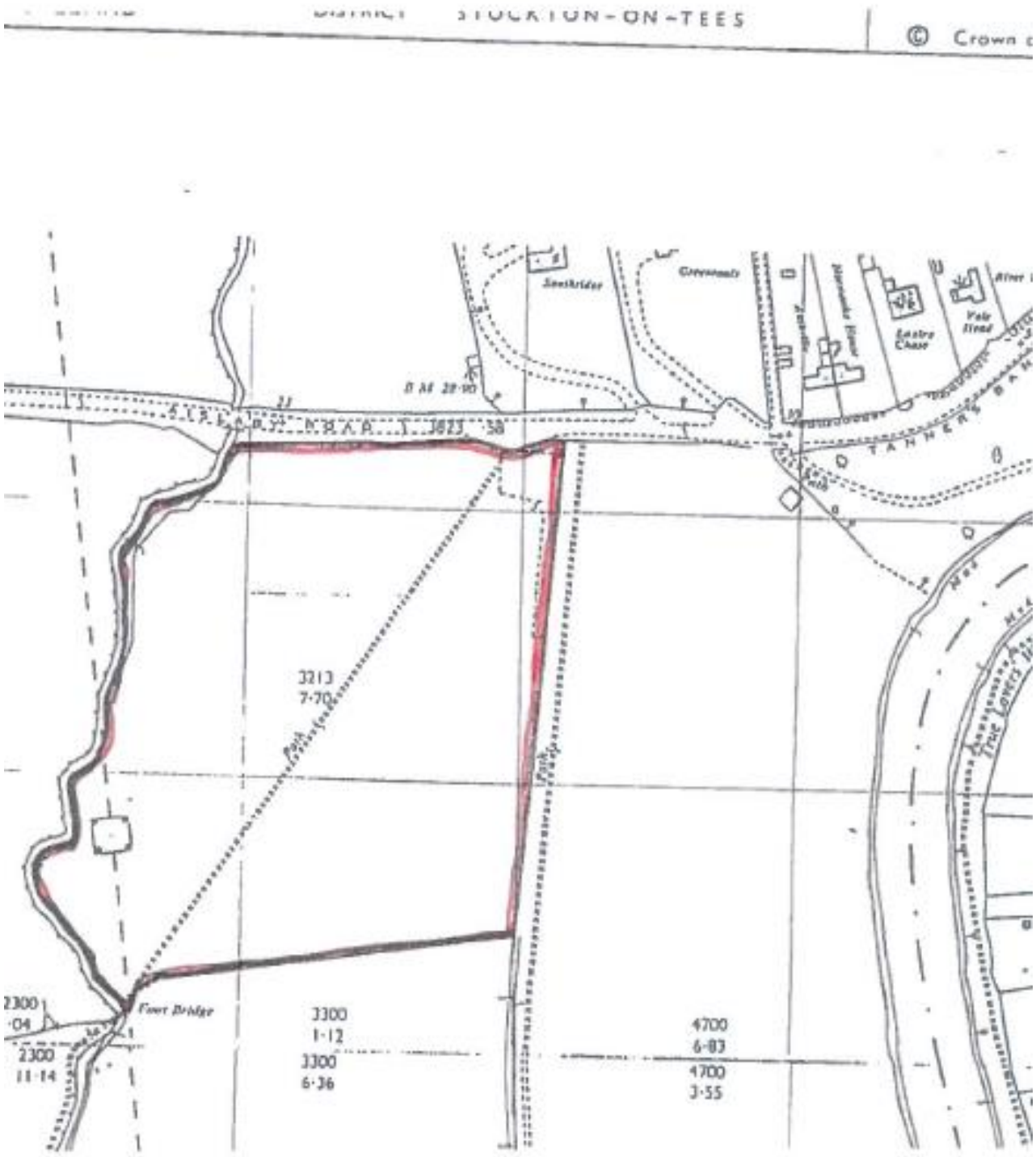
Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Stockton on Tees Local Plan Adopted 2019
Playing Pitch and Outdoor Sport Strategy
Application File

This page is intentionally left blank

APPLICATION: 22/2517/VARY
APPENDIX 1 : LOCATION PLAN



Playing Field, Aislaby Road, Eaglescliffe
Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of extended car parking area.

This page is intentionally left blank

**APPLICATION: 22/2517/VARY
APPENDIX 2: SITE LAYOUT AND CAR PARK**



**Playing Field, Aislaby Road, Eaglescliffe
Section 73 application to remove condition no1 and no2 of planning approval 268/79 and creation of
extended car parking area.**

This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

5 July 2023

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/0345/FUL

Land East Of Hanzard Drive, South Of Bloomfield Drive/Applecross And North Of Glenarm Drive, Wynyard,

Erection of local centre comprising of eight commercial units and associated infrastructure works.

Expiry date: 7 July 2023

SUMMARY

The application site extends to approx. 0.7 ha and is currently undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west. The site is within defined development limits and is identified as a local centre within the Wynyard Masterplan. The principle of development within this location has therefore been established.

Members may recall that this application was also previously heard and approved subject to the applicant entering into a Section 106 agreement by planning committee in January 2022, which at the time consisted of a mixed commercial and residential development with a total number of 20 flats and c.1,300 square metres of commercial floorspace. However, the S.106 agreement had not been signed and following a review of the scheme with regards to build costs, the applicant has resolved to remove the apartments to bring forward the delivery of the commercial units and local centre.

The overall footprint remains largely the same although the removal of the apartments sees an overall reduction in the bulk of the development which is now a series of single and two storey buildings forming a total of eight commercial units (as opposed to 6 previously). Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item is referred back to planning committee for determination.

One additional representation has been received, although the original 11 letters of objection, 9 letters of support and 1 letter of representation also remain on the file and have been considered in the re-assessment of the proposals.

The principle of a commercial local centre development has already been established within the adopted Wynyard Masterplan and the overall scale of the development is considered to be appropriate and can be accommodated on the site within any significant resultant impacts on the character of the area, amenity of neighbouring properties/residents or highway safety.

For the avoidance of doubt as the residential element has been removed from the proposals, the requirement for planning obligations no longer applies to the scheme.

The proposals are therefore recommended for approval subject to those conditions set out below;

RECOMMENDATION

That planning application 21/0345/FUL be approved subject to the following conditions and informatives;

01 Time period for commencement

The development to which this permission relates shall begin no later than the expiration of three years beginning with the date of this decision.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
201	31 March 2022
202	31 March 2022
203	31 March 2022
204	31 March 2022
403	31 March 2022
404	31 March 2022
JCM001 001	8 February 2021

Reason: To define the consent.

03 Materials

Notwithstanding any description of the materials in the application no above ground construction shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the new façade and extension to the building(s) have been approved in writing by the Local Planning Authority. The development shall proceed in accordance with those agreed details.

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

04 Use Classes

Prior to the above ground construction, the exact mix of uses of the hereby approved commercial units shall be submitted to and agreed in writing by the local planning Authority and shall therefore be retained as such, notwithstanding, the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

05 No subdivision/ Amalgamation

With the exception of unit 4, the premises shall not be sub-divided or combined into independent units without the prior written consent of Local Planning Authority and shall therefore be retained as such notwithstanding the provisions of Part 3 of Schedule 2 of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order).

Reason: To define the consent and in the interests of securing the development to meet the local needs.

06 **Opening Hours**

The hereby approved units shall not be open for business outside the hours 08:00 - 22:00 Monday to Saturday including Bank Holidays and 10:00 -18:00 on Sunday.

Reason: In the interests of the amenity of the neighbouring residential premises

07 **Delivery hours**

No deliveries to the commercial premises shall be taken at the site outside the hours of 07:00Hrs and 19:00Hrs.

Reason: To protect the amenities of nearby residents

08 **Waste Collection**

The hereby approved commercial units shall be provided containers for the storage and disposal of waste foods and other refuse from the premises within the identified locations on plan ref JCM001 403 received 31 March 2023. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents. The waste collection shall not be outside of the hours of 07:00 – 19:00hrs.

Reason: To protect the amenities of nearby residents

09 **Secure by Design**

Prior to the above ground construction of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention & Architectural Liaison. Once approved, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of ensuring a suitable level of amenity

10 **Construction Hours**

No construction/demolition works, or deliveries 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 on Sundays or on Bank Holidays.

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

11 **Site Levels**

Prior to the commencement of the development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.

12 **Soft Landscaping**

No above ground construction shall commence until full details of a Soft Landscaping scheme has been 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 tree 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 prior to first occupation or in the first planting season following occupation of any part of the development;

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.

13 **Soft Landscape Management and Maintenance**

No above ground development shall commence until full details of a proposed soft landscape management and maintenance plan has been submitted to and been approved in writing by the Local Planning Authority. The soft landscape maintenance and management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

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 LPA 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.

14 **Protection of the Highway**

Prior to the planting of any trees within 2m of the adopted highway, precise details of arrangements for the protection of the adopted highway, from tree root damage shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the adopted highway from damage by tree roots

15 **Hard landscaping and street furniture**

No above ground construction shall take place until full details of proposed hard landscaping including street furniture have been submitted to and approved in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

16 **Soil Management**

No development shall be commenced until the Local Planning Authority has approved in writing the details of a soil management plan. The plan shall indicate how and where soils will be stripped, and their temporary storage during the works. Details shall describe the height, width, length and location on site of all such mounding together with any temporary seeding.

Reason: To enable the Local Planning Authority to satisfactorily control the development and to ensure satisfactory residential amenity

17 **Sustainable Surface Water Drainage Scheme**

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

18 **Surface Water Management**

The building hereby approved shall not be brought into use until:-

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building
- II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development

Reason: To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

19 Highways Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- i. the site construction access(es)
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- vi. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and xi. a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and residential amenity

20 Servicing Plan

Notwithstanding the submitted Servicing Plan, final details of servicing arrangements for the commercial units shall be submitted to and approved in writing by the Local Planning Authority, prior to first use of any of the commercial units. The Servicing Plan shall include details of deliveries, refuse collection, and measures to mitigate noise arising from, and not limited to, vehicle movements. The development thereafter shall be operated in accordance with the approved Servicing Plan.

Reason: In the interests of highway safety and residential amenity

21 Travel Plan

Prior to the development being brought into use, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator with roles, responsibilities, timescales to be in place (minimum 5 years) and contact details
- (ii) Modal split targets and measures to achieve these targets, which must be SMART: Specific Measurable, Achievable, Realistic and Timebound;
- (iii) Details of when the Travel Plan is to be monitored and reviewed including timescales for when travel surveys are to be carried out.
- (iv) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (v) provision of up-to-date details of public transport services
- (vi) continual appraisal of travel patterns and measures provided through the travel plan
- (vii) improved safety for vulnerable road users

- (viii) a reduction in all vehicle trips and mileage
- (ix) a programme for the implementation of such measures and any proposed physical works
- (x) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented, and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport and to ensure compliance with Local Plan Policy T11.

22 **EV charging**

Notwithstanding the submitted information, full details of the type, number and location of all electric charging points shall be submitted to and be agreed in writing with the Local Planning Authority. The charging points shall be provided prior in accordance with the agreed details and installed prior to any part of the development, hereby approved, becoming operational. Thereafter these shall be maintained for the lifetime of the development.

Reason: To future proof the development and to aid in the reduction of CO2 emissions in accordance with the NPPF.

23 **Contaminated Land Risk Assessment**

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:

- (1) A risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" guidance (2020), CIRIA C665 and BS87576: Guidance in investigations for ground gases. Gas monitoring must be carried out based on the guidance CIRIA C665: "Assessing Risks Posed By Hazardous Ground Gases To Buildings" with a minimum of at least two sets of readings as low and falling atmospheric pressure. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To preventing both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of water and land pollution, in accordance with the NPPF.

24 **New Air Conditioning/Plant Equipment/Odour control**

Prior to the installation of any air conditioning units/ plant equipment / means of mechanical ventilation and/or a ventilation and fume extraction system, full details shall first be submitted to and be agreed in writing by the Local planning Authority. Such details shall including a full technical specification by a suitably qualified technical professional person, details of the position of any A/C unit, plant and/or ventilation, fume or flue outlet points and the type of filtration or other odour treatment which shall be installed and used at the premises.

Thereafter the equipment shall be installed in accordance with the agreed details prior to the development being brought into use and shall be maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters, for the lifetime of the development.

The rating level of sound emitted from [any fixed plant and/or machinery associated with the development] [industrial activities at the use hereby approved] 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 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.

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

25 **Acoustic Fence**

Prior to the occupation of any parts of units 1,2 and 3 the acoustic fence as per the agreed details set within Noise Assessment (Revision 3) received by the Local Planning Authority on the 6 July 2021 shall be erected. Thereafter the fence shall be maintained as such for the lifetime of the development.

Reason: In the interest of protecting future occupiers' amenity in accordance with local plan policy SD8 and the NPPF

26 **Energy Efficiency**

No above ground construction on the residential and commercial buildings shall take place until details of how they will contribute to the greenhouse gas emission reduction, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

27 **BREEAM Very Good**

The commercial units hereby approved shall be built to achieve a minimum of BREEAM rating 'very good' or other equivalent alternative rating criteria which meets with the general sustainable construction aims and principles of BREEAM very good', such details shall be approved in writing by the Local Planning Authority prior to commencement of above ground construction the commercial building (s). Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Local Plan Policy ENV1

28 **Ecological Checking Survey**

Prior to the commencement of any site works, a checking survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if different from the original survey, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the updated survey unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protected species and their habitat

29 **Ecology mitigation**

All ecological mitigation measures contained within the Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021 shall be implemented throughout the development in full accordance with the advice and recommendations.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF.

30 **Construction Environment Management Plan**

Prior to the commencement of the development hereby approved, a detailed site-specific Construction Environmental Management Plan for each phase is to be submitted and agreed in writing by the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted Preliminary Ecological Appraisal received by the Local Planning Authority on the 8 February 2021, or any superseding report. Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

INFORMATIVE

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

BACKGROUND

1. The Site has no previous planning history but is identified within the Wynyard Masterplan as a Local Centre and includes with allocation H1(8) of the Stockton Local Plan.
2. The application was previously reported to and considered by Members of the Planning Committee in January 2022 and was approved subject to the applicant entering into a Section 106 agreement. However, that section 106 agreement was not signed and in the interim period, the applicant has been reviewing the scheme in light of associated building costs and recently submitted a revised scheme which has removed the twenty apartments from the proposals.
3. Given the nature of the changes along with the consequences for planning conditions and heads of terms, the item is referred back to planning committee for determination.

SITE AND SURROUNDINGS

4. The application site, hereby referred to as the Site is located within Wynyard Park, approximately 300m north of the A689, immediately east of Hanzard Drive.
5. The site occupies 0.7 hectares of undeveloped land, formerly in agricultural use, situated between the existing Bloomfield Drive residential development to the north, various commercial units served from Glenarm Road to the east and south and Hanzard Drive spine road to the west.
6. The site holds an elevated position to the residential properties to the north. A 6m drainage easement is located along the northern boundary between the proposed site and existing two-storey residential dwellings at Applecross Grove and Bloomfield Drive.

PROPOSAL

7. Planning permission is now sought for a commercial development consisting of eight individual units over a total of 1,612 square metres, within the E use classification (commercial, business and service) which it is envisaged will consist of convenience store, restaurant, hair salon and various boutiques.
8. The removal of the apartments has also seen the overall scale of the building being reduced from two and three storeys to now being a single and two storey development. Architecturally the buildings maintain a 'traditional' design ethos with the retention of the feature weather vane on unit 1.
9. The breakdown of total floor space of each individual unit is shown below;
 - Unit 1 - 418sqm
 - Unit 2 – 419sqm
 - Unit 3 – 279sqm
 - Unit 4–176 sqm (with potential to be split into two units of 82 and 94 sqm)
 - Unit 5 – 84 sqm
 - Unit 6 – 71 sqm
 - Unit 7 – 81 sqm
 - Unit 8 – 84 sqm

CONSULTATIONS

10. The following Consultations were notified and any comments received are set out below:-
11. Cleveland Police – No concerns currently with regard to local crime, with three burglaries reported and 1 criminal damage incident in the past twelve months on the nearby housing estate. I would recommend that external windows and doors conform to at least the police preferred minimum standards and Doorsets should also be certificated by one of the UKAS certification bodies.

Good lighting will facilitate natural surveillance and enable people to see that they are safe, space around the building, including parking area, should be well lit. CCTV should be in operation and be capable of producing colour images in all lighting conditions

12. National Highways - No objection
13. Highways Transport & Design Manager - no objections to the proposals.

Highways Comments

The applicant has provided a Transport Statement (TS) and updated technical note that provides additional information on trip generation. In addition, the site layout plan, drawing reference JCM001 403, in support of the proposals which have been reviewed and considered against the Councils design guide and SPD3: Parking Provision for Developments 2011.

Masterplan; The proposals are broadly in line with the approved Wynyard Masterplan, which has been adopted by both Hartlepool and Stockton Borough Councils. The revised drawing takes account of the proposed re-alignment of Hanzard Drive and the provision of a new roundabout, which will be located circa 100m to the north west of the site access, at the junction of Hanzard Drive and Bloomfield Drive.

Traffic Impact; As set out in the TS the proposed development, in relation to the retail element, is unlikely to generate a significant level of new traffic with most trips associated with the proposals being either 'transferred' or 'pass-by' trips which are already on the wider highways network. As such it is not considered that the proposals, in the context of the NPPF, would result in a severe impact on the local highways network.

Site Access / Layout; The site would be access from Hanzard Drive / Bloomfield Drive via a simple priority T junction. The capacity of the proposed junction has been assessed, within the TS, and it would operate within theoretical capacity. The proposed junction arrangement is therefore considered to be acceptable.

As indicated on the revised site plan a total of 90 parking spaces will be provided, to serve both the retail and residential elements of the proposals, which is broadly in accordance with the requirements set out in SPD3: Parking Provision for Developments 2011. Included are 5 disabled bays that accords with the standards and electric vehicle charging points are also indicated. The proposed car parking provision is therefore considered to be acceptable, subject to the EV charging points being conditioned. Swept path analysis is provided for a refuse vehicle and the drawing indicates that no HGVs will be used for delivery purposes to the retail units. A Servicing Plan should therefore be provided in order to address timings and vehicle movements associated with these deliveries. This should be conditioned to be provided and to be in perpetuity given the mixed use with residential areas.

Sustainable Connections; The site is well located in relation to the existing residential developments in this area and is accessible on foot, by bike or by utilising the free demand responsive bus service which is currently provided by the applicant. The Framework Travel Plan is acceptable in principle and full Travel Plan should be conditioned.

Construction Traffic Management; The applicant has indicated, within the TS, that a Construction Traffic Management Plan will be provided however, this should be secured by condition.

Landscape & Visual Comments

The proposals have been updated since the original submission in 2021. The proposed units 1-4 are located in close proximity to residential dwellings on Hanzard Drive and Applecross Road, and area located directly to the south. The proposals have been modified and reduced in height to a maximum of 2 storeys. The Highways Transport and Design Manager had previously raised concerns regarding the potential shading of these dwellings and their private gardens. The Sun Path information has not been updated, but it is acknowledged that the effects of shading will reduce as a result of the changes.

The submitted noise report requires that a 3m high noise barrier fence will be required along part of the northern boundary of the development site adjacent to the residential property 4 Hanzard Drive. The length of this 3m high fence has been significantly reduced to minimise the

impact upon the amenity of this property and its private garden, and also the openness of the development frontage. The proposals have also increased the available space for planting as previously requested.

A more detailed and improved landscape masterplan for the site has been provided, which considers the constraints of the site and issues raised regarding the feasibility of the proposals. As mentioned previously, where trees are proposed within 2m of the adopted highway a root barrier membrane will be required along the edge of the highway footpath to protect the highway from future damage by tree roots, however this element can be conditioned.

Having reviewed the revised information the Highways Transport and Design Manager still has some concerns regarding the impact of the building on the amenity of these properties due to shading and lack of landscaping between them, however no objections are raised.

Should the application be approved it is requested that the following conditions be applied to any permission:

- Hard landscaping – to determine the specific paving units and colour mix;
- Street furniture – to determine the precise details and appearance of all street furniture;
- Soft landscape management plan; and
- Protection of the highway from tree root damage

14. Environmental Health Unit (Contamination) - note the presence of radon gas in the area and the requirement for radon protection measures within the adjacent development. In addition, peat has been identified in the underlying geology to significant depths within the area, requiring gas/groundwater monitoring and is a potential source of ground gas.

I would therefore recommend a risk assessment is undertaken of the ground conditions and contaminated land (including gases and contamination of surface water) prior to commencement.

15. Environmental Health Unit - I have no objection in principle to the development, subject to the imposition of the following condition and as well as the conditions provided in the previous response, submitted 08/08/21:

Due to the close proximity of existing residential properties and the proposed mixed commercial/residential use, I have concerns regarding the likelihood of noise and potential odours arising from commercial units.

The submitted noise report (23rd Dec 2020, Ref 784-B026135) has assessed the impact of plant equipment and deliveries on the nearest residential premises, including the adjacent premises and flats above, and this shows that mitigations are required in order to achieve an adequate internal noise environment. These include standard double glazing will result in target criteria being met throughout the site, and alternative ventilation will be required for some living rooms and bedrooms within those parts of the site to address delivery noise. With regard to existing residential receptors adjacent to the northern boundary of the site, screening from the delivery area (3.0m close boarded fence) would achieve an acceptable internal and external noise environment.

I would ask that an assessment of noise transference between commercial and residential floors is made, as the intensified use of the premises is likely to result in noise transfer. I would also request further details of ventilation systems is submitted prior to approval.

There is also no information regarding whether the commercial shall require odour abatement systems. I would therefore recommend that prior to the application being approved, details of any odour abatement is submitted.

16. Tees Archaeology - This site has previously been subject to archaeological evaluation and no further investigation is required.
17. Northern Gas Networks - No Objection
18. Chief Fire Officer (Cleveland Fire Brigade) - no representations regarding the development as proposed. Further comments may be made through the building regulation consultation process as required.
19. Hartlepool Borough Council - supportive of the development of the internal road network at Wynyard, in order to support resident movement and link separate developments into a single community. The Wynyard Masterplan requires an internal road network to be of a standard that can be adopted by the Highway Authority and so the acceptability of the proposal will also be subject to the satisfaction of Stockton's Highways Team
20. Alexander Cunningham MP - Constituents from the Bloomfield Drive/Applecross Grove area of Wynyard, to the North of this proposed development site, bought their homes in the last four years and tell me that at the time that the homes were being built and sold they were advised that there would be a small commercial development locally, but that this would not have an impact on this particular development as it would be located on land to the West of Hanzard Drive, away from the residential areas. Most will have bought homes after viewing the Master Plan back in 2017 and whilst land use is often subject to change in areas that are being developed, it should be of no surprise that many people living locally object to this particular development on their doorstep.

The proposed development is particularly close to the housing at the end of Applecross Grove and these residents will inevitably suffer the most with a loss of privacy and the impact of noise. The location of pub/restaurant and take away premises creates concerns regarding noise late at night and the addition of a small supermarket brings additional concerns of early morning noise from delivery lorries. There are additional concerns in relation to increased traffic, and a potential for anti-social behaviour, litter etc. It should also be noted that this land is currently well used by local residents for exercise, and for dog walking etc. so whilst it may be argued that there is a benefit to additional services locally it should be acknowledged this will come at a loss of the space as it is currently used.

I have no doubt that the area would benefit from the creation of community facilities and affordable housing but residents tell me that this would be best delivered at the location originally identified for this purpose, and with consideration given to pedestrian and cyclist road safety, security (location of lodge), and the environmental impact of such a development.

The main roads in this area, do suffer from speeding traffic and if people locally are to be confident that they can walk and cycle safely in the area then further consideration needs to be given to how traffic speed is addressed.

Finally, I am also advised by local residents that they did not receive the required notification period in order to submit objections. Notification was only received 14 days prior to the deadline. Given this concern, I would be grateful if you could confirm that any objections received after the deadline will be considered and that a further letter is issued to all local residents regarding an extension of time to submit any concerns that they may have in relation to this proposal.

21. Northumbrian Water Limited - 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/>

For information only; We note the proposed site plan demonstrates a band of planting to the north of the site where two sewers are present. The sewers are currently undergoing a Section 104 agreement for the adoption of those assets. Therefore, we would like to recommend the developer refers to the planting guidance set out within Sewers for adoption 6th edition to ensure the proposed planting does not affect the adoption process.

22. Sport England - No comments to make on this additional information consultation.
23. Health and Safety Executive - This application does not fall within any HSE consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.
24. NHS - An £11,550 off site contribution required.
25. Natural England – The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

PUBLICITY

26. Neighbours were notified, a site notice and a press advert were displayed/published. The main reasons for objections can be summarised as follows;

Letters of Support

1. Miss Simona Pankinaite 7 Rose Vale Wynyard
 2. Miss Anne-Marie Howells 22 Mulberry Way Wynyard
 3. Emma McCullagh 17 Mulberry Way Wynyard
 4. Brian Boston 4 Drayton Gardens Wynyard
 5. Mr David Bigerstaff 22 Mulberry Way Wynyard
 6. Mr Shaun Hogg 39 Goldcrest Crescent Wynyard
 7. Mr Kevin Conway 7 Rose Vale Wynyard
 8. Mrs Sophie Baker 43 Goldcrest Crescent Wynyard
 9. Mr Michael McAvoy 5 Musgrave Garden Lane Wynyard
- Welcomed amenities which look in keeping with the area.
 - Provide a social space to meet your neighbours, bring a community feel
 - sustainable
 - The proposed building looks to be in keeping with the area and is more attractive than the industrial units behind the estate.
 - Development was sold with the proposal of amenities in the future and it is included in the 10 year plan for the area. This estate desperately needs the amenities
 - Need to look into installing a crossing point - either a zebra crossing or pedestrian controlled point, and the security hut should be further looked at as these will also benefit the area.
 - In keeping with Masterplan
 - Will separate the existing industrial units and office space from the housing development. Both residents and employees of the local businesses would make great use of this local centre.

- Soften the impact of the existing industrial shed
- Well thought out frontages
- Apartments will help create a diverse range of accommodation
- Existing services in the area are unreachable by foot

Letters of Objection

1. Ms Minna Ireland 22 The Green Elwick (Elwick Parish Council)
2. Mr Kevin Gamesby 4 Applecross Grove Wynyard
3. Kate Stewart 2 Applecross Grove Wynyard
4. Laura Mathieson-Pybus and Kenneth Pybus 40 De Havilland Way Hartlepool
5. Fareed Esack 14 Applecross Grove Wynyard
6. Rob Haggath 12 Applecross Grove Wynyard
7. Mr Michael Illingworth 4 Fox Covert Close Wynyard
8. Craig Honeyman 16 Applecross Grove Wynyard
9. Mrs Sue Finch 18 Applecross Grove Wynyard
10. Mr Matthew Turner 20 Applecross Grove Wynyard
11. Mrs Lynsey Thomas 19 Silvermede Road Wynyard

- Application not in accordance with the Local Plan policies
- Public transport is limited to the trial of Tees Flex and may affect future occupiers who will be reliant on cars
- No electric charging points
- No solar panels
- It should be on the land between Storeys and Taylor Wimpey site
- Loss of green space which was sold as part of the development Quite residential area
- This development will significantly increase the traffic to the area making it unsafe for them to openly play, while reducing the open space they can access.
- Air Quality
- Impact on ecology
- To place a 3 storey building as per the plan will block all of the morning sun onto the adjoining properties. The building should be two stories maximum.
- Devaluation of properties
- Change of ground levels would impact on residents
- Excess parking
- Will require landscaping to mitigate visual impact
- Noise and disturbance especially from service yard
- Odour
- Existing coop five minute drive away
- Increased vermin
- Concern over future use of HGV's
- Length of public consultation
- Anti social behaviour
- Loss of privacy
- No more housing should be granted until a secondary school is provided along with a church and doctors surgery
- Out of keeping with character of the area
- requirement for turning heads for buses

Representation:

1. Mrs Margaret Johnson 3 School Close Thorpe Thewles
2. Lynsey Thomas

- Flats do not have designated car parking

- Does not appear to have any car charging stations which will surely be needed in the near future. Solar panels should be incorporated
- Wynyard requires a GP practice
- Ecological surveys require updating as a pond very close to the site has three Great Crested Newts
- Additional survey should be commissioned to determine whether it is a breeding pond and the Newts will migrate to the surrounding farmland (inc. the application site) at the end of the breeding season.

PLANNING POLICY

27. 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.
28. 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

29. 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.
30. 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:
 - i. 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
 - ii. 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.

Local Planning Policy

31. 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 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.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- i) Considering development proposals within green wedges against Policy ENV6.
- 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.
- k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
- 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.
- m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

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 6 (SD6) - Transport and Infrastructure Strategy

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.

Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.

2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are:
 - i Necessary to make the development acceptable in planning terms;
 - ii Directly related to the development; and
 - iii Fairly and reasonably related in scale and kind to the development.

3. Where the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances, the Council may:

- a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development; and/orb. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

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 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.

- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO2 emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO2 emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

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.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

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

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

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.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

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.
6. To improve the quality of the water environment the Council will:
- a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
 - b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
 - c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

Policy H3 - Wynyard Sustainable Settlement

Proposals for the growth of Wynyard Village (south of the A689) and Wynyard Park (North of the A689) will be coordinated to deliver a sustainable settlement. Proposals for development should:

1. Deliver approximately 1,644 new dwellings within Stockton-on-Tees Borough, with 544 dwellings at Wynyard Village (Policy H1.2.W1 and H1.2.W2) and approximately 1,100 dwellings (Policy H1.7) on Wynyard Park.
2. Provide education facilities, including the delivery of a primary school within Wynyard Village.
3. Provide community infrastructure of an appropriate scale to meet the day to day needs of Wynyard residents.
4. Deliver the following highway junction improvements:
 - a. Signalisation of roundabout junctions on the A689 at Wynyard Avenue; The Wynd/Hanzard Drive; and The Wynd/The Meadows, to deliver sites with planning permission as identified in H3.1.
 - b. Works to the A689/A19 interchange which are required for the development of the remaining allocated land at Wynyard Park (Policy H1.7).
5. Provide a range of homes in accordance with Policy H4, with the exception of:
 - a. Wynyard Village (Policy H1.2.W1) which will provide an executive housing offer, with off_site affordable housing.
 - b. Wellington Drive (Policy H1.2.W2) which will provide executive housing in a low density setting, with off-site affordable housing, as well as opportunities for enhancement of the associated golf course and delivery of a five star hotel.
6. Provide green infrastructure and open space in accordance with ENV6.
7. Identify a clearly defined street hierarchy and accessible, convenient and safe routes for pedestrians, cyclists and other uses, this will include:

- a. The provision of routes for pedestrian and cycle movement within the Wynyard area, including the pedestrian and cycleway bridge over the A689 along the route safeguarded within Policy T1.
- b. Improved linkages to the conurbation, including a pedestrian and cycleway along the existing public rights of way to Wynyard Road along the route safeguarded within Policy T1.
- c. Improved linkages to the Castle Eden Walkway and Wynyard Woodland Park.
- d. Where appropriate, connections to development located within Hartlepool Borough.

8. Utilise Design Codes detailing important design elements for the development to ensure a consistent approach to quality standards.

9. Avoid unacceptable harm to and maximise possible enhancements to the significance of heritage assets. Development must be designed to ensure that the significance of Wynyard Park Registered Park and Garden and other heritage assets is not harmed and where possible enhanced.

10. Recognise and respect the unique character of Wynyard Village which is defined by its layout, leisure offer and low density executive housing.

11. Create a community at Wynyard Park with its own identity and sense of place which responds appropriately to local patterns of development and green infrastructure.

Development of allocated land at Wynyard Park, and any significant further growth in housing numbers on planning commitments, must be implemented in a coordinated and timely manner in accordance with an Infrastructure Phasing and Delivery schedule as part of a masterplan for the Wynyard area. The following approach will be taken to the delivery of infrastructure:

12. Where required, contributions towards the shared infrastructure required to deliver a sustainable community at Wynyard Park (Policy H1.7) shall be made on a proportionate basis per home taking in to account further residential growth in Hartlepool Borough.

13. The Council will work proactively with developers to identify and agree reasonable triggers for the delivery of key infrastructure which allows development to progress whilst the impact of the development is appropriately mitigated.

Transport and Infrastructure Policy 1 (T11) - Transport Infrastructure

Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

4. Sites and routes which will play a role in developing infrastructure to widen transport choice will be safeguarded from development which would impact negatively on their delivery or attractiveness to potential users; routes include:

- e. Cycleway/footbridge across the A689 (via a bridge) to connect with the wider cycleway network at Wynyard Road; and

Highways Infrastructure

6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.

7. Targeted improvements will be delivered at the following priority locations (routes are safeguarded where identified):

- a. Strategic road network:
 - i. A66 (including A66 Elton Interchange);
 - ii. A19 Widening Norton to A689 (route safeguarded);
 - iii. A19/A689 Interchange; and
 - iv. A19/A67 Interchange (Crathorne).

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate its safe and efficient operation.
- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

1. The Council supports the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.

2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.

MATERIAL PLANNING CONSIDERATIONS

32. The main planning considerations of this application are; the principle of development, the impacts on the amenity of the surrounding occupiers, character of the surrounding area, heritage assets highway safety, ecology and flood risk.

Principle of development

33. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth.

34. The application site lies within the limits to development where development should generally be directed and given the location of the site adjacent to the urban area which has relatively accessible transport and footpath links, the site itself could be considered broadly sustainable.

35. As set out in policies H1 and H3 the Wynyard forms a significant proportion of the Councils identified 5 year housing supply and Wynyard is one of the key strategic sites for housing delivery under the current local plan. In order to support housing growth within Wynyard, a masterplan was produced to help guide development and bring forward the necessary social infrastructure.

Masterplan

36. The site is identified within the Masterplan as a local centre with the remainder of the local centre being to the north west within Hartlepool's boundary. A local centre is therefore consistent with the aims of the Local Plan and masterplan. Equally, the masterplan also seeks to principle of convenience and community facilities which includes uses such as retail, leisure and small-scale health and fitness opportunities.

37. It is noted questions have been raised over the need for the facility given the existence of existing convenience stores within a 5-minute drive time. However, this will provide an additional facility in close proximity to a number of surrounding residential premise and the received letters of support indicate some residents feel this is a more sustainable facility which for some will be within walking distance.

Affordable housing and planning obligations

38. Policy H4 sets out the council's approach to affordable housing with the Councils' requirement to provide 20% of new homes to be affordable on sites of this scale and the presumption that affordable housing will be provided on site as part of an integrated within housing development to deliver balanced communities and this provision should be distributed across sites in small clusters of dwellings.

39. It is noted that under the previous scheme the apartments would have allowed for the provision of an off-site contribution to affordable housing. However, as a result of the change from a mixed commercial/residential scheme to a purely commercial scheme, the provisions under Policy H4 would no longer apply and the Council can no longer seek a planning obligation to secure off site affordable housing.
40. Equally matters relating to the need to mitigate impacts on social infrastructure (i.e education provision and NHS facilities) would also fall away as there is no longer a direct impact as the result of new occupiers.

Economic/Social Benefits

41. It is recognised that the development would provide a number of jobs in the construction industry and supply chain in the short term and as well as the long-term employment within the commercial units. These economic and social benefits would weight in favour of the proposals within the overall planning balance.

Character, appearance and Landscape and Appearance

42. The National Planning Policy Framework para. 130 requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
43. The proposed design approach is 'traditional' and takes influence from the appearance of the surrounding local market towns and despite the reduction in scale, still delivers varying roof heights across the development. Unit 1 in particular follows this approach with its window arrangements, details and weather vane on the roof top. Overall the appearance of the development is considered to be in keeping with the existing residential dwellings and wider development within Wynyard, subject to the recommended conditions.
44. It is noted that some objectors reference a loss of open space, however, the site is not defined as open space and as detailed elsewhere in the report, the site is identified for development under the Local Plan and Wynyard Masterplan.
45. Equally objections regarding large expanses of hard surfacing fronting Hanzard Drive through the provision of parking are noted. However, the application includes a landscape masterplan for the site and planning conditions are recommended in relation to soft and hard landscaping, boundary treatments and **illumination**. It is considered that these conditions will ensure that the development is appropriately designed and contributed positively to the area whilst still meeting the necessary parking requirements of the development.

Impact on amenity of surrounding residents

46. A fundamental consideration throughout the planning process has been to consider the impact of the proposed development on the amenity of the occupiers of the properties to the north of the application site along Applecross Grove. Due to the topography of the area, the application site is at an elevated position to these residential properties.
47. The previously development which was considered and accepted by Members, proposed a development of greater height and mass. The current proposals seek to reduce the overall bulk of the development to single and two storey scale.
48. In considering the associated separation and whilst acknowledging and level change between the development site, the separation distance to the properties on Applecross Grove varies between c.22 metres (unit 1), c.16m (unit 2) to c.13 metres (unit 3). Equally, the elevations of the commercial units are blank and will face blank elevations of the neighbouring properties on

Applecross Grove, therefore no window-to-window relationship would occur and there is no loss of privacy. With regards to units 4-8, the rear elevation, would face towards a neighbouring commercial unit and again there is considered to be no loss of privacy.

49. The initial proposals included a sun path drawing in which during the summer there was not a demonstrable impact, in the winter there would be some shading, albeit it was considered that on balance any impact over the winter months would not be so severe so as to warrant refusal of the application. As above the revised changes reduce the bulk of the proposals and as a result, it will improve the previously accepted position. Consequently, it was not considered necessary to seek any additional drawings and the initial assessment is considered to remain true, i.e. that any impact in winter months would not be so severe it would justify a refusal of the application.
50. In view of the above considerations, it is not considered that the proposal would result in any significant or adverse impacts on current and future occupiers with regards to loss of light, overbearing presence, outlook or privacy as to sustain reason for refusal.
51. As with all commercial developments within close proximity to residential properties, consideration needs to be given to the day-to-day impacts with necessary controls placed on daily operations to safeguard an acceptable level of residential amenity.
52. As detailed within the previous committee report, a submitted noise report identifies the potential conflict with the delivery area and the closest residential receptors adjacent to the northern boundary of the site adjacent to unit 1 and identified delivery area. As mitigation the noise report identifies that a 3m high fence of solid construction and no air gaps is required for a length of 20 metres to screen and mitigate noise implications. To soften the visual impact planting is proposed to grow up the wall and the length reduced to the key areas of the development. Such matters are controlled through a planning condition.
53. To control the overall operations of the proposed local centre, a number of conditions are required in relation to noise, odour, servicing, refuse management (both during construction and once the site is operational) and opening hours. With these controls it is not considered that the proposed development would have a significant impact on the levels of amenity which could reasonably be expected and the proposals would accord with national policy and local plan SD8 in respect to noise and levels of residential amenity.

Highway safety

54. The Councils Highways Engineers have reviewed the proposed development. As set out in the submitted Transport Statement (TS) the proposed development, in relation to the retail element, is unlikely to generate a significant level of new traffic with most trips associated with the proposals being either 'transferred' or 'pass-by' trips which are already on the wider highways network. As such it is not considered that the proposals, in the context of the NPPF, would result in a severe impact on the local highways network.
55. The site would be accessed from Hanzard Drive / Bloomfield Drive via a simple priority T junction. The capacity of the proposed junction has been assessed and it would operate within theoretical capacity. The proposed junction arrangement is therefore considered to be acceptable. Swept path analysis has also been provided for a refuse vehicle and the drawing indicates that no HGVs will be used for delivery purposes to the retail units. A Servicing Plan is requested via a planning condition to assess timings and vehicle movements associated with these deliveries
56. The site plan shows a total of 90 parking spaces will be provided, which is broadly in accordance with the requirements set out in SPD3: Parking Provision for Developments 2011. Included are 5 disabled bays that accords with the required standards and electric vehicle

charging points are also indicated. A planning condition is recommended to control the details over electric charging points.

57. National Highways have previously accepted, on the basis of the limited scale of the development and the likely anticipated trip generation not having a significant impact on the strategic highway network, removed the holding direction and have raise no objection.

Drainage

58. As originally reported, a flood risk assessment and drainage strategy accompany the application. There are no objections from either the Lead Local Flood Authority or Northumbria Water and subject to conditions it is considered that drainage matters can be adequately controlled.

Ecology

59. The application has been submitted with a ecology report which outlines that the site is considered to be of overall low ecological value and offers a limited amount of habitat for certain wildlife, including reptiles, amphibians, certain bird species, and hedgehogs and that no evidence of protected or notable species was recorded during the survey.
60. An additional comment with respect to Great Crested Newts is noted, however no evidence has been provided and nor is there any evidence the newts were present on the application site. It is noted that a body of surface water developed nearby (to the north west of site off Foxglove Lane) in recent times as a result on a neighbouring development. However, historically no water body has existed in the area prior to that development commencing. As above the site is considered to have low ecological value, this is largely as a result of being surrounded by built development and being separated from wider areas of suitable wildlife habitat. Nevertheless, the requirement for future checking surveys would capture any change in circumstance and a condition is recommended in this regard.
61. Nevertheless, a series of ecological mitigation and enhancement measures are identified as being required to be incorporated into the development. These include a pre-start survey to ensure the absence of any active badger setts; precautionary site clearance in relation to reptiles, common toads, and hedgehogs; commencing site clearance outside of bird nesting season, or carrying out a pre-start survey to ensure the absence of any active nests; adequate protection of vegetation to be retained; implementation of a sensitive lighting scheme; provision of bird nesting and bat roosting features into the new development; and incorporation of native and/or wildlife-friendly soft landscaping.
62. Subject to the recommended conditions it is not considered that the proposed development would result in an adverse impact on any protected species or their habitat.

Energy impact and Low Carbon

63. The application has been supported by an Energy Statement which concludes that the applicants design team propose to investigate Ground and Air Source Heat Pumps with Photovoltaics in secondary roof locations. Nevertheless, however a combination of high performance building fabric along with orientation / solar gains and the possible introduction of renewable energy will all help to produce a high standard of sustainability. However, a condition requiring the submission of the final scheme and specification to ensure that the development comply with the requirements of Local Plan Policy ENV1.
64. As indicated above, a planning condition is also recommended to ensure that electric vehicle charging points are provided.

Crime and Anti-social Behaviour

65. Section 17 of the Crime and Disorder Act, requires that the planning system and the Local Planning Authority must do all that it reasonably can to prevent, crime and disorder in its area. Whilst the concerns of local residents are noted, there is no firm evidence before the Local Planning Authority which would indicate that this proposal for the local centre would give rise to crime or anti-social behaviour.
66. A good degree of natural surveillance exists and the revised proposals remain in broad accordance with the principle of secure by design. Should any anti-social behaviour issues arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.
67. As noted from the consultation, Cleveland Police has no objections and there are no concerns over crime with offenses consisting of burglary and criminal damage have being reported in the last twelve months Recommendations including minimum standards for windows, doors and CCTV are included within an informative for the applicant and future operators to consider.

Heritage

68. Tees Archaeology have confirmed that the area has been subject of extensive archaeological works and no further works are requires. Nor are any conditions required.

Contaminated Land

69. Subject to the recommended conditions the Environmental Health Unit have raised no objection to the proposed development.

Residual issues

70. As detailed in the original report to planning committee, concerns with regards to a potential "mis-selling" and being informed of a smaller scale development are noted but would rest with the housing developer and are not a matter for the Local Planning Authority. The neighbouring premises have been informed of this application and the most recent changes and this application is judged on its individual planning merits.
71. Concerns over a loss of property value, are not a material planning consideration and carries no weight in the determination of this application.
72. Concerns over increased vermin are acknowledges and appropriately worded condition in relation to refugee storage has been recommended.

CONCLUSION

73. The principle of the development has been accepted. The proposed development is also considered to be visually acceptable and with not have any significant adverse impacts on the amenity of the neighbouring occupiers to justify a refusal of the application. The proposed access and parking arrangements are also considered to be satisfactory and consequently the proposed development is recommended for approval subject to those conditions detailed within the report.
74. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Helen Boston / Simon Grundy
Telephone No 01642 526080 / 01642 528550

WARD AND WARD COUNCILLORS

WARD Northern Parishes (Pre May 2023)

Ward Councillor Councillor John Gardner

IMPLICATIONS

IMPLICATIONS

Financial Implications: The application is subject to S.106 contributions

Environmental Implications: The proposal relates to a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance. These are considered and addressed within the report although in this instance are not considered to have any significant impacts. The development is not considered to be EIA development.

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, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance.

This page is intentionally left blank



This drawing is copyright.
 It is sent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission. Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications. Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.
 All dimensions are in millimetres unless noted otherwise.
 Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE
A	Amended red line	CC		08.03.21

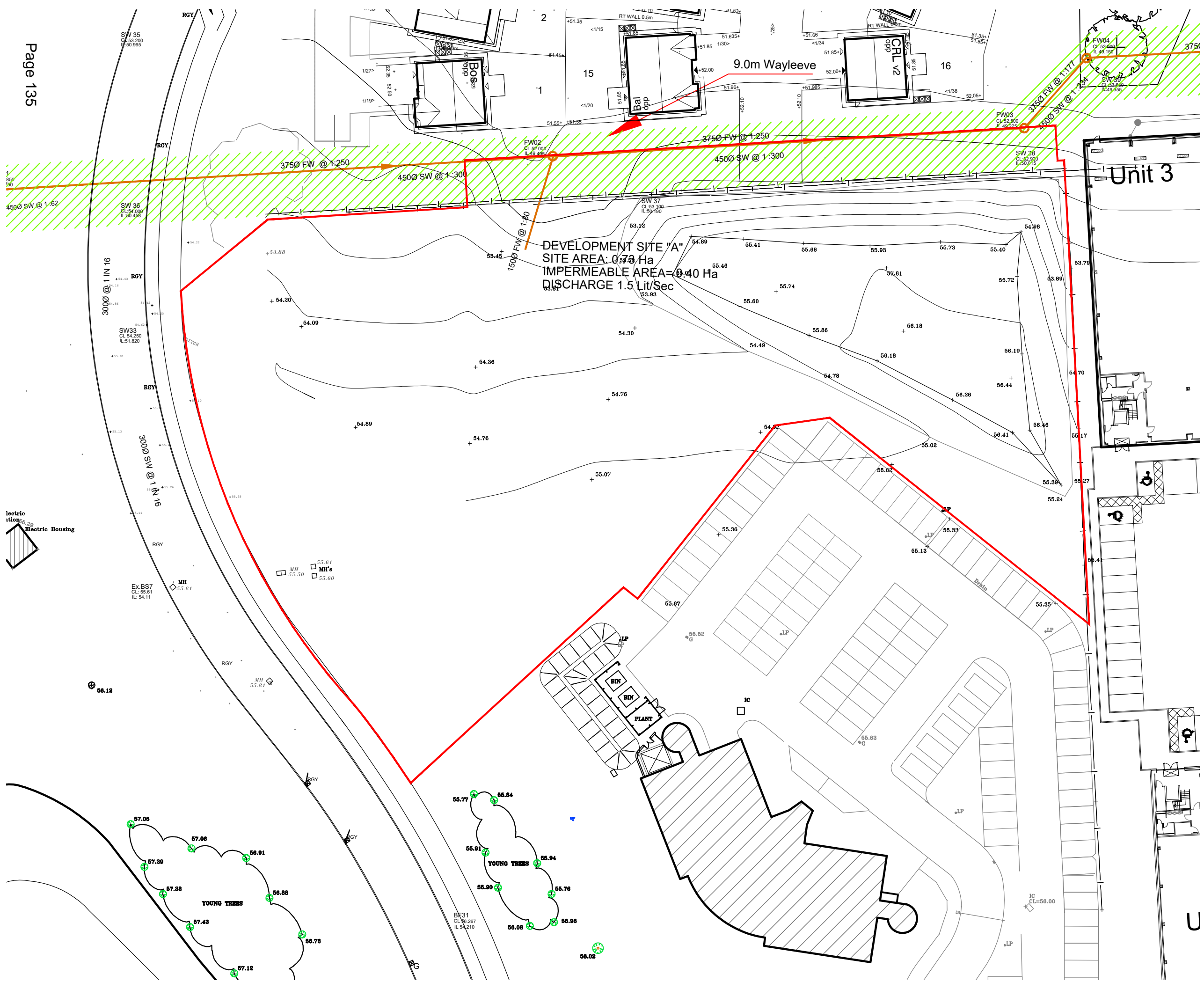


CLIENT:	WYNYARD PARK		
PROJECT:	RETAIL & COMMERCIAL HANZARD DRIVE WYNYARD PARK		
TITLE:	SITE LOCATION PLAN		
ORIGINATOR:	SCALE:	SHEET SIZE:	DATE:
CC	1:2500	A3	31.03.2020
PROJECT NUMBER:	DRAWING NUMBER:	REV.	
JCM001	001	A	



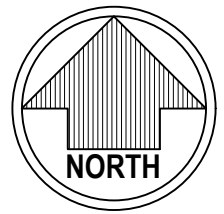
JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyard Park House, Wynyard Avenue, Wynyard
 Billingham TS22 5TB
 Tel No: 01740 669527

This page is intentionally left blank



This drawing is copyright. It is sent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission. Do not scale from this drawing. This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications. Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention. All dimensions are in millimetres unless noted otherwise. Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE

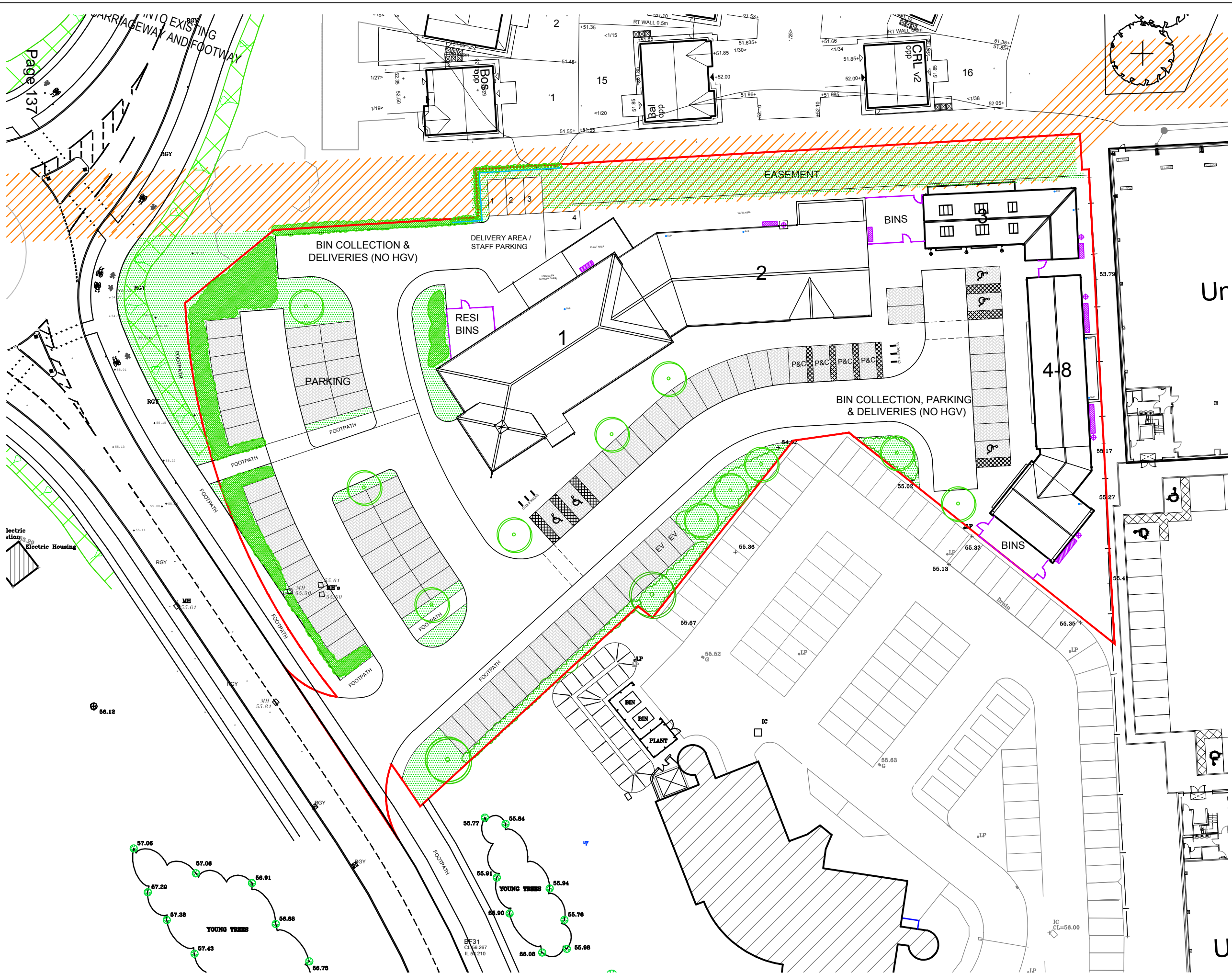


CLIENT:	WYNYARD PARK		
PROJECT:	RETAIL & COMMERCIAL HANZARD DRIVE WYNYARD PARK		
TITLE:	EXISTING SITE PLAN		
ORIGINATOR:	SCALE:	SHEET SIZE:	DATE:
CC	1:500	A3	23.03.2020
PROJECT NUMBER:	DRAWING NUMBER:	REV.	
JCM001	002		



JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyard Park House, Wynyard Avenue, Wynyard
 Billingham TS22 5TB
 Tel No: 01740 669527







This page is intentionally left blank



This drawing is copyright.
 It is sent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission. Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications. Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.
 All dimensions are in millimetres unless noted otherwise.
 Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE



-  Indicative Location of Ventilation Flue (if required)
-  Indicative Location of AC Units / External Plant
-  1.8m High Fencing with Gate Access
-  Low Level Clipped Hedge
-  Planted Green Screen
-  3m High Acoustic Fence

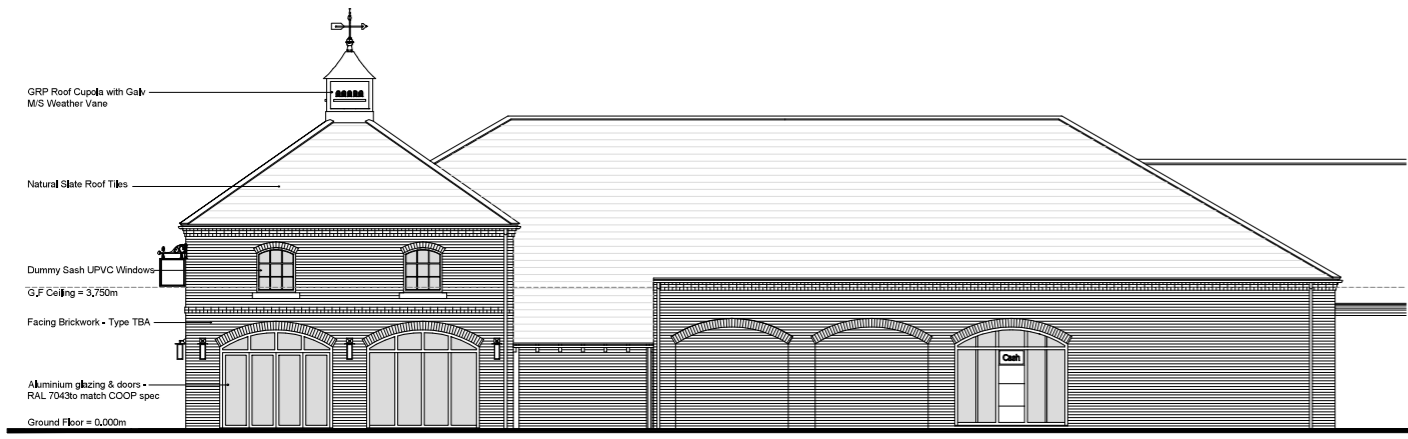
CLIENT:	WYNYARD PARK		
PROJECT:	RETAIL & COMMERCIAL HANZARD DRIVE WYNYARD PARK		
TITLE:	PROPOSED SITE PLAN		
ORIGINATOR:	SCALE:	SHEET SIZE:	DATE:
CC	1:500	A3	25.01.23
PROJECT NUMBER:	DRAWING NUMBER:	REV.	
JCM001	403		



JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyrd Park House, Wynyrd Avenue, Wynyrd
 Billingham TS22 5TB
 Tel No: 01740 669527

PROPOSED SITE PLAN

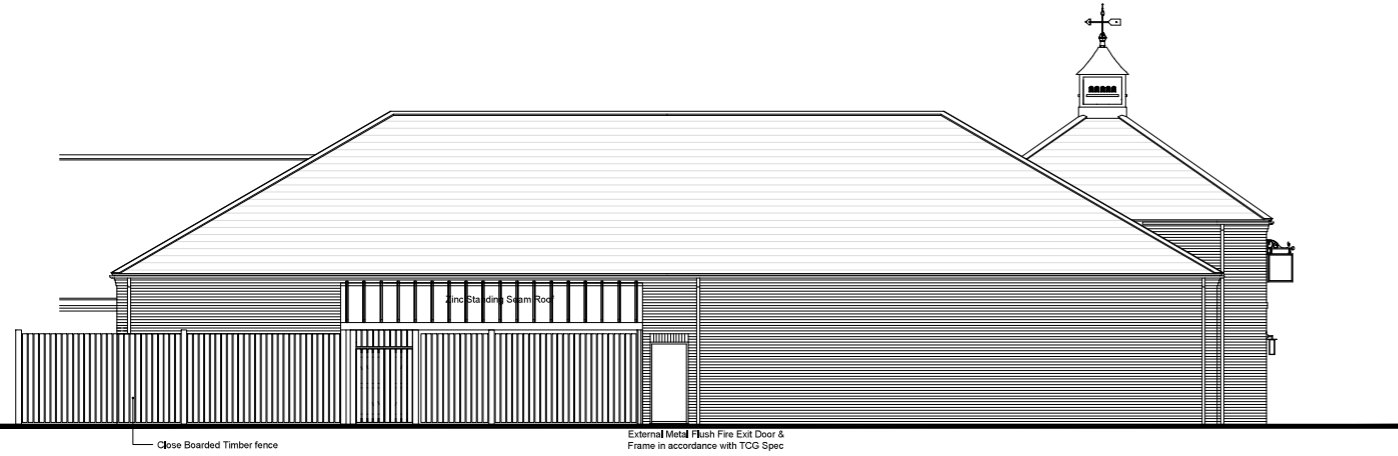
This page is intentionally left blank



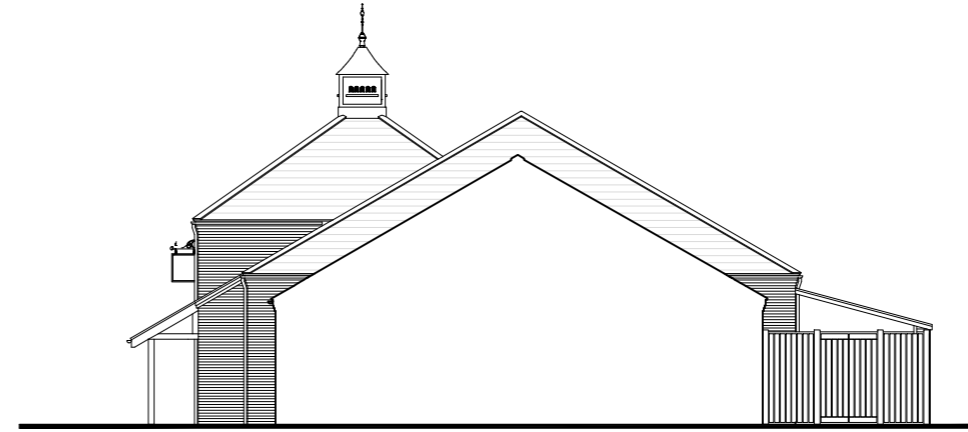
UNIT 1 EAST ELEVATION - 1:100 AS PROPOSED



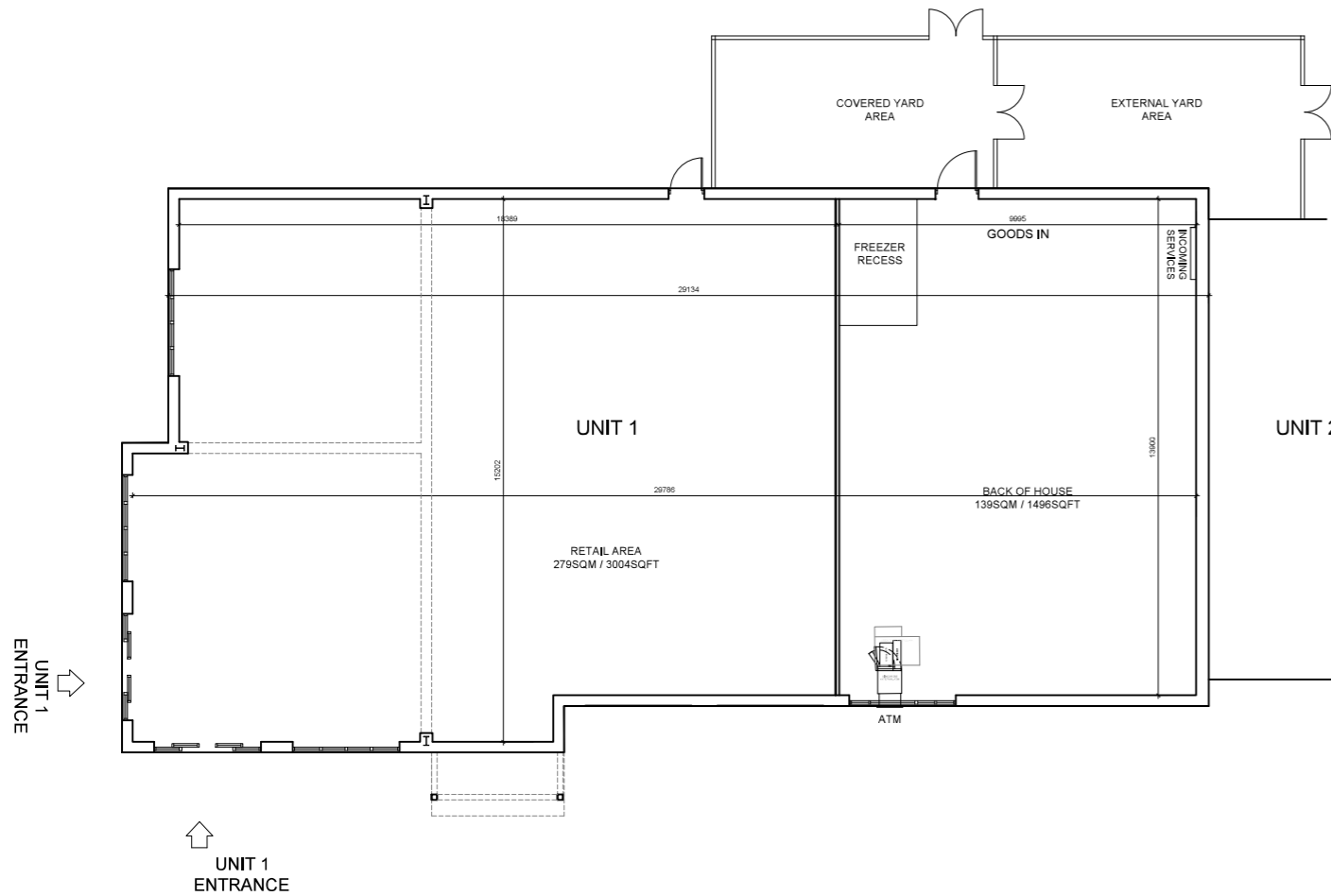
UNIT 1 SOUTH ELEVATION - 1:100 AS PROPOSED



UNIT 1 WEST ELEVATION - 1:100 AS PROPOSED



UNIT 1 NORTH ELEVATION - 1:100 AS PROPOSED



GROUND FLOOR PLAN 1:100 AS PROPOSED

This drawing is copyright. It is lent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission. Do not scale from this drawing. This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications. Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention. All dimensions are in millimetres unless noted otherwise. Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE

NET FLOOR AREAS:	
Unit 1	418sqm / 4,500sqft
Unit 2	419sqm / 4,510sqft
Unit 3	279sqm / 3,003sqft
Unit 4A	82sqm / 883sqft
Unit 4B	94sqm / 1,012sqft
Unit 5	84sqm / 904sqft
Unit 6	71sqm / 764sqft
Unit 7	81sqm / 872sqft
Unit 8	84sqm / 904sqft
TOTAL	= 1,612sqm / 17,352sqft

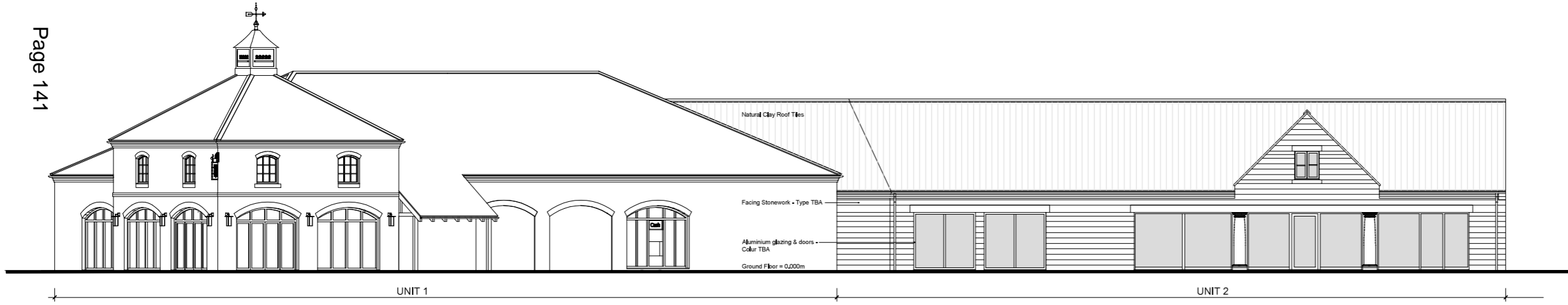
PROJECT: UNIT 1			
HANZARD DRIVE			
TITLE: PROPOSED FLOOR PLANS			
ORIGINATOR: CC	SCALE: 1:100	SHEET SIZE: A1	DATE: 25.01.23
PROJECT NUMBER: JCM001	DRAWING NUMBER: 201	REV.	


JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyard Park House, Wynyard Avenue, Wynyard
 Billingham TS22 5TB
 Tel No: 01749 669227
© Copyright and all intellectual property rights remain vested in JCM Property Developments Ltd

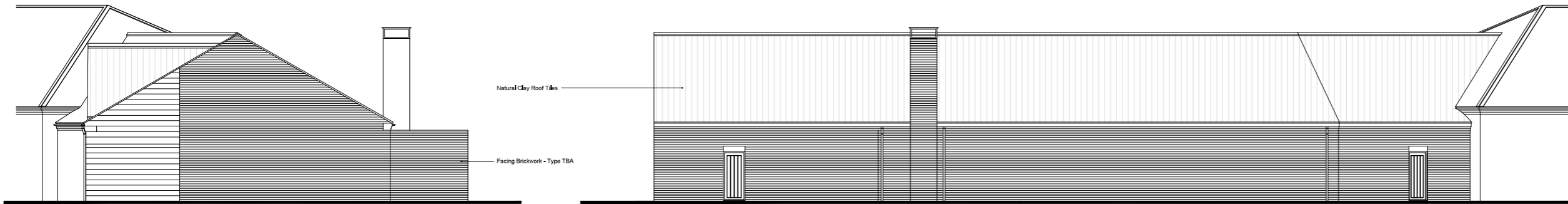
This page is intentionally left blank

This drawing is copyright
 It is lent to you in confidence and must not be reproduced or disclosed to third parties
 without our prior permission. Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant consultants, specialist
 manufacturers drawings and specifications. Any discrepancies in dimensions or details on or
 between these drawings should be drawn to our attention.
 All dimensions are in millimetres unless noted otherwise.
 Any surveyed information incorporated within this drawing cannot be guaranteed as
 accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE

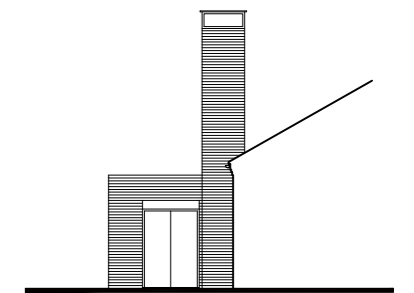


UNITS 1&2 FRONT ELEVATION 1:100 AS PROPOSED

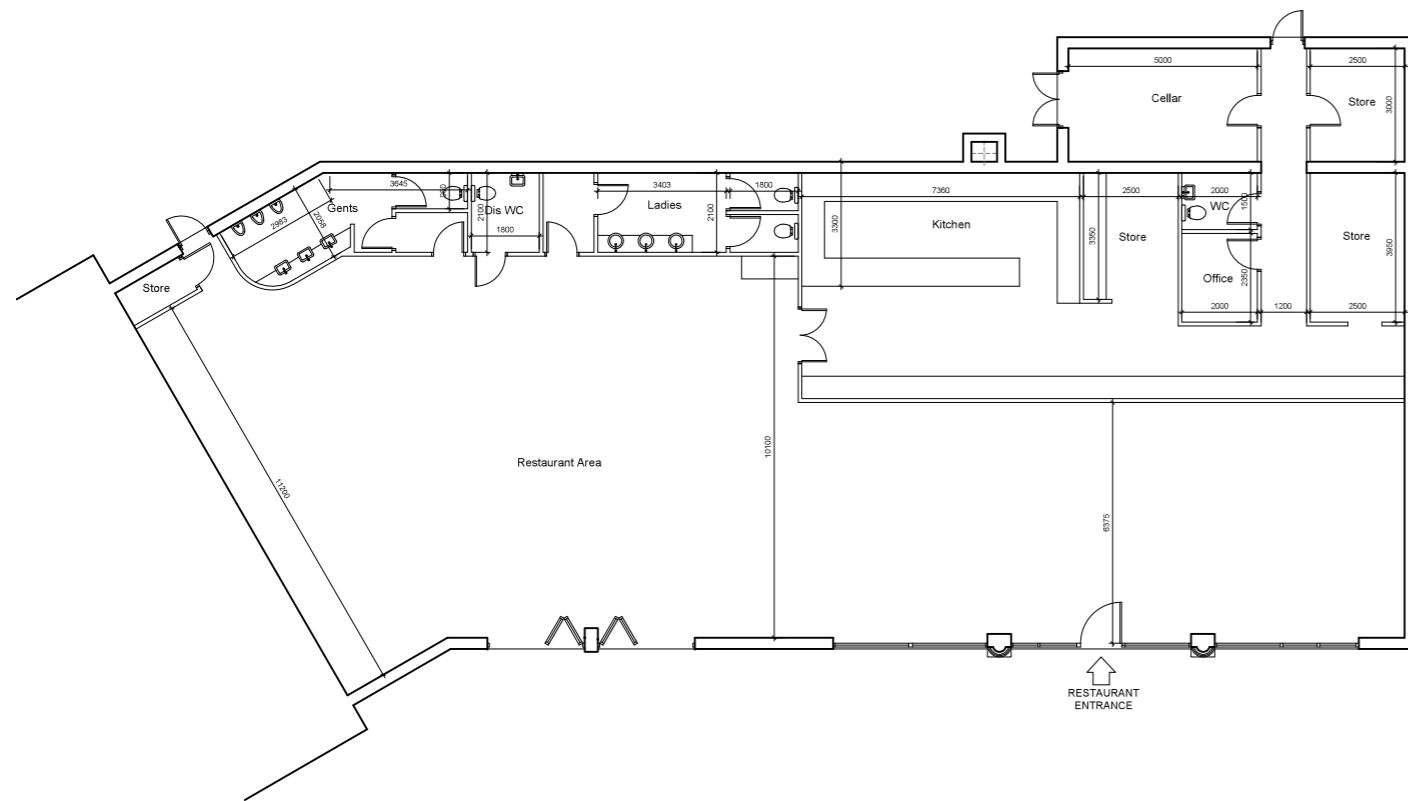


UNIT 2 SIDE ELEVATION 1:100 AS PROPOSED

UNIT 2 REAR ELEVATION 1:100 AS PROPOSED



PART SIDE ELEVATION 1:100 AS PROPOSED



UNIT 2 GROUND FLOOR PLAN 1:100 AS PROPOSED

NET FLOOR AREAS:	
Unit 1	418sqm / 4,500sqft
Unit 2	419sqm / 4,510sqft
Unit 3	279sqm / 3,003sqft
Unit 4A	82sqm / 883sqft
Unit 4B	94sqm / 1,012sqft
Unit 5	84sqm / 904sqft
Unit 6	71sqm / 764sqft
Unit 7	81sqm / 872sqft
Unit 8	84sqm / 904sqft
TOTAL	= 1,612sqm / 17,352sqft

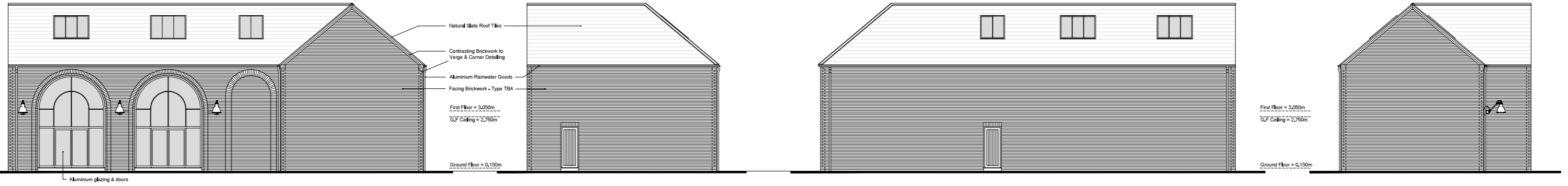
PROJECT: UNIT 2			
HANZARD DRIVE			
TITLE: PROPOSED PLANS & ELEVATIONS			
ORIGINATOR: CC	SCALE: 1:100	SHEET SIZE: A1	DATE: 25.01.23
PROJECT NUMBER: JCM001	DRAWING NUMBER: 202	REV.	


JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyard Park House, Wynyard Avenue, Wynyard
 Birmingham B22 5TB
 Tel No: 01749 669227

This page is intentionally left blank

This drawing is copyright
 It is sent to you in confidence and must not be reproduced or disclosed to third parties
 without our prior permission. Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant consultants, specialist
 manufacturers drawings and specifications. Any discrepancies in dimensions or details on or
 between these drawings should be drawn to our attention.
 All dimensions are in millimetres unless noted otherwise.
 Any surveyed information incorporated within this drawing cannot be guaranteed as
 accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE
A	Notes added	CC		09.12.20

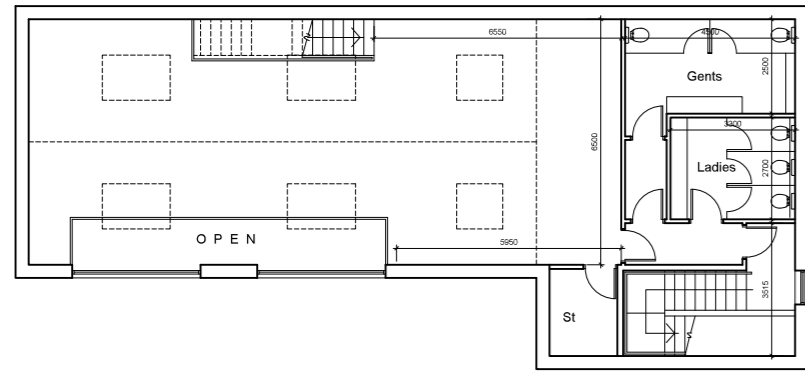


UNIT 3 FRONT ELEVATION A - 1:100 AS PROPOSED

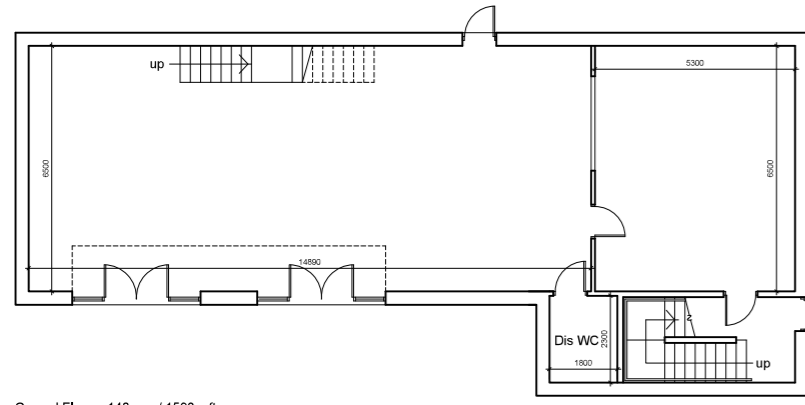
UNIT 3 SIDE ELEVATION

UNIT 3 REAR ELEVATION

UNIT 3 SIDE ELEVATION



UNIT 3 FIRST FLOOR PLAN - 1:100 AS PROPOSED



Ground Floor = 148sqm / 1593sqft
 First Floor = 131qm / 1410sqft
TOTAL = 279sqm / 3003sqft

UNIT 3 GROUND FLOOR PLAN - 1:100 AS PROPOSED

NET FLOOR AREAS:	
Unit 1	418sqm / 4,500sqft
Unit 2	419sqm / 4,510sqft
Unit 3	279sqm / 3,003sqft
Unit 4A	82sqm / 883sqft
Unit 4B	94sqm / 1,012sqft
Unit 5	84sqm / 904sqft
Unit 6	71sqm / 764sqft
Unit 7	81sqm / 872sqft
Unit 8	84sqm / 904sqft
TOTAL	= 1,612sqm / 17,352sqft

PROJECT: UNIT 3			
HANZARD DRIVE			
TITLE: PROPOSED PLANS & ELEVATIONS			
ORIGINATOR: CC	SCALE: 1:100	SHEET SIZE: A1	DATE: 25.01.23
PROJECT NUMBER: JCM001	DRAWING NUMBER: 203	REV.	


JCM PROPERTY CONSULTANTS LIMITED
 Head Office: JCM - Wynyard Park House, Wynyard Avenue, Wynyard
 Billingham TS25 5TB
 Tel No: 01749 669227
Copyright and all intellectual property rights remain vested in JCM Property Developments Ltd

This page is intentionally left blank

This drawing is copyright
 It is lent to you in confidence and must not be reproduced or disclosed to third parties
 without our prior permission. Do not scale from this drawing.
 This drawing is to be read in conjunction with all relevant consultants, specialist
 manufacturers drawings and specifications. Any discrepancies in dimensions or details on or
 between these drawings should be drawn to our attention.
 All dimensions are in millimetres unless noted otherwise.
 Any surveyed information incorporated within this drawing cannot be guaranteed as
 accurate unless confirmed by fixed dimension.

REV	DESCRIPTION	BY	CHKD	DATE



UNITS 4-8 FRONT ELEVATION A - 1:100 AS PROPOSED



UNIT 4 SIDE ELEVATION



UNITS 5&8 FRONT ELEVATION



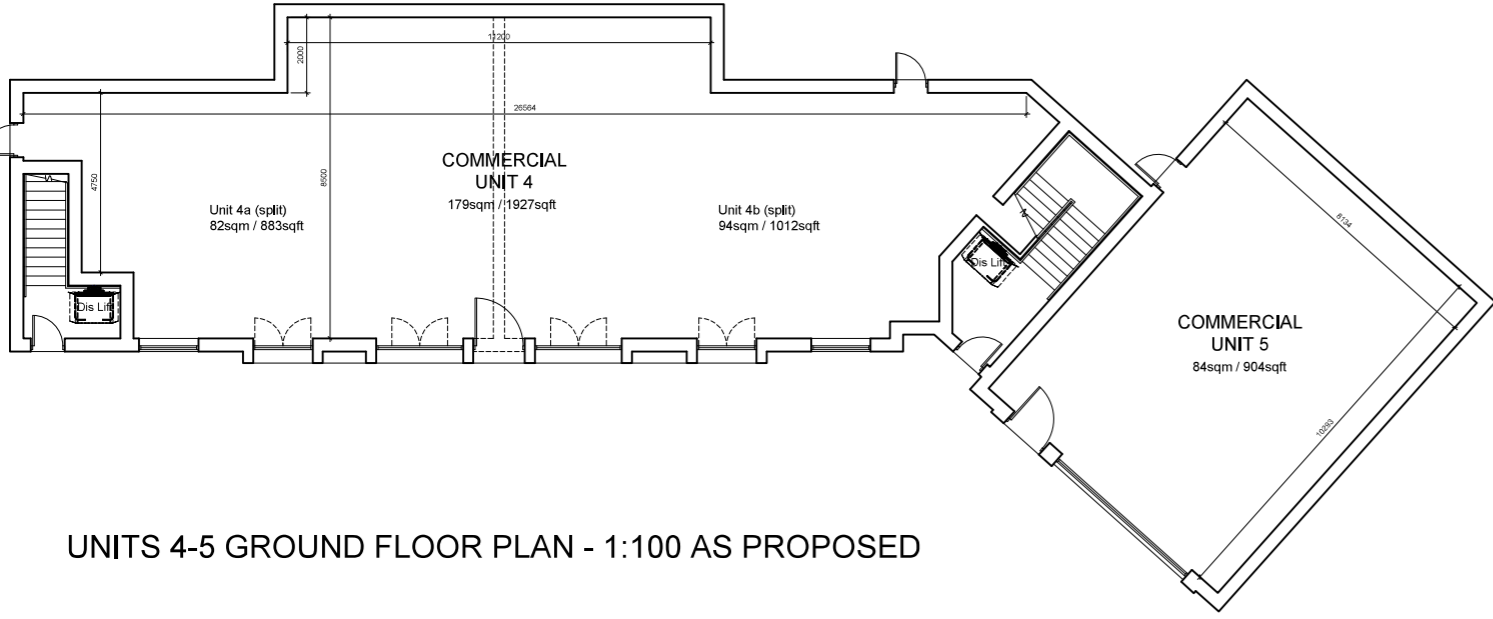
UNITS 4-8 REAR ELEVATION A - 1:100 AS PROPOSED



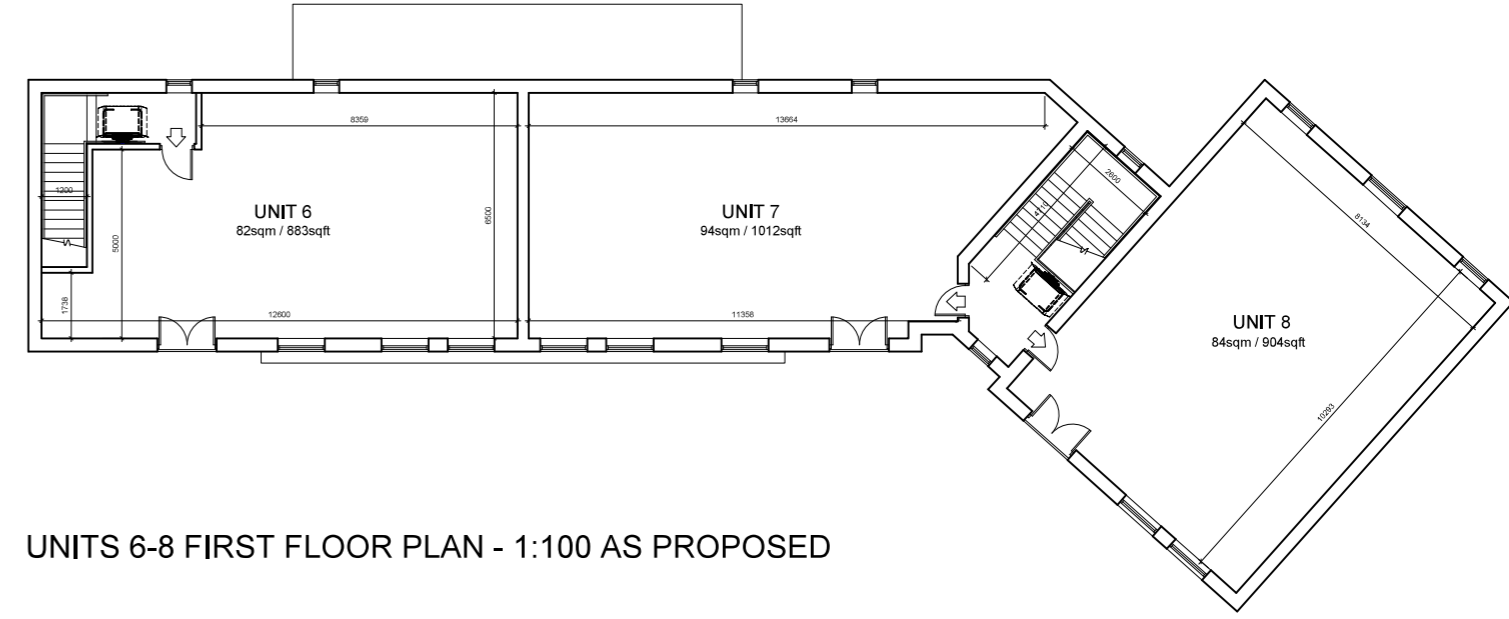
UNITS 5&8 SIDE ELEVATION



UNITS 5&8 REAR ELEVATION



UNITS 4-5 GROUND FLOOR PLAN - 1:100 AS PROPOSED



UNITS 6-8 FIRST FLOOR PLAN - 1:100 AS PROPOSED

NET FLOOR AREAS:	
Unit 1	418sqm / 4,500sqft
Unit 2	419sqm / 4,510sqft
Unit 3	279sqm / 3,003sqft
Unit 4A	82sqm / 883sqft
Unit 4B	94sqm / 1,012sqft
Unit 5	84sqm / 904sqft
Unit 6	71sqm / 764sqft
Unit 7	81sqm / 872sqft
Unit 8	84sqm / 904sqft
TOTAL	= 1,612sqm / 17,352sqft

PROJECT: UNITS 4-8			
HANZARD DRIVE			
TITLE: PROPOSED PLANS & ELEVATIONS			
ORIGINATOR: CC	SCALE: 1:100	SHEET SIZE: A1	DATE: 25.01.23
PROJECT NUMBER: JCM001	DRAWING NUMBER: 204	REV.	
JCM PROPERTY CONSULTANTS LIMITED Head Office: JCM - Wyward Park House, Wyward Avenue, Wyward Billingham TS25 2TB Tel No: 01749 666227			

This page is intentionally left blank



March 1st - 9.00am



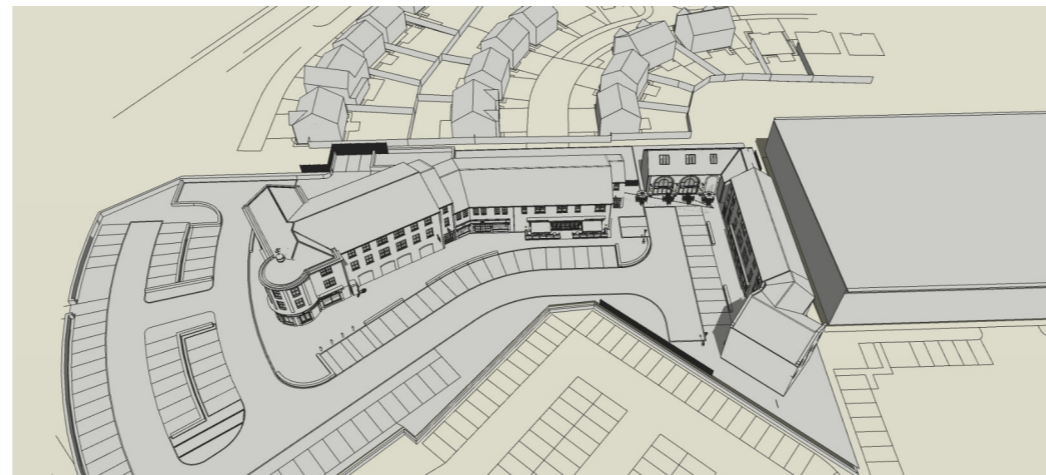
March 1st - noon



March 1st - 3pm



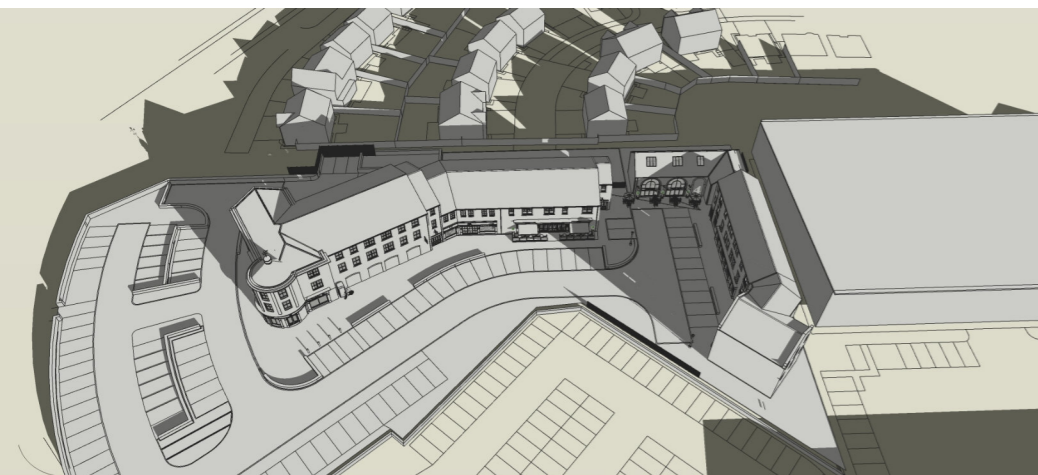
July 1st - 9.00am



July 1st - noon



July 1st - 3pm



November 1st - 9.00am



November 1st - noon



November 1st - 3pm

SUNPATH DIAGRAM - LAND OFF HANZARD DRIVE, WYNYARD PARK

This page is intentionally left blank



Appeal Decision

Site visit made on 18 April 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/H0738/W/23/3315375

Bishopton Avenue, Stockton-on-Tees TS19 0RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/2041/TEL, dated 16 September 2022, was refused by notice dated 15 November 2022.
 - The development proposed is described as: 'Proposed 16.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. The main issues of the appeal are:
 - whether the proposed development would preserve the setting of the Sparks Daylight Bakery Grade II listed building and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives; and
 - the effect of the proposed development on highway safety.

Reasons

Listed building

5. The appeal site is located within an area of grass verge along Bishopton Avenue which is a busy road network and is highly visible from a number of public viewpoints particularly along Bakery Drive and Bishopton Avenue. The surrounding area is residential and there are a number of properties located within close proximity of the site. The Spark's Daylight Bakery is also located a short distance to the north which now serves flatted properties. The dwellings along this side of the road are set back from Bishopton Avenue with garden areas/parking to the front and are generally open. There is also an area of landscaped greenspace between the properties and the appeal site which is interspersed with a number of trees/shrubs. There are further trees located along this stretch of road as well as several other trees located on the opposite side of the road. A number of streetlights and road signs also line Bishopton Avenue.
6. Although the appeal site is not within a statutory designation for particular protection such as; Conservation Area, World Heritage Site, SSSI or National Park, the Sparks Daylight Bakery is a Grade II listed building and as such, I have had regard to paragraph 199 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The site's significance is derived from its historic and aesthetic merits and is a prominent building within the street scene. Despite the presence of trees and other street furniture in the area, clear and open views of the listed building are available on approaching the site along Bishopton Avenue where its Art Deco design can be fully appreciated. The landscaped greenspace to the front of the listed building along with its trees/shrubs provide a sense of openness and spaciousness within the street scene which contributes positively to the overall setting of the listed building and general character and appearance of the area.
8. The proposed development would be located on the grass verge in front of the properties and the landscaped greenspace. It would therefore be highly visible from the nearby residential properties as well as the main road. The monopole at 16 metres high would exceed the height of the properties including the listed building and its height along with its width would also be greater than other nearby features. This, coupled with the associated cabinets which would extend across 6 metres of the adopted highway would be visually prominent and incongruous within this open setting and would dominate the street scene even if painted a different colour. Its overall height and width and its close proximity to the listed building, would also unacceptably impact upon the current views afforded by drawing the eye away from the building to the detriment of the listed building and its setting.
9. I appreciate the specific requirements and overall reasoning for the height and that such features are regularly seen across the UK. However, the proposed development would still be too large in this location. I also note that there are existing trees located behind the appeal site and other street furniture in the area. Such trees are however set at a distance from one another, some of which are relatively small in size and these along with other street furniture would not provide significant screening. They would certainly not mask the proposed development completely from view of the listed building and from local residential properties.

10. Accordingly, I find that the proposed development would fail to preserve the setting of the Grade II listed building causing less than substantial harm to its significance as a designated heritage asset. Paragraph 200 of the Framework explains that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It goes on to explain at paragraph 202 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. I appreciate the public benefits associated with provision of enhanced digital communication including benefits to the wider economy, improved connectivity for businesses, industry and other sectors, use by the emergency services and ensuring continuous coverage. However, such benefits would not be sufficient to offset the identified harm to the listed building to which I have attached great weight given the importance of the asset and its conservation as advised by the Framework.
12. Paragraph 117 of the Framework sets out that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. The appellant has followed a sequential approach. It states that the cell search area is extremely constrained, covering a small radius with extremely limited availability of options and that there are no suitable structures or properties that would support a rooftop/site share/upgrade installation within the designated search area and the only viable solution from a planning and radio coverage perspective has been put forward.
13. A number of alternative sites were considered and subsequently discounted, but the information before me is limited with a list of discounted options and a brief and somewhat vague explanation on why other sites have been discounted. Many of these sites have been discounted due to their proximity to housing. However, such reasoning is no different to the appeal site in that the proposed development would also be located within close proximity to residential dwellings in addition to there being a listed building nearby. Such factors would make the appeal site a more sensitive location.
14. This application follows the recent approval for the installation of a new mast to the south of the appeal site under reference 20/2850/TEL. The appellant explains that this site is no longer viable due to unforeseen circumstances and a new location is therefore required to provide the essential 5G coverage. I acknowledge the key drivers associated with site selection including capacity and coverage and appreciate that the search area is highly constrained as well as there being difficulties with the previous location and other challenges associated with such a roll out including underground services etc. However, there is no substantive evidence before me that the appeal site represents the only viable option particularly given that the Council have provided some alternative sites which are said to be more acceptable. Although the appellant claims that pre-application advice was undertaken with no responses received, the Council have set out that this was undertaken after the application was submitted and that no discussion was held to look at or explore alternative sites.

15. Whilst not determinative, the proposal would be contrary to Policies SD8, HE2 and TI3 of the Stockton on Tees Borough Council Local Plan, 2019 (LP) which together, amongst other matters, requires development to positively respond to and enhance heritage assets and that where a new mast or base station has been justified, any equipment should be sympathetically designed and camouflaged where appropriate. The proposed development would also be contrary with chapter 16 of the Framework which relates to conserving and enhancing the historic environment.

Highway safety

16. At my site visit, I observed the movements of vehicles along Bishopton Avenue and while only a snapshot in time, I saw that the road was busy with a fast moving and consistent flow of traffic.

17. The appeal site is located a very short distance from the junction where Bakery Drive meets Bishopton Avenue, and the proposed development would extend across 6 metres of the highway verge which is within the existing visibility splay. This, together with its height would significantly obstruct views and increase the impact on highway safety for all road users when exiting Bakery Drive onto the busy public highway.

18. Additionally, the Council's Highways, Transport and Design Department as well as interested parties have explained that there have been a number of accidents within the vicinity of the junction which does not appear to be disputed. Whilst I have limited detail on this, a reduced visibility on approaches onto this busy trafficked road which has already been subject to a number of accidents would further exacerbate the existing situation leading to conditions prejudicial to highway safety.

19. I conclude that the siting of the proposed development within the adopted highway would be prejudicial to highway safety. Whilst not determinative, in this respect the proposal would be contrary to Policy SD8 of the LP which amongst other matters, requires new proposals to be designed with public safety in mind.

Other Matters

20. The appellant sets out that there have been no statutory consultation objections from landscape experts or the Environmental Health Unit. However, this does not change my findings in respect of the main issues.

21. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Planning Balance

22. Paragraph 114 of the Framework explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and

social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

23. I have had regard to the benefits of the proposed development as set out above. However, on the basis of the evidence in front of me and my own observations on site, I have found that the proposed development would fail to preserve the setting of the Grade II listed building and the siting of the proposed development within the adopted highway would be prejudicial to highway safety. It has not been demonstrated that the appeal site represents the only viable option. Therefore, notwithstanding the need to upgrade the network and assist the governments aspirations along with the associated benefits, the harm that would arise from the siting of the development would not be outweighed by the overall need in this location.

Conclusion

24. The appeal is dismissed.

N Teasdale

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 14 February 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/H0738/W/22/3309370

Land at Leven Bank

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Creswell Welch against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 21/2169/FUL, dated 12 August 2021, was refused by notice dated 7 July 2022.
 - The development proposed is described as relocation of one dwelling previously approved under application ref 20/1049/VARY.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including the designated green wedge.

Reasons

3. The appeal site is a steeply sloped grazing paddock with associated timber structures. It is located in between the settlements of Ingleby Barwick and Yarm. There has been recent development and permissions granted nearby to the site, and I note the Local Plan allocations in the wider area. Nevertheless, the site is predominantly open which results in it having a semi-rural character, that creates an important sense of openness, providing visual relief from the nearby settlements. Even if it is within the development limits, it lies within a designated green wedge as an area of land important to remain open as a buffer zone between the settlements of Ingleby Barwick and Yarm.
4. The appeal site is spatially separate from the nearest settlement at Ingleby Barwick and so does not have urban edge characteristics. Instead, the appeal site and its immediate context is of a distinctly different character from the built-up areas, and from the location of the original dwelling this proposal seeks to replace, and is read as one of the last remaining parcels of semi-rural countryside in this location.
5. A Landscape and Visual Impact Assessment (LVIA) submitted by the appellant establishes a visual envelope covering the appeal site and surrounding area, with viewpoints and sensitive receptor locations. It concludes that overall, the proposal would not result in significant detrimental change to landscape character. However, while some of the locations identified had minor potential for visual effects, users of the public right of way (PRoW) FP1 and occupiers of

some properties to the west of the appeal site would have a clear view of the proposal and experience visual impact that the LVIA indicates could not be successfully mitigated due to the elevated position. Since the time of the LVIA, the position of the proposed dwelling on the site has been amended so that it is lower down the slope. However, this would bring it closer to the PRow.

6. The appeal proposal would introduce a substantial element of built development, that would be visible in views from the west, even allowing for additional landscaping to soften the proposal. The intrusion of an urban form of development would be detrimental in this open countryside gap between two settlements. While it would largely be screened from view from the main road, it would be readily apparent to users of the PRow and the occupiers of residential properties to the west of the site that the proposal would be an incongruous form of urban development within a countryside location. It would not respond positively to its context and would be a detrimental intrusion into the openness and visual relief currently provided by the site.
7. In 2011, the Landscape Character Assessment noted that development had changed the area, narrowing the corridor and resulting in a greater need to protect the green wedge in this location. To this end, the appeal site was identified in the Landscape Capacity Study as not being suitable for development to ensure the buffer zone to the existing urban fringe of Ingleby Barwick is maintained. I note that since then there has been further development in the area. Nevertheless, the appeal site remained in the designated green wedge in the more recent 2019 Local Plan, worthy of additional protection through Policy ENV6. Given the prevailing character and appearance of the area discussed above, it remains sensitive to development pressures.
8. In the area immediately surrounding the appeal site the green wedge is relatively narrow in its extent, which heightens its important role in preventing the merger of the settlements on either side and enabling each settlement to retain its own character. Given the elevated views of Ingleby Barwick from the appeal site and surrounding area, any development at the appeal site would erode the open character and visual relief, undermining the role and function of this designated land.
9. While the appeal site is relatively small in the context of the green wedge as a whole, the proposal would introduce a considerable amount of built form including a large dwelling, triple garage and retaining walls. Given the site's distance from the urban edge, the appeal scheme would not result in a physical extension of Ingleby Barwick.
10. However, it would represent a marked visual change and would have an urbanising effect, contributing to a small, but nevertheless detrimental element of visual coalescence. This would be particularly experienced from views into the site from the west. The proposal would therefore be detrimental to the local character of the green wedge.
11. The appellant has indicated in both the description of development and the appeal submissions that the proposal is for the relocation of one of the dwellings previously approved under a different application. The intention is to 'surrender' one of the four originally approved dwellings via a legal agreement. However, despite reference to a unilateral undertaking in their submissions

there is no mechanism before me to ensure that both schemes, and therefore five dwellings in total, are not built.

12. The Council have previously used a planning condition to limit a permission for another site nearby. However, even if this were possible in this case, while this would limit the overall development in the surrounding area, the proposal would still result in a new standalone dwelling at the appeal site detached from the other three, which I have found would cause harm to the character and appearance of the area and which would have a distinctly different impact on the character and appearance of the area than the permitted dwelling. Moreover, not building one of the dwellings under the existing permission, at a different site, would not make the appeal scheme acceptable.
13. It is indicated that all four dwellings with permission could be constructed, and this is a fallback position. However, that scheme has not been found to cause harm and accords with the development plan. Consequently, I find the suggested fallback position to have limited weight in the determination of the appeal.
14. Overall, the proposal would be harmful to the character and appearance of the area, including the designated green wedge, in conflict with policies SD8 and ENV6 of the Stockton-on-Tees Borough Council Local Plan (2019). These policies, amongst other things requires development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and responding positively to the landscape character of the area. Development within green wedges is required to avoid visual coalescence of built-up areas and adverse impacts on the local character.
15. The proposal would also be contrary to the provisions of Section 12 of the Framework, with regard to achieving well-designed places.

Other matters

16. The appeal site is located within the catchment of the River Tees which flows into the Teesmouth and Cleveland Coast Special Protection Area/Ramsar site, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitat.
17. One of the reasons for refusal concerns the absence of any supporting information to demonstrate there would be no increase in nitrates or appropriate mitigation with regards to increased nitrates and phosphates from the proposed development discharged into the catchment. However, regulation 63(1) of the Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Thus, given my findings on the main issue it is not necessary for me to consider this matter in any further detail.
18. While the appellant has expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

Conclusion

19. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR