

Date: Wednesday 7 February 2024 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 Carol Clark
Cllr Lynn Hall
Cllr Shakeel Hussain
Cllr Tony Riordan
Cllr Norma Stephenson OBE
Cllr Sylvia Walmsley

Cllr Dan Fagan
Cllr Elsi Hampton
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 6 December 2023**

For approval and signature. (Pages 9 - 26)
- 5 Planning Protocol** (Pages 27 - 28)
- 6 23/0046/OUT Playing Field South Of Charlton Close, Greenwood Road, Billingham Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access.** (Pages 29 - 66)
- 7 23/1003/FUL Stable Block South West Of North Meadows, Calf Fallow Lane, Norton Conversion of 1no barn to 1no dwellinghouse to include the erection of a porch to the front, erection of 1.8m high wall with 2.4m piers and demolition of existing storage building.** (Pages 67 - 104)

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

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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.

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PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 6 December 2023.

Present: Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Carol Clark, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley, Cllr Sally Ann Watson and Cllr Barry Woodhouse.

Officers: Elaine Atkinson (DoF,D&R), Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Julie Butcher (DoCS) and Sarah Whaley (DoCS).

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

Apologies: Cllr Stefan Barnes and Cllr Elsi Hampton.

P/34/23 Evacuation Procedure

The Evacuation Procedure was noted.

P/35/23 Declarations of Interest

There were no declarations of interest.

P/36/23 Minutes of the meetings which were held on 18th October and 8th November 2023

Consideration was given to the draft minutes from the Planning Committee meetings which were held on 18 October and 8 November 2023 for approval and signature

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

P/37/23 Planning Protocol

The Planning Protocol was noted.

P/38/23 23/1899/FUL 1 Whitehouse Drive, Stockton-on-Tees, TS19 0QE Application for change of use from a dwelling house (C3) to a children's home (C2) to include the application of render and garage conversion.

Consideration was given to planning application 23/1899/FUL 1 Whitehouse Drive, Stockton-on-Tees TS19 0QE

The application site was a detached 4-bedroom two storey dwellinghouse within the defined settlement limits of Stockton-on-Tees.

The application was seeking planning permission for the change of use of 1 Whitehouse Drive from a four-bedroom dwellinghouse (Use Class C3) to a children's

home (Use Class C2). The site benefited from off street parking, and a rear private amenity space.

The proposed children's home would provide accommodation for a maximum of 4 children between the ages of 7 and 17 years with 24-hour adult support, provided on a shift basis. Up to three members of staff would be present at the premises each day between 07:30am- 9:30pm. Two awake staff members would be present overnight.

As part of the change of use the existing garage would be converted to an office window replacing the garage door. A side window would be blocked up, internal alterations to rooms, and an extended driveway.

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 application be recommended for approval with conditions for the reasons as specified within the Officers report.

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

- . A local resident who lived in close proximity to the proposed development expressed that should the children residing at the home be young offenders then this would put themselves and their family at risk.

- . Concerns around Anti-Social Behaviour was highlighted.

- . It was felt that the drive at the proposed property could not accommodate 5 vehicles. In addition, 5 spaces would not be enough for staff and visitors therefore more spaces were needed otherwise cars would spill out onto Whitehouse Drive exacerbating current highways issues.

- . Whitehouse Drive was a very narrow road.

- . The home was in close proximity to a school, college and football club which already suffered with highways issues in terms of egress and exit at Whitehouse Drive.

- . There were parking issues in the area due to regular activity at Stockton Football Club.

- . People were parking on grass verges and there had also been damage to pavements in the surrounding area.

- . Traffic congestion was particularly bad during school drop off and pick up and it was difficult for residents in the local area to get on and off their driveways .

. Questions were raised as to why residents had only received notification of the Planning Committee 2 days prior to the meeting.

. It was felt that the children in the home occupying the proposed downstairs bedroom would cause disturbance possibly late into the night to the neighbouring property where a vulnerable person lived.

. The report did not present a full picture of the current issues in the area, and there were inaccuracies such as reference to a 4-bed property which was only a 3-bed property. It was also highlighted that the objections within the report were not representative of what had been submitted. A request was made that Members defer the application so an accurate report with all the facts be presented as well as Members undertaking a site visit.

. Clarity was sought relating to a request which had been made during May from a local resident to Stockton-on-Tees Borough Council whether the proposed development was to be changed to a children's home. A quick response was received in June explaining that it would be looked into. A reply was received in September stating that an investigation had taken place, and that nothing was planned, however plans were then submitted early October. Why had this taken so long to be looked into and why, 1 week after receiving the letter that nothing was planned, plans were submitted?

. A resident highlighted possible dangers to the children living at the home due to it being so close to Stockton Football Club as it was a licensed premise. The football club held many parties and there had been issues with teenagers having their parties there.

. One resident who explained they were a vulnerable person expressed their fear should the development be approved. Part of the resident's property had an external passage less than 2 metres away from the garage at the proposed site. The resident also explained that they also had a low fence along that part of the property which they did not want to make higher as this would cause the passageway to be dark.

. There were already existing issues with people parking outside of the resident's house making it difficult to negotiate the pathways with their wheelchair.

. There would be increased issues for emergency vehicles accessing Whitehouse Drive if the development was approved.

The Applicant attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

. The planning application accorded with council policy.

. The accommodation would provide specialist services to vulnerable children and extra care would be made regards the accommodation and would support social care and wellbeing.

. The house would be refurbished to a high standard and would not be out of character as there were many diverse house types in the area.

. It was unfortunate that young looked after children continued to be stigmatised.

- . The house was not for young offenders it was for 4 vulnerable children.
- . No planning or building regulations had been breached.
- . If the application was not approved the applicant would decide whether to rent or sell the property.
- . The Applicant acknowledged there was parking issues in the area however these were already there and not as a result of the Applicant arriving.
- .The structural layout at the property had been amended to meet parking needs.
- . In terms of resident's queries regarding the timeline relating to the request for an investigation by the Council as to whether the property was to become a children's home, the Applicant confirmed they had only purchased the property in September 2023 and therefore this was nothing to do with Stockton Council.
- . The applicant had corresponded with 20 residents and provided his personal details to enable them to contact him with any concerns.

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

- . The home was for 4 vulnerable children who required specialist providers.
- . There was space for 5 cars on the driveway and if necessary, this could be widened.
- . Letters were despatched 10 days prior to the committee meeting which was standard practice.
- . Summarising objections within the report was standard practice.
- . The home was currently a 3-bed property however would be a 4-bed once works were complete.
- . The request received on the 30 May in terms of whether the house was to be a children's home was looked into and although there may have been speculation it had nothing to do with the Council.
- . In terms of concerns raised relating to Stockton Football Club being licensed and a risk to the children residing in the home and linking the children to Anti-Social Behaviour, this would apply to any family with children.
- . Regarding claims that access to the road was narrow, the road was 4.8 metres wide, and the minimum required for a road with 2 way traffic was 4.2 metres, therefore the road was in excess of the minimum requirement.
- . The driveway to the proposed development could actually accommodate 6 parked vehicles however this was not what was required.

. Where it was claimed there had been pathways damaged due to parking issues the Principal Engineer from Highways, Transport and Environment stated this would be passed onto the Highways Maintenance Manager for future inspection.

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

. This application was a concern as it appeared to be retrospective, and providers appeared to be secretly acquiring these homes which was not inspiring.

. The report stated that the proposed home was surrounded by 3 other homes when it was in fact surrounded by 4 other properties, 1 being a bungalow which had amenity space opposite. The application was also too close to these properties.

. Bishopton Road West was a very busy road with traffic backing up making it dangerous.

. The infrastructure could not cope with more building in the area.

. There were parking issues in the area and by widening the drive at the proposed property it would take away curtilage parking.

. Members sought clarity following the Polices recommendation for good lighting and security and the impact this may have on the 4 neighbouring properties as it was felt this would be out of place and not in keeping with the character of the surrounding area.

. The illustration of the car park at the property showed stacked car parking which would present difficult manoeuvres when entering and leaving the drive.

. It was important that the management structure was right for the children.

. The children in these types of homes were vulnerable and were there through no fault of their own and needed to be cared for by the Local Authority. These types of homes were needed due to a lack of kinship and foster care.

. There were myths about all children in these types of homes being young offenders, they needed to be well looked after like any other child.

. One Member referred to a children's home in close proximity to a family member, which was also within a blue light zone and there had been no issues.

. These children needed to be kept in the Stockton area so they could continue to go to the same schools and keep the same friends.

. If the house was up for sale a family with 3 children could buy it and each family member could have a car.

. The home was in a good location as it was near to many local amenities and schools.

. Members did request the Applicant get in touch directly with the resident who had explained their vulnerabilities and fears to enable them to discuss their concerns directly and gain reassurance. The Applicant agreed.

. Although it would be too in-depth to have all objections in the report it was felt there was important information missing from the report which had appeared on the Planning Portal such as a response to a resident from the Applicant relating to the height of the resident's fence.

. It was also highlighted that a Ward Councillors comments had been omitted from the report.

. Clarity was sought as to when the Applicant had first discussed the application with the Council.

. Clarity was sought as to how many employees the Applicant had as the report stated there were 14 employees, therefore this suggested the car park may need to be increased to accommodate those staff.

. It was highlighted that the Applicant had a children's care home in Thornaby, where the same concerns had been raised with a lot of objections, however since opening there had not been any trouble and local residents had engaged with the children. Some residents who had originally objected had expressed that they were happy the home was there.

. The application could only be considered on planning grounds and there were no grounds to refuse the application.

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

. In terms of car parking spaces, the Applicant had provided requisite parking of 5 spaces even though 6 could be achieved at the site, in addition if the drive was widened a maximum of 10 spaces could be provided.

. If additional lighting was a statutory nuisance, then this would be picked up by Environmental Health.

. The parking layout on the drive was a standard layout in most developments and properties. Officers did accept vehicles would have to be reversed off the drive, and there was also a dropped kerb so people wouldn't be able to park on the kerb.

. In terms of highway safety, accidents in the last 3 years had been minimal and there had not been any on Whitehouse Drive, therefore highways could not raise any concerns, and the application was considered acceptable.

. There was an objection from a Ward Councillor however this was from a private e mail address.

. Any pre application advice was confidential and could not be disclosed, the Council could only consult when the application was submitted.

. The 14 staff referred to in the report was for the wider company. There would be 3 care givers at the home during the day and 2 during the night.

A vote took place, and the application was approved.

RESOLVED that planning application 23/1899/FUL be approved subject to the following conditions and informatives below;

Time Limit

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Approved Plans

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

Plan Reference Number	Date Received
SBC0002A	31 October 2023
SBC0001	9 October 2023
WHD100	9 October 2023
WHD101	11 October 2023
WHD102	9 October 2023
WHD103	11 October 2023

03 Approved Use

The premises shall be used for a three person children's home and for no other purpose including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 2020 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

04 Incurtilage Carparking

The development hereby approved shall retain a minimum of 5 incurtilage car parking spaces via the existing driveway in accordance with SPD3: Parking Provision for Developments 2011. The parking provision shall be retained thereafter for the lifetime of the development.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Informative: Cleveland Police

On commissioning, the Manager should contact Cleveland Police to discuss appropriate support at MFHcoord@cleveland.police.uk. Cleveland Police can also provide support regarding security of the property. The contact details can be found at <https://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#cleveland-police>

P/39/23 23/1820/FUL Bay Tree House, Seamer Road, Hilton Erection of a 1.5 storey detached dwelling and demolition of existing dwelling/garage.

Consideration was given to planning application 23/1820/FUL Bay Tree House, Seamer Road, Hilton.

The application sought planning permission for the demolition of existing dwelling/garage and the creation of a replacement, a 1.5 storey detached dwelling.

The application site was a detached bungalow on Seamer Road in Hilton village. The surrounding properties on Seamer Road were a mix of 1940s/50s and 1960s/70s, single and two-storey properties of a range of different types and styles.

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 planning application be recommended for approval with Conditions for the reasons as specified within the Officers report.

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

- . The property was too large and too far forward in comparison to those close by as most of those were bungalows.
- . The proposed development would look out of place and spoil the thoroughfare.
- . The plot could easily take a family bungalow.
- . If approved, it would set a precedent for the main street through Hilton Village.
- . The property would encroach on the existing frontage and there was enough land to be moved back and keep within the existing building line.
- . Chair of the Hilton Village Parish Council indicated he was speaking on behalf of himself and the Parish Council representing 27 other residents that could not attend.
- . This was an ancient Village, and there would be no issue if the house was less intrusive and part of the Village.
- . There had been a previous application submitted which had been refused, however this new application was bigger and more intrusive.
- . The fact there were 2 storey homes on Falcon Walk was irrelevant to this application.

The Applicant attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . The property was purchased and had remained unchanged from 1970 and needed significant development.
- . The plot was a generous size however had structural issues. Shale needed to be removed therefore the building needed to be demolished and rebuilt.
- . Officers had provided guidance following the original application had been refused. The resubmitted application included building into the roof space and extending the building as advised by Officers.
- . There would be no significant impact in terms of overshadowing to neighbouring properties.
- . The application accorded with the Council's planning policies and was in keeping with the surrounding area.
- . No other regulatory authorities had submitted objections.
- . The house will be our family home, much improved and be energy efficient.

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

- . In terms of the character and building lines, Officers had looked at the surrounding area where there was a range of property types, in particular, Moorberries, which was off the main road and had a set of modern house types.
- . The development was not in a conservation area.
- . Officers felt the character, design and street scene was good.

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

- . Concerns were raised relating to the building line and whether it caused any overshadowing.
- . Clarity was sought as to whether residents in the adjacent property to the proposed development had objected.

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

- . In terms of the build line, this could not be compared to a terraced street with uniformed buildings which had a definitive clear building line, therefore in Officers views it did not exist with this property as there were a variety of properties within the area.
- . The development still retained a degree of frontage, and it was considered that the development retained the villages openness, greenery, and attractiveness.
- . Officers confirmed that there would be no impact on privacy, overbearing or loss of light.

. It was confirmed that the residents in the adjacent property had made an objection.

A vote then took place, and the application was approved.

RESOLVED that planning application 23/1820/FUL be approved subject to the following conditions and informatives below;

01 Time Limit

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

02 Approved Plans

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

Plan Reference Number	Date Received
2305/PL/01 'O'	25 September 2023
2305/PL/02 'O'	25 September 2023
2305/PL/03 'A'	25 September 2023
2305/PL/04 'O'	25 September 2023
2305/PL/05 'O'	25 September 2023
2305/PL/06 'D'	9 October 2023
2305/PL/07 'B'	25 September 2023
2305/PL/08 'C'	25 September 2023
2305/PL/09 'O'	25 September 2023

03 Materials

Notwithstanding the submitted information the hereby approved development shall be constructed of the following materials

Walls – Red brick and cream render Roof – Slate effect concrete roof tiles Windows – Grey UPVC

04 Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

05 Additional Hardstanding

Notwithstanding the details hereby approved, the vehicular hardstanding to the front of the proposed dwelling to provide three in-curtilage car parking spaces (5 metres in width by a depth of 12.1 metres). The parking provision shall be retained thereafter for the lifetime of the development. The hardstanding shall be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

06 Enclosure

Prior to the occupation of the development, details of the enclosure/front boundary hedgerow shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil

depths, plant species, number, inter relationship of plants, stock size and planting methods. All works shall be in accordance with the approved plans.

Such means of enclosure shall be planted in the first planting season following completion of the development.

07 Permitted Development Rights – Extensions and Alterations

Notwithstanding the provisions of classes A, AA, B, C, D, E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved

shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage otherwise agreed in writing with the local planning authority.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Informative: Care for Your Area

The applicant should contact Care for Your Area 01642 391959 regarding widening the dropped vehicle crossing.

Informative: In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Install a DEFRA approved appliance; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority

P/40/23

23/1709/ADV Land Off St Martins Way, Kirklevington, Retrospective advertisement consent for 4no non illuminated flag/flagpoles, 1no non illuminated fascia signs, 4no non illuminated leader board signs, 11no non illuminated wall signs, 1no internally illuminated monolith sign and 1no non illuminated double sided hoarding sign.

Consideration was given to 23/1709/ADV Land Off St Martins Way, Kirklevington.

Retrospective advertisement consent was sought for signage at a Taylor Wimpey residential building site in Kirklevington.

Advertisement consent had already been approved for signage at the site, but the signage had not been erected in accordance with the approved plans and this application was to rectify that matter.

A number of objections had been received to the signage and the comments had been fully considered and addressed in the report.

Advertisement applications could only be considered with highway safety or public amenity in mind, and it was not considered that there were sufficient reasons to warrant refusal of the application and therefore the application was recommended for approval subject to conditions as detailed within the main report.

Members were presented with an update report which since the original report detailed additional comments which had been received from the Environmental Health Team as well as comments from a neighbour who was unable to attend the committee meeting and had asked for their comments to be provided to Members for consideration. Full details of the comments were detailed within the update report.

The comments from the Environmental Health Team and the Neighbour were noted, however the issues of noise had already been considered in full at paragraph 22 of the main report and did not change the Officers original recommendation.

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 application be recommended for approval with Conditions for the reasons as specified within the main report.

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

- . Residents sheer exacerbation was completely understood. Taylor Wimpey had broken conditions, and this was the final straw, which had come on top of a long list of problems.

- . This was possibly the worst housing development site in the Kirklevington and Yarm area. The flags / flagpoles and signage were complete overkill, they should have just placed them where they were given permission for.

- . This issue should have been tackled with enforcement, and the developer should have been made to move the signage / flagpoles to where they had permission for.

- . If the main offending flagpole was moved this would elevate the issue for residents in terms of noise.

- . The flagpoles had temporary consent and would be removed on or before 11 August 2026.

. The noise created from the flags was upsetting to residents, the developer should compromise and move the offending flagpole?

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

. Officers informed the Committee that developers could erect 2 flagpoles anywhere without planning consent.

. In terms of enforcement being used, in the first instance the developer would be given the opportunity to rectify the issue regards what they did not have consent for, however if the application was refused at Planning Committee only the removal of 2 of the 4 flagpoles could be enforced.

. The actual material used for the flags was a thin tenting material and noise was not significant.

. The initial assessment of the application was for the flag to be held with metal, however following a site visit it was not held with metal on metal and therefore it could not be considered a statutory nuisance, therefore Environmental Health would not be able to enforce anything in terms of statutory nuisance.

. Members were reminded that to enforce against the current situation there had to be some harm compared to the original approval and there would need to be expedient reasons to enforce. If there was no harm in terms of planning merits the application could not be refused

A motion was proposed and seconded that the application be deferred to allow the developer to be approached to seek removal of 1 no flagpole.

A vote took place, and the motion was carried.

RESOLVED that retrospective planning 23/1709/ADV Land Off St Martins Way, Kirklevington, be deferred for the reasons as detailed above.

P/41/23 22/0334/EIS Land At Summerville Farm, Harrowgate Lane, Stockton-on-Tees Hybrid planning application comprising of 1) full application for the erection of 385 dwellings with associated infrastructure, access and landscaping and 2) Outline application with some matters reserved (appearance, landscaping, layout and scale) for the erection of up to 285 dwellings.

Consideration was given to planning application 22/0334/EIS Land At Summerville Farm, Harrowgate Lane, Stockton-on-Tees.

The application site was located on the western fringe of Stockton and formed part of the West Stockton Strategic Urban Extension (WSSUE) which totalled 2,150 new homes across the Local Plan period. The application site formed one of the larger parcels of land within the northern parcel of the Strategic Urban Extension which was situated to south of Letch Lane and north of Outwood Academy.

A hybrid planning permission was sought, with part of the proposals seeking a full planning approval for 385 dwellings with associated infrastructure and the second

element seeking outline planning approval for 285 dwellings. The planning application was supported by an Environmental Statement (ES) and was considered under the Environmental Impact Assessment regulations.

The detailed part of the proposed development would provide a mix of two, three and four bedroomed properties over a mix of small terraces, semi-detached and detached dwellings with a mix of tenure types. The outline part of the application sought consent forming the south western proportion of the site, with only the means of access being considered at this stage. Access into the site would be via two new access points from Harrowgate Lane which would serve each development parcel.

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 application site formed part of the West Stockton Strategic Urban Extension which alongside housing delivery at Wynyard, the WSSUE formed a key housing site within the adopted Local Plan. The principle of housing on the site had already been accepted and established within the adopted Local Plan and therefore the proposed development was in accordance with those aims and requirements of the development plan. Delivery of housing on the site would also contribute to and help to maintain the Council's delivery of 5 year housing land supply.

With regards to the detailed part of this planning application, the proposed appearance, scale and layout of the development was considered to be acceptable and would allow for the creation of a development which included an attractive environment and acceptable level of the amenity for future occupiers. Equally the development could be accommodated without any undue impact on the amenity of any adjacent neighbours and as detailed in the Officers report, there were no technical reasons why the proposals would be unacceptable.

As detailed within the main report, in view of the fact that the proposal was acceptable in planning terms (subject to the identified condition and the outcomes of any viability appraisal) the application was put before members to consider the agreement to the principle of the development with the outcomes of the viability of the appraisal being delegated to the Director of Finance, Transformation & Performance, in conjunction with the Planning Services Manager as detailed below.

The Applicant attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . The application had been submitted by part of the Mistry Group Ltd which was the largest contractor for affordable housing which delivered quality homes.

- . 93% of it's residents would recommend Mistry Group Ltd.'s product.

- . Summerville Farm would be developed alongside other partners delivering new homes on a single site, consisting of private homes, build to rent homes and affordable homes.
- . The Applicant informed Members that they built homes far quicker than the competition resulting in faster return in revenue for the Council in terms of council tax.
- . The Homes would be the Linden Home brand.
- . The Applicant went far in excess of policy when delivering the number of affordable houses.
- . Since the original application submission in 2022 the Applicant had worked closely with council officers in terms of redesign and meeting the Councils wider technical policy.
- . All houses would meet national standards in terms of accessibility and adaptability.
- . All homes would have gas free heat pumps and solar panels, aligning with the Councils emission targets, delivering energy efficient homes.
- . The Applicant was ready to proceed regards nutrient neutrality which was approved by Natural England.
- . Should the application be approved, the development would commence in 2024.
- . The Applicant would work constructively with Officers to reach a suitable S106 solution.

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

- . Clarity was sought regards whether there would be access from the housing development onto Castle Eden Walkway.
- . This would be a great site for the residents of Stockton and some Members were happy to leave some of the detailed decisions to qualified Officers.
- . The developer appreciated what affordable, accessible, and adaptable housing were.
- . The application was a full planning application for 385 dwellings as well as an outline planning application for a further 285 dwellings, however the viability assessment for the outline planning application was still undecided, and the application lacked detail.
- . Were all the properties shown on the perimeter of the site consulted?
- . Clarity was sought as to where the access locations on the site were.
- . Concerns around whether junctions at the development site were adequate for the additional traffic, and also what the timeline would be for junction upgrades.
- . Questions were raised relating to the identification of the trees on the site and whether they would remain?

- . Ancient Hedgerows must be kept to mitigate against noise.
- . There were current issues regarding traffic backing up on Harrowgate Lane from the Harrowgate Lane development. Would the Harrowgate Lane development be completed prior to the proposed Summerville Farm development?
- . The current plans showed concrete fronts to the proposed dwellings for carparking, this would have a massive effect on drainage.
- . There should have already been a detailed single drainage plan for this development. There had already been 3 development sites developed by Persimmon Homes and Taylor Wimpey where residents had occupied properties prior to drainage plans being agreed.
- . Which one of the 17 Service Treatment Plans be used, and when would it be completed, this needed completing asap due to close proximity to local becks.
- . There was no certainty that 20% affordable housing would be delivered, neither the house type, tenure, or provider. There were also concerns around the viability assessment.
- . The size of the development would impact on access to GP surgeries.
- . 18 of the house types did not have active side elevations which the police had recommended to increase informal surveillance of the planned environment.
- . The Council's own Housing Manager had raised concerns in terms of what was actually being offered and it appeared that Officers were asking the Committee to vote against policy.
- . The Applicant had stated that they would build the development quicker, if so, then why could the Committee not have sight of the developments detailed information?
- . The Council receiving council tax revenue quicker due to a faster build was not a material planning consideration.

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

- . Officers confirmed that there would be access to Castle Eden Walkway via the top and bottom of the development.
- . All residents affected by the development were written to.
- . As many Trees and Hedgerows as possible would be retained which was conditioned.
- . There were conditions regarding consultation around discharge and this included the Service Water Team and Landscape Team and Officers would ensure that The Ramblers Association would be consulted regarding access to walkways

. The Applicant was proposing to provide 20% affordable housing on phase 1 of the development, however, it would depend on whether the Council would be prepared to accept a possible reduction in the outcome of the viability assessment from £8.5 million to £5 million. If that was to happen, then the Planning Committee would be advised, and a decision would need to be made whether there would be a reduction in affordable housing or financial contribution.

. The NHS were keen to secure a financial contribution, however it was difficult for Officers to assess the actual need of the NHS's requirement.

. Officers felt that the development would include swales and tree planting to address nutrient neutrality.

. All site Junctions had been assessed as part of the Yarm Back Lane business model and both Junctions had adequate capacity for the level of housing proposed.

. An uncontrolled crossing would be provided at the northern end of the site and a signal-controlled crossing would be provided at the southern end.

. There was another application coming forward at Tithebarn and it had been suggested that there would be access to the footway adjacent to Tithebarn as well as existing links at the Mitre, therefore there would be pedestrian links to the western side of Harrowgate Lane. A cycle lane had been conditioned going around the perimeter of the site which was in accordance with the latest guidance.

. In terms of parking and drainage this would be the responsibility of the developer and Northumbrian Water as the Council would not allow water to spill onto the highway.

. This was a single application in 2 parts, and the second part required further information and details. The outline planning application would establish the principle of development and would establish the provision of 285 houses including open space in the northern area. There were also numerous controls in place to make sure the Planning Authority had assurances in terms of infrastructure.

. Officers acknowledged and appreciated the concerns the Affordable Housing Manager had expressed, however once the viability assessment / appraisal outcome was known assurances would be looked at.

. Paragraph 7 of the planning report detailed that there would be a broad housing type / tenure mix.

. The application accorded with Planning Policy within the Local Plan.

A motion was proposed and seconded that the application be deferred to a future meeting of the Planning Committee due to a lack of detailed information.

A vote took place, and the motion was not carried.

A vote took place to approve the application as recommended in the Officers report and the application was approved.

RESOLVED that Members be minded to approve planning application 22/0334/EIS, with the decision being delegated to the Director of Finance, Transformation & Performance, in conjunction with the Planning Services Manager and the Chair of the Planning Committee, subject to conditions and informatives, the removal of the holding direction by National Highways and agreement being reached on the Heads of Terms.

The list of planning conditions and associated informatives are contained at Appendix 1 of the main report.

HEADS OF TERMS

The developer is required to enter into a section 106 agreement in accordance with the terms highlighted within West Stockton Strategic Urban Extension (SUE) Masterplan and policy and subject to those terms identified below;

- To contribute towards the proportionate share of required infrastructure in broad accordance with the West Stockton Masterplan.
- To secure the identified off-site nutrient neutrality mitigation
- To enter into a section 278 agree for delivery of highway infrastructure
- Local labour agreement

With the detailed breakdown of such terms and contributions to be delegated to the Director of Finance, Transformation & Performance, in conjunction with the Planning Services Manager and the Chair of Planning Committee for final agreement. The proportionate share may be used to prioritise and bring forward any key piece(s) of infrastructure in line with the requirements of the West Stockton Masterplan.

P/42/23 Appeals

In terms of the appeal decision, APP/H0738/W/23/3321634 relating to the Stoneacre Motor Group, RMB Motors Autoparc, Low Lane, High Leven, Stockton on Tees, Members sought clarity as to whether there would be any enforcement applied to remove the fence. The fence was an eyesore and was still in situ even though the appeal was dismissed. In addition, on exiting from Maltby to Low Lane in a vehicle there was also an advertising board obscuring vision. It was also asked whether the fence could remain in its current state should a future application be brought back to committee until that application was heard?

Officers informed Members that an enforcement notice was in discussion and currently being worked through, it was intended that action would be taken.

Regards questions raised relating to whether the current fence would remain should a future planning application be submitted, Officers explained that the fence may be set back which was being looked at.

The Appeals were noted.

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

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DELEGATED

**AGENDA NO
PLANNING COMMITTEE
7 February 2024
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/0046/OUT

Playing Field South Of Charlton Close, Greenwood Road, Billingham

Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access.

Expiry Date 9 February 2024

SUMMARY

Outline planning permission is sought for up to 30,193 sq metres of B2/B8 employment floorspace with all matters reserved other than access on land to the South/Southeast of Charltons Close in Billingham. Access to the site is to be taken from Greenwood Road and the development is to be a maximum two storeys in height.

Planning permission was approved for exactly the same development on the 28th February 2020. This permission has now expired.

There have been a number of objections mainly relating to traffic, need for the development, impact on residential properties and ecology which have been fully considered in the report along with the Consultation responses which have been considered and conditions recommended where appropriate.

It is considered that the application would bring forward sustainable development on an unused area of land within the established urban area and whilst not in complete accordance with the specific policies in the local plan, the development will accord with the NPPF and the local plan in terms of sustainable development and the reuse of land.

The application is recommended for approval with conditions.

RECOMMENDATION

That planning application 23/0046/OUT be approved subject to the following conditions and informatives;

1 Approved Plans

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

Plan Reference Number	Date Received
2017-001E	10 January 2023
JN1825-DWG-0002E	10 January 2023

2. Reserved Matters – Time Period for submission

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

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

3. Reserved Matters – Details

Notwithstanding the submitted plans, approval of the details of the Appearance, Landscaping and Layout of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

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

4. Period for Commencement

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

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

5. Tree Protection

As part of the reserved matters for landscaping an Arboricultural Method Statement and Tree Protection Plan shall be submitted and no development shall commence until this is approved. This must be in close accordance with BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations and NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

6. Maintenance – Softworks

As part of the reserved matters for landscaping full details of proposed soft landscape management shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the development or approved phases.

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

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

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

7. Construction Environmental Management Plan

No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to noise and vibration, dust and air pollutants, land contamination, ecology. It shall also set out arrangements by which the developer shall maintain communication with businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: In the interests of protecting the environment

8 Construction Traffic Management Plan

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:

- (5) 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 necessary, 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) a 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.

9. Access and Egress

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access(es) extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Reason: In the interests of highway safety.

10. Travel Plan

Prior to the development being brought into use, a 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
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
- (x) Commitments to monitor and review staff car parking provision and usage within the site.

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.

11. Discharge of Surface Water

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; (for each phase of the development).
- 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 and the railway will not be adversely impacted by the development, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

12. Discharge of Foul and Surface Water

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev 002 dated 23rd August 2023.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. Implementation of the Drainage Scheme

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. As built drawings of all Suds features have been submitted and approved in writing by the Local Planning Authority, the drawings should highlight all site levels, including the 30year and 100year+cc flood levels and confirmation of storage capacity
- III. 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.

14. Excavations – Railway

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the railway operational needs and integrity of the railway assets

15. Scheme for Illumination

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

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

16. Energy Efficiency

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

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

17. Ecology and mitigation (updated surveys)

As part of the reserved matters application a new Ecological Impact Assessment shall be submitted and approved in writing by the local planning authority. The EIA shall include the results of all the required surveys and proposed mitigation measures for consideration.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

18. Ecology Survey

Notwithstanding the recommendations contained in the submitted Ecological impact Assessment should work not commence within 2 years from the date of the revised ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

19 Habitat and wildlife

As detailed in BS 3998:2010 Prior to work commencing, trees and its surroundings should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

Reason: In compliance with the Habitat Regulations and Countryside and Wildlife Act.

20 Buffer Zone

Prior to the commencement of development, a scheme for the provision and management of a suitably sized buffer zone alongside Charlton's pond is to be submitted and approved in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, gardens and formal landscaping. The scheme shall include:

- Plans showing the extent and layout of the buffer zone
- Details of any proposed planting scheme (for example, native species)
- Details demonstrating how the buffer zone will be protected during
- development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan
- Details of any proposed footpaths, fencing, lighting, etc.

Thereafter, the development shall be carried out in accordance with the approved scheme.

Reasons: In the interest of biodiversity and ecology in accordance with local plan policy ENV5

21 Biodiversity Net Gain;

Notwithstanding the submitted plans, prior to the commencement of the new development hereby permitted a Biodiversity Gain Plan shall be submitted for approval in writing by the Local Planning Authority. The Biodiversity Gain Plan must contain, information about the steps that will be taken to minimise any adverse effect of the development on the biodiversity of the onsite habitat, and the site's pre and post-development biodiversity value, and how these gains will be incorporated within the landscaping details submitted as part of any reserved matters application. The works shall be implemented in accordance

with the agreed details and any phasing programme. Such measures shall be retained thereafter for the lifetime of the development.

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

22. Noise disturbance from adjacent premises

Before the commencement of the development or as part of the reserved matters application, a scheme for the protection of nearby residential dwellings from noise from the proposed industrial units, including any plant or machinery, shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before the occupation of the development hereby permitted. An assessment by a noise consultant will be necessary in order to establish where or whether acoustic protection is required.

Reason: To ensure adequate protection from noise is provided in interests of the amenity of the adjacent residential properties

23. Operating Hours

The premises hereby approved shall not be open for business outside the hours of 7.30am – 7.00 pm unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adjacent residential premises are not adversely affected by the development.

24. Construction working Hours

No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

25. Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: Contamination may exist at the site which will need to be satisfactorily dealt with.

26. Employment and Training

The development hereby approved shall not commence until details of a Training and Employment Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The plan will aim to promote training and employment opportunities at all stages of the development for local people and include:

- o Measures to ensure the owner and contractors work directly with local employment and training agencies;
- o Targets for employing local labour

- o Details of how services and materials used in the development are provided by Businesses within the Target Areas
 - o Reasonable steps to procure that any contractor and / or subcontractor nominate an individual to liaise with the Principal Employability Officer.
 - o Targets for work experience opportunities
 - o Measures to provide training opportunities in respect of any new jobs created
 - o Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority
- The development shall be carried out in accordance with the agreed plan and any amendments to the plan shall be agreed in writing with the local planning authority.

Reason: In accordance with the requirements of local plan policy SD4.

27. Health and Safety Executive

All buildings located fully or partly within the Inner HSE Consultation Distance of CF Fertilisers UK Limited (HSE Ref: H0389a) shall be occupied by less than 100 persons in total in each building and shall have less than 3 occupied storeys.

Reason: In the interests of health and safety in accordance with Policy SD4 of the local plan.

28. Footpath Linkages

The development hereby approved shall not commence until the local planning authority has approved in writing a full scheme of works for improvement to the footpath links to and around Charltons pond. The details shall include;

- (i) Full details of the footpath route
- (ii) Construction details,
- (iii) Details of fencing to avoid disturbance to the pond and bird sancturary
- (iv) programme for installation of the new footpath connection to Charlton's Pond.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: In the interests of providing green infrastructure links in accordance with policy ENV5.

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: Reserved matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“landscaping”, in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass
- (c) management of planting

Informative: Flood Risk Management

If site levels are to be raised to achieve a gravity connection to the surface water sewer, careful consideration is needed with regards to the affect raising of the levels will have on existing surface water flows from adjoining land. Surface water runoff from the proposed development must be contained within the boundary of the site and not affect neighbouring sites.

Informative: Northumbrian Water

A public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus. NWL 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. Further information is available at <https://www.nwl.co.uk/services/developers/>

Informative: Network Rail

Network Rail have identified numerous issues in their response which will need to be considered before commencement of work and information for occupiers of the site on prohibited works and railway safety should be included in a welcome pack. Contacts are detailed below

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

Land Information - For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyservicesneem@networkrail.co.uk.

Informative: In a Smoke Control Zone

As the area is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

Informative: Open burning

No waste products derived as a result of carrying out any business hereby approved shall be burned on the site. An Environmental permit from the Environment Agency for the keeping, handling and disposal of waste may be necessary

BACKGROUND

1. Planning permission was approved on the 26th October 2006 for residential development (30 Dwellings), now known as Charlton's Close, (Application: 04/0738/OUT and 07/2732/REM).
2. In 2016 an outline application was submitted for 27no dwellings on part of the application site. The application was refused due to the introduction of additional population in close proximity to major hazard installations, which was considered to be an unacceptable public health and safety risk. Following a public Inquiry this decision was upheld by the planning Inspector (Application 16/2368/OUT).
3. Following the loss of the appeal an outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), together with associated roads, landscaping and infrastructure was approved with conditions on the 28th February 2020 (Application: 19/2482/OUT). This permission has now expired.
4. This report largely follows that of the 2020 application and changes made where appropriate.

SITE AND SURROUNDINGS

5. The application site relates to an area of land to the South/South East of Charltons Close in Billingham. To the north and south are commercial premises and to the west is an area designed as open space and a local nature reserve (Charltons Pond).
6. The application site falls into a number of HSE consultation zones. The application site has no allocation in the adopted local plan.

PROPOSAL

7. Outline planning permission is sought for up to 30,193 sq metres of B2/B8 employment floorspace with all matters reserved other than access.
8. Access to the site is to be taken from Greenwood Road and the development is to be a maximum two storeys in height.

PLANNING POLICY

9. 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.
10. 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

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - 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

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

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.

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

Employment and Training Opportunities

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

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.

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.

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

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

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 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:

© 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/or
 - b. 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.
- Non domestic
4. All new non-residential developments up to and including 499 sq m of gross floor space will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
 5. All new non-residential developments of 500 sq m and above of gross floor space will be required to:
 - a. Submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction; and
 - b. Be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).

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.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

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

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.

Natural, Built and Historic Environment Policy 7 (ENV7) – Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and

b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

Transport and Infrastructure Policy 1 (TI1) – Transport Infrastructure

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.

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.

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.

8. Taking into consideration viability, the Council require developers of new homes, employment or main town centre uses to deliver, as a minimum, on-site infrastructure including open access ducting to industry standards, to enable new premises and homes to be directly served by local fibre and internet connectivity. This on-site infrastructure should be provided from homes and premises to the public highway or other location justified as part of the planning application. Where possible, viable and desirable, the provision of additional ducting will be supported where it allows the expansion of the network.

CONSULTATIONS

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

12. The Environment Agency

Environment Agency position: We have no objections to this application as submitted and consider that the proposed development in principle would be acceptable providing the following condition is imposed on any grant of planning permission.

Condition

Prior to the commencement of development, a scheme for the provision and management of a suitably sized buffer zone alongside Charlton's pond is to be submitted and approved in writing by the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, gardens and formal landscaping. The scheme shall include:

- o Plans showing the extent and layout of the buffer zone
- o Details of any proposed planting scheme (for example, native species)
- o Details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of a detailed management plan
- o Details of any proposed footpaths, fencing, lighting, etc.

Thereafter, the development shall be carried out in accordance with the approved scheme. Reasons: The development area bounds Charlton's Pond. Land alongside ponds and wetlands is particularly valuable for wildlife and it is essential this is protected. Where development encroaches on ponds this can have a potentially severe impact on their ecological value. Networks of undeveloped buffer zones might also help wildlife adapt to climate change and will help achieve improvements to wildlife and the environment.

Charlton's Pond is a designated Local Nature Reserve and a bird sanctuary. The site is of value to local wildlife. The Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitat Directive stresses the importance of natural networks of linked corridors to allow for the movement of species between suitable habitats and promote the expansion of biodiversity. The proposed development will therefore be made acceptable if a planning condition is included requiring a scheme to be agreed with a secured buffer zone protecting Charlton's Pond. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. We also have the following advice to offer:

Buffer Zone and harm to a Local Nature Reserve (Charlton's Pond) - Advice to LPA/Applicant
We cannot advise a specific distance for the buffer zone at this time as the use of the pond differs particularly from how different birds, such as waterfowl, land and take off. This will have implications upon the submitted layout and we would recommend consulting with your internal ecologist to determine a specific buffer distance, if this is considered necessary.

Local Plan Policy ENV5 states, in clause 4 (c), that in considering locally designated sites, where a development would be shown to harm these sites then it will not be permitted unless the harm would clearly outweigh the conservation interest of the site and no reasonable alternatives are available. We consider that any harm to this pond from development would be potentially significant. The Policy also states, in clause 5, that development proposals should seek to achieve net gains in biodiversity wherever possible and that it will be important for biodiversity and geodiversity to be considered at an early stage of the design process so that harm can be avoided, mitigated or as a last resort compensated for.

Use of Charlton's Pond as a Fishery - Advice to LPA

The ponds adjacent to the site are currently used as a fishery. It is important that this use is not impacted by the development. The information submitted does not clearly identify protection of the use of the ponds. Factors that should be considered for the principle of the development and within any subsequent Reserved Matters applications are:

- o Access to the ponds;
- o Changes to the number of people using the area;
- o How the development will effect drainage of the land that may support the pond. This should include changes to volume, changes to water quality entering the pond including during rainfall, or during dry periods. Changes to these factors may affect the ponds.

Non-Environment Agency lead priority species of conservation concern - Advice to Applicant and LPA
The presence of Great Crested Newts was not detected during the surveys, however it is considered likely that other amphibian species are present. There are records of common toad in the area which are a priority species. Consideration should be given to these species, including their supporting terrestrial habitat near to ponds. We strongly recommend that this is taken into account when the application is considered for approval. It should be noted that the ecological report does not cover the full extent of the development and therefore, we cannot make an informed impact assessment based on the proposals. The survey was completed in 2019, CIEEM guidelines state that an ecological report is valid for a period of 12-18 months, therefore it is recommended that the survey is updated, and impact assessment reviewed based on current plans.

13. Councillor Evaline Cunningham

I would like to raise an objection to this planning application. I have grave concerns regarding access to and from this site. Greenwood road already suffers from an excess of heavy traffic. This application will have a serious impact on the quality of life of our residents. The impact will be from speeding heavy goods vehicles(already an issue), noise from heavy vehicles and damage to roads not intended for this type of vehicle. This area is an area where many families live and they should not have the impact of an industrial site pushed onto them. Their lives, particularly those living close to this unit will be heavily impacted. I formally object to this proposal.

14. Parish Council

Members object to this application for the following reasons:

Scale and size of development - disused units in the area such as Belasis Business Park which could be utilised for the development.

Nature - detriment to the wildlife habitats and birds on the land.

Traffic congestion - Greenwood Road is a busy road with rush hour traffic am/pm and at weekends with matches at the Rugby club.

Egress and exit to the site - already a busy road to the site.

Loss of a green open space - the land is currently a playing field and a public amenity with access to nature.

15. Highways Transport & Design Manager

Highways Comments : The site benefits from a previous planning approval (19/2482/OUT) and as a part of this previous approval the impact of the proposals on the highways network have already been considered. The current application seeks to secure approval for the proposed site access arrangements, as shown on drawing JN1825-Dwg-0002E, which are identical to those considered and agreed as a part of the previous approval.

Therefore, the proposed access, which would be subject to detailed design as a part of the s278 process, is broadly acceptable.

Subject to the site access arrangements being secured via a s278 Agreement there are no highways objections to the proposals.

Landscape & Visual Comments: There are no landscape and visual objections to either of the proposed options for the site, which retains the footpath connection to Charlton's Pond and perimeter tree planting. Conditions 5, 6, 7 and 26 secured as part of the original consent 19/2482/OUT should be reapplied to this permission.

Flood Risk Management: The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

16. Environmental Health Unit

I have checked the documentation provided, and although I have no objection in the principle to this land being developed, I do have some concerns and would recommend the following conditions be imposed on the development should it be approved.

- Construction/ Demolition Noise
- Noise disturbance from adjacent premises
- Noise disturbance from access and egress to the premises
- Light Intrusion
- Unexpected Land Contamination
- Construction Management Plan

17. Northern Gas Networks
No Objection

18. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

European sites -Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Natural England's generic advice on other natural environment issues is set out at Annex A.

19. Tees Archaeology

Thank you for the consultation on this application. I have checked the HER and the proposed development should not have a significant impact on any known heritage assets.

20. Network Rail

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Works in Proximity to the Operational Railway Environment - Development Construction Phase and Asset Protection

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

Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference. It is expected that the preparation and implementation of a surface water drainage strategy addressing these above points will be conditioned as part of any approval.

Boundary Treatments, Landscaping and Lighting

Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Condition - The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.

Vehicle Incursion Measures

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

Condition - Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

Landscaping - It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable: Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

Condition : Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.

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

Condition Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

NB - consider if the delivery of HGV and ALVs are likely to pass over a level crossing or under/over a railway bridge.

Reason for above conditions: The safety, operational needs and integrity of the railway.

Informatives:

Please see attached standard railway requirements to be included as informatives.

Conclusion

Thank you again for the opportunity to comment on the proposed scheme. We trust that the above will be given due consideration in determining the application and if you have any enquiries in relation to the above, please contact us at townplanningline@networkrail.co.uk.

Useful Network Rail contacts;

Asset Protection Eastern

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

Land Information - For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

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

21. Teesmouth Bird Club

Teesmouth Bird Club wishes to object to this application for a large goods storage site on the open space adjacent to the LNR of Charlton's Pond. Since the abandonment of this small golf course, the area has developed as an informal park used all be it, not always appropriately, for the benefit of locals and nature. Historically, Stockton was unable to accept the free offer of the area from ICI, and because the site was unsuitable for housing due to its closeness to industrial plants, the site was effectively redundant.. Subsequently the area's ownership evolved to the ownership of a third party, now seeking to develop the site as a goods storage area.

The application should be considered in terms of the loss of evolved biodiversity and public amenity and access to nature. The developers EIA is largely an appraisal of the habitat and presence of some species of birds. It is over 3 years old (June 2019) and should be refreshed. (Note the present area seeking development, differs from that surveyed in 2019).

The ecological study requires repeating to using Metric 3.1 to quantify the loss habitat by this application. In terms of NPPF, there should be a minimum requirement to enhance habitat and, by inference, biodiversity by at least 10%. The club does not see how this is achievable as virtually all the area will be covered by hardstanding required by the storage buildings and vehicular access and parking needs. Although this application is presently outline, there should even now be awareness and consideration, viz a viz the unknown nature of goods being handled, the outcomes from accidental spillage, need for bunding, and impacts on the SuD system. This is especially pertinent given the proximity of a LNR.

22. Health And Safety Executive

1. Thank you for your letter of 2 February 2023 to the Land Use Planning (LUP) advice team of the Health and Safety Executive (HSE) asking for advice on the outline planning application for proposed B2/B8 employment floorspace near Greenwood Road, Billingham (Ref 23/0046/OUT). HSE's role as a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015 is to provide local planning authorities with advice on the risks to people at a proposed development from a major accident at a site in the vicinity storing or using hazardous chemicals

2. Thank you for using Phase 1 of HSE's LUP WebApp on 1 February 2023 (ref HSL-230201151857) with the outline planning application. As shown in Appendix 1, the WebApp identified that the proposed development lies within the consultation zones of the following major hazard sites and major accident hazard pipelines:

- o the inner and middle consultation zones of CF Fertilisers Ltd, Laverton Hill Road,
- o the middle and outer interim consultation zones of Lucite International UK Ltd, New Road,
- o the inner and middle consultation zones of SNF Oil and Gas Ltd, Belasis Avenue,
- o the middle and outer consultation zones of the Billingham to North Tees pipeline (HSE ref 7199) operated by Growhow (UK) Ltd, and
- o the middle and outer consultation zones of the North Tees to Billingham pipeline (HSE ref 7200) operated by Growhow (UK) Ltd.

3. HSE uses its LUP methodology and matrix (at <https://www.hse.gov.uk/landuseplanning/methodology.htm>) to determine whether it either "Advises Against" (AA) or "Does Not Advise Against" (DAA) the granting of planning permission for the proposed development.

4. In considering the outline planning application, HSE has taken account of the two different layouts which have been proposed (Scheme 1 shown in drawing 2017-100 dated November

2019 and Scheme 2 shown in drawing 2017-102 dated August 2019). For each layout the development area has been assigned to:

- o car parking with no other associated facilities
- o landscaping

o minor transport links (such as access roads) and

o workplaces with each building having less than 100 occupants per building, less than 3 occupied storeys and not being specifically for people with disabilities. These are all sensitivity level 1 developments in HSE's LUP methodology.

5. It is HSE policy not to advise against Sensitivity Level 1 developments in the inner consultation zone of a major hazard site or pipeline. In conclusion, based on the information provided, HSE does not advise against outline planning application 23/0046/OUT.

6. In the case of outline planning applications where the proposed layout and the scale of the development may only be indicative, we would strongly suggest that should any changes be proposed after the outline permission has been granted, then HSE's LUP advice is obtained again before reserved matters are determined

7. As the proposed development is close to two major accident hazard pipelines, you should also consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

o The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

o The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

PUBLICITY

23. Neighbours were notified and 8 letters of objection were with the main objections summarised below. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- The plans refer to 2019 and the surrounding area has changed since then.
- Traffic impact including addition traffic from Fujifilm expansion
- No need for the development
- Loss of open space
- Impact on ecology and Biodiversity
- Noise
- Visual amenity for local residents
- HSE risks
- Construction impacts
- Devaluation

MATERIAL PLANNING CONSIDERATIONS

24. The main considerations in relation to this application are the principle of development, impact on the area; neighbours, highways, landscaping; ecology, the HSE zones and any other residual matters.

Principle of Development

25. The application site is not allocated for any specific use in the local plan however the adopted local plan directs employment uses to appropriate locations to ensure the delivery of sustainable economic growth which is generally allocated sites in the local plan.

26. Paragraph 85 of the NPPF states that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
27. The supporting information sets out that the site has lain unused for over 20 years. Whilst the land could be used for agricultural purposes, its location within an urban area, well away from any established farming unit makes this a wholly unrealistic prospect, and the applicant claims the site is an unused wasted resource for which an appropriate use needs to be found, this is an approach that is consistent with paragraph 124 (d) of the Framework which states "*Planning policies and decisions shouldpromote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*
28. The report states the development would contribute to the provision of a strong, competitive and responsive economy by providing employment opportunities within an established employment area within Billingham on a site that is already accessed and serviced by appropriate infrastructure. In addition, providing employment is very much part of enhancing and developing the social aspects of communities and the site is presently a wasted resource, and its development would make prudent, effective, use of land within the established urban area and could contribute to the enhancement of recreational facilities and biodiversity in general. The supporting text in the submitted information concludes that the application proposal would bring forward sustainable development and accords with the Framework and policy SD1 of the Local Plan.
29. Policy SD4 indicates economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable development, the policy then goes on to list a series of sites that are allocated for specific employment uses and whilst these are the 'main' locations it is accepted that these are not the only locations subject to the consideration of the suitability and individual characteristics of the development site, , this does not however preclude the development of other sites where it will not undermine the existing allocations
30. The application is supported by a 2019 Employment Land Assessment of Availability which seeks to provide an overview of existing market conditions within the region and considers the 10 sites allocated for employment development within Policy EG1, some of which have since been developed. Whilst the claim that there are significant problems with the employment land supply is not supported by the local planning authority consideration is given to the particular constraints and characteristics to this site which has not changed since the previous approval.
31. The application site is an area which is constrained due to the HSE consultation zone and as detailed in the HSE Land Use Methodology would not be suitable for a number of uses 'more sensitive' uses. As detailed later in the report the HSE has not objected subject to a condition which restricts the scheme to a workplace of a sensitivity level 1 development. Other uses with a similar sensitivity level would not be suitable or needed for this site (e.g 3 caravan pitches or a car park). It is considered that the probability of development on this site other than for employment uses would be unlikely given this significant constraint and for this reason a pragmatic approach has to be taken.

32. Whilst comments are noted about the use of the site as open space this is private land that is not covered by any policy protection and its loss cannot be given significant weight.
33. It is considered that the application would bring forward sustainable development on an unused area of land within the established urban area and whilst not in complete accordance with the specific policies in the local plan, the development will accord with the NPPF and the local plan in terms of sustainable development and the reuse of land. For this reason and the specific constraints of the site the principle of development is considered acceptable.
34. It should be noted that there has been no significant land use policy changes since the previous decision which was determined under the current local plan.

Impact on character and appearance of the area

35. The site area is at present open overgrown land with a variety of trees on the site. The east of the site is Belasis Technology Park and to the south of the site is the SNF site. The west of the site is a railway line with commercial facilities beyond. To the north is a residential development and to the north east is Charltons Pond a Local Nature reserve.
36. Two indicative site layouts plans have been submitted with this application to illustrate the different ways in which the application site might be developed, however as this is an outline application the precise layout would be dependent on the eventual occupiers and their specific requirements. Both indicative layouts illustrate the provision of a broad undeveloped 'buffer' between built development on the site and the adjacent Charlton's Pond and the Charlton Close residential development. The proposals illustrate substantial tree planting within this area to further separate existing and proposed uses. Should the application be approved, whilst the area would change character, the schemes could provide further landscaping along the Greenwood Road frontage to supplement those that are existing.
37. The scale of the development has indicated no more than two storey and it is considered that as part of the reserved matters application a scheme could be developed of an appropriate scale and appearance to reflect that of the surrounding development and would allow sufficient offset from the nature reserve boundary/residential areas and any future scheme could be designed sympathetically and to allow the retention of existing trees; additional tree planting and suitable buffer zones

Impact on neighbours

38. The main residential properties are located to the north of the site (Charltons Close) and indicative plans have been supplied to show how a scheme can be developed. It is considered that a scheme could be suitably designed to ensure sufficient separation distances and screening can be provided and the units can be orientated so that the main activities are away from these boundaries. In addition, conditions can ensure that hours of operation/lighting are suitable for the area and a condition can be recommended to ensure units are insulated to a sufficient level to limit noise impact.

Highway related matters

39. The application is accompanied by a Transport Assessment which was undertaken in 2019 and whilst out of date, this scheme has been considered by the Highways Transport and Design Manager who raises no objections. The site benefits from a previous planning approval (19/2482/OUT) and as a part of this previous approval the impact of the proposals on the highways network have already been considered and the approved scheme, as

committed development would have been taken into considered on any subsequent applications for development in the local area.

40. The current application seeks to secure approval for the proposed site access arrangements, which are identical to those considered and agreed as a part of the previous approval and the proposed access, which would be subject to detailed design as a part of the s278 process, is broadly acceptable.
41. Whilst the concerns of residents are noted it is considered that the impact of the proposed development on the highway network is acceptable, within the context of the NPPF, and that as such no highways objection can be raised. Comments in relation to on street parking are noted however this is an existing issue and the local planning authority can only ensure that the proposed development provides the requisite number of car parking spaces required to serve their own development so as not to exacerbate the situation.
42. Considering all of the above, it is concluded that the proposed development is acceptable from a highways and transport perspective

Landscaping/trees

43. Landscaping will form part of the reserved matters and an Arboricultural Impact Assessment will be required as part of any future application which should be used to inform the final site layout. A method statement and tree protection plan will also be required detailing how the construction works will be carried out without impacting upon retained trees.
44. The HTDM has considered the application and raises no objections subject to the previous conditions being repeated which has been recommended. All other matters in relation to landscaping can be conditioned and form part of the reserved matters application

Ecology

45. An Ecological Impact Assessment accompanies the application. The site is a large area of grazed grassland comprising other neutral grassland, tall ruderal vegetation, areas of woodland, lines of trees, individual trees and bramble scrub. One small hedgerow of Cotoneaster was present along the northern boundary however this has not been maintained over time and is defunct. These habitats provide ecological value to a range of species and should be retained where possible. It is considered that the application is made for outline permission only and whilst indicative plans have been provided to shown how the site *could* look, these details will be assessed at reserved matters stage and the final floor space may be reduced as the application is for up to 30,193 sq metres of floor space and not this definitive amount
46. The survey suggests that the site is of ecological value for breeding birds, amphibians, bats and small mammals and further survey work is recommended which may require further consultation with Natural England.
47. Whilst further surveys should not usually be conditioned, you can where there will be a delay between the planning permission and the start of development. In these cases, a planning condition should be used to provide additional or updated ecological surveys to make sure that any mitigation is still appropriate. This is important for outline applications or multi-phased developments. The outline permission lasts three years and a reserved matters application should be made before that date and implemented within two years from the date of decision. Given this significant amount of time it is recommended updated surveys are undertaken to secure any appropriate mitigation. It is therefore considered that securing mitigation now which may not be the required or necessary mitigation in five years time is not

the best way to prevent harm to protected species/habitat and in this instance a condition is appropriate.

48. Natural England has raised no objection to the proposed development as the proposed development will not have likely significant effects on statutorily protected sites.
49. The development site is close to a local nature reserve (Charltons Pond) and in order to protect this area a buffer zone will be provided, details of which can be conditioned along with a Construction Environmental Management Plan to mitigate for any potential indirect impacts. Comments in relation to the use of the pond as a fishery are noted however access to the ponds will not change. With regards to the drainage whilst this will be subject of further consideration the development would not increase flood risk elsewhere and therefore there should be no change to the volume of water or quality of water in the pond
50. At present, as this an outline application a BNG assessment has not been commissioned on the Site to determine the existing baseline habitat units and post-development units. However a condition has been recommended to secure these details at reserved matters stage

Health and Safety

51. The application site is located in several consultation zones where the quantum and types of developments are strictly controlled.
52. The Health and Safety Executive has considered the proposals and advised that the risk of harm to people at the proposed development is such that HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case unless specific conditions are attached to the permission which have been recommended.
53. Pipeline operators were consulted and no objections have been raised. They will of course be consulted on any reserved matters application which will provide more information in relation to the siting of the buildings.
54. Given the use of conditions to restrict the development to a sensitivity level 1 development it is considered that the proposed development will not have an adverse impact on Health and Safety.

Flood Risk and Drainage

55. A detailed Flood Risk Assessment and outline drainage management plan accompanies the application. The site is located within flood zone 1, however the Environment Agency mapping shows an area at high risk of surface water flooding in the east of the site. No buildings will be located in this area and this can be considered further at reserved matters stage.
56. The LLFA; NWL and Environment Agency were consulted and no objections have been raised, nonetheless it is considered that the applicant has provided sufficient information to demonstrate that foul and surface water drainage can be achieved at the site and flood risk not increased. Details can be secured by condition.

Impact on the railway

57. Network Rail has been consulted on the proposed development and whilst no objections have been raised the response contained a substantial amount of information which has

been brought to the attention of the applicant. A condition has been recommended to ensure protection of the railway. Final details of landscaping, drainage and many of the other matters raised can be conditioned and Network Rail will be consulted for comments to allow them the protection of their assets.

58. Overall it is considered that the proposed development will not have an adverse impact on the railway line and its operation subject to the recommended conditions and the applicant being mindful of the requirements contained in Network Rails response which has been provided to the applicant.

Improvements

59. As part of the scheme the applicant has indicated that a Public Footpath can be provided from Greenwood Road to link to an extended footpath around the perimeter of Charlton's Pond which can be secured by a Grampian condition.
60. The final details shall be submitted and agreed which will ensure the protection of the bird sanctuary and pond.

CONCLUSION

61. In conclusion, it is considered that the application would bring forward sustainable development on an unused area of land within the established urban area and whilst not in complete accordance with the specific policies in the local plan, the development will accord with the NPPF and the local plan in terms of sustainable development and the reuse of land. For this reason and the specific constraints of the site the principle of development is considered acceptable.
62. 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	Billingham East (Pre May 2023)
Ward Councillor	Councillor Mick Stoker
Ward Councillor	Councillor Evaline Cunningham

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.

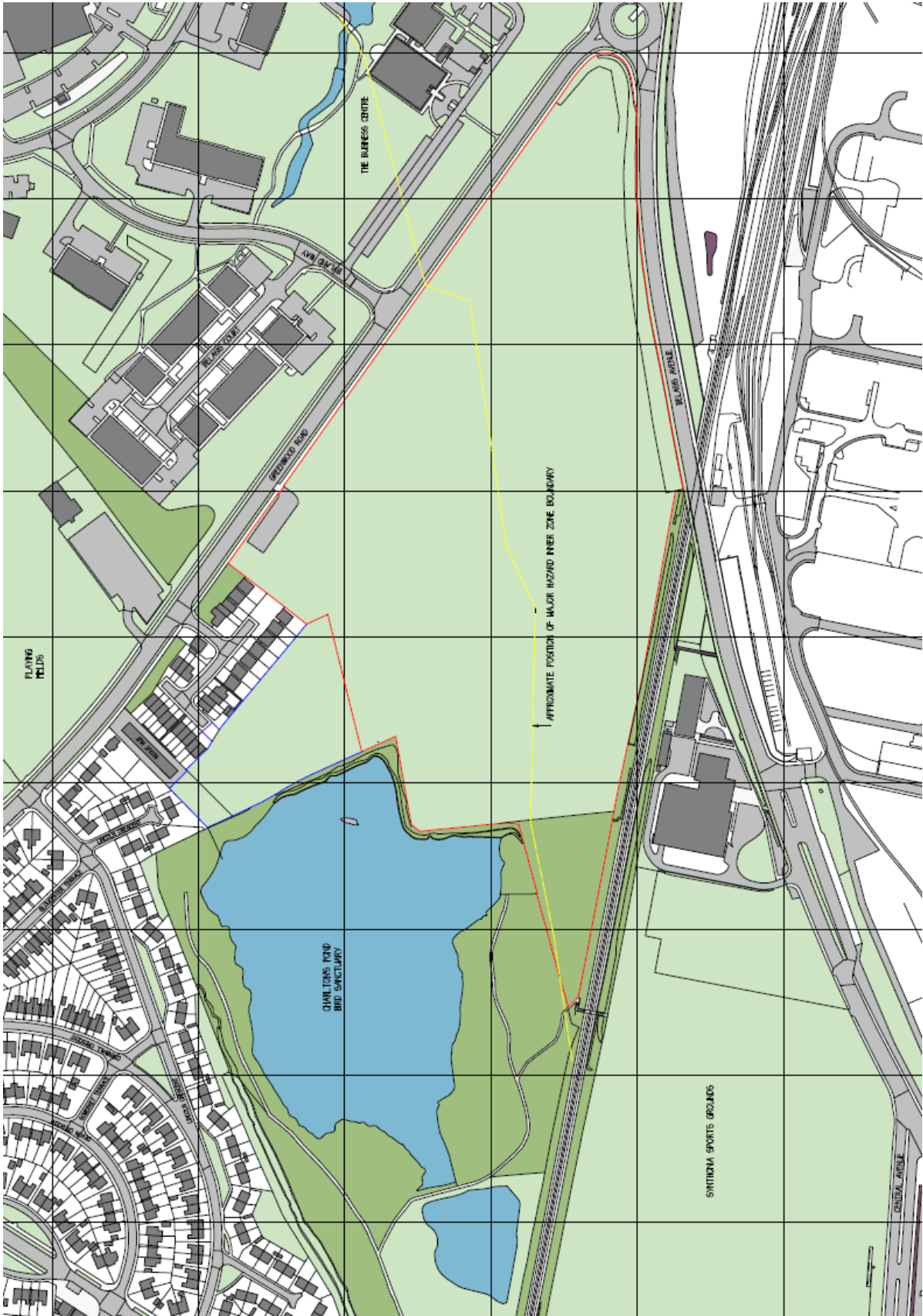
Community Safety Implications:

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

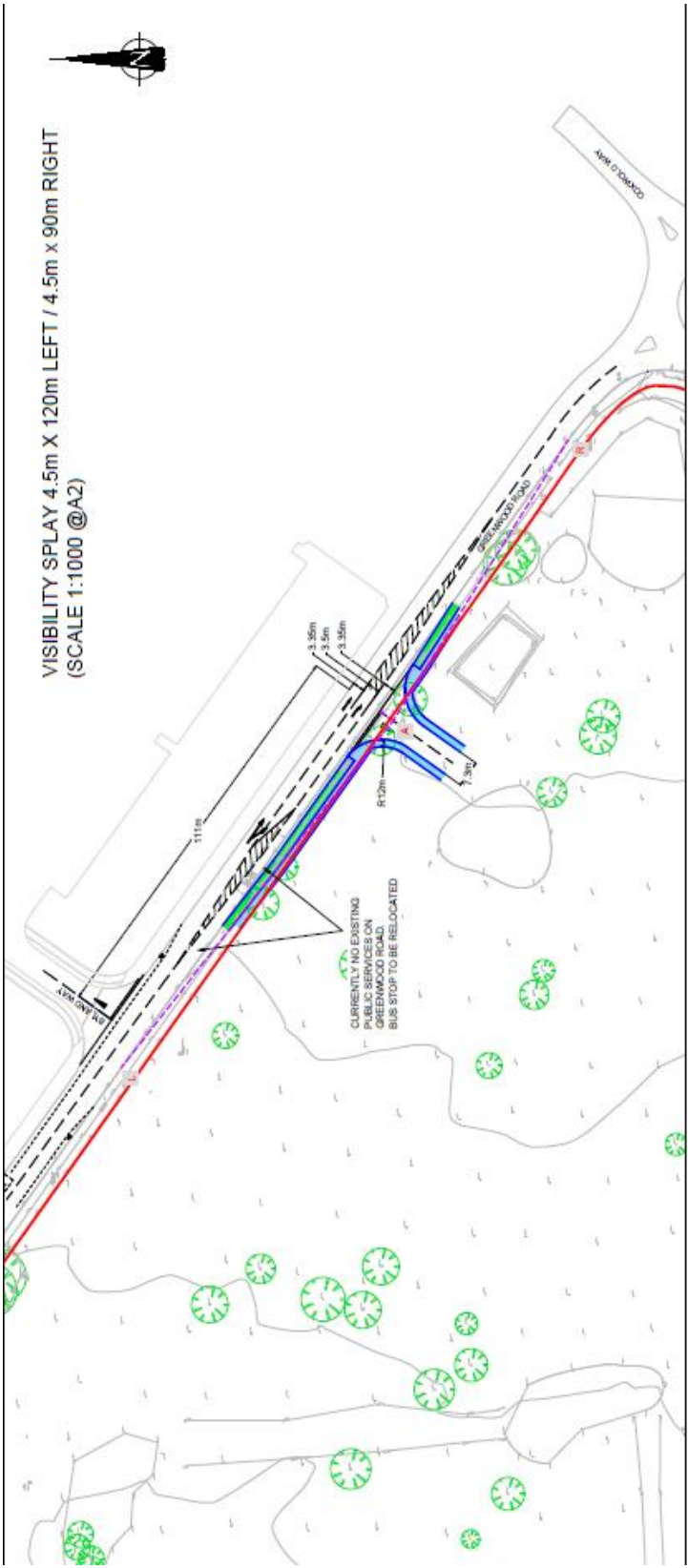
National Planning Policy Framework
Adopted Local Plan
Application file
SPD3 – Parking Provision for Developments - Oct 2011

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Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access. Playing Field South Of Charlton Close, Greenwood Road, Billingham

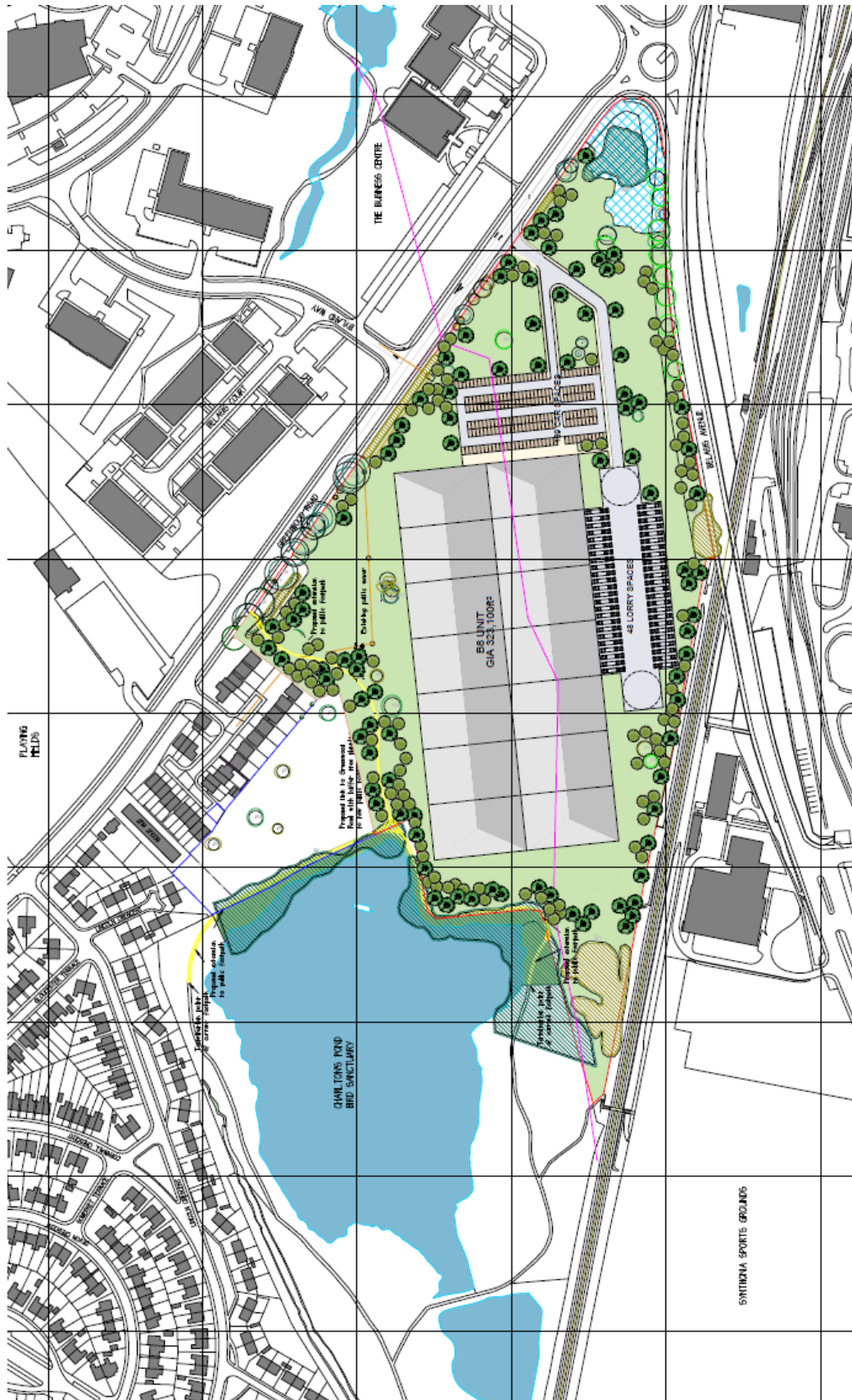
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Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access. Playing Field South Of Charlton Close, Greenwood Road, Billingham

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APPENDIX 3 – INDICATIVE PLAN – ONE UNIT
APPLICATION NUMBER: 23/0046/OUT



Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access. Playing Field South Of Charlton Close, Greenwood Road, Billingham

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**APPENDIX 4 – INDICATIVE PLAN – SEVERAL UNITS
APPLICATION NUMBER: 23/0046/OUT**



Outline application for proposed development of up to 325,000 square feet (30,193 sq metres) of B2/B8 employment floorspace (maximum two storeys in height), with all matters reserved other than access. Playing Field South Of Charlton Close, Greenwood Road, Billingham

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DELEGATED

AGENDA NO PLANNING COMMITTEE 7 February 2024 REPORT OF DIRECTOR OF FINANCE, DEVELOPMENT AND BUSINESS SERVICES

23/1003/FUL

**Stable Block South West Of North Meadows, Calf Fallow Lane, Norton
Conversion of 1no barn to 1no dwellinghouse to include the erection of a porch to the front, erection of 1.8m high wall with 2.4m piers and demolition of existing storage building.**

Expiry Date: 21 November 2023

SUMMARY

The application site relates to an existing stable building located within an agricultural field along Calf Fallow Lane, Norton. The stable building is laid on an area of hardstanding, and to the west there are two smaller buildings which are lawful. There are also unauthorised works that have been carried out at the site which will be investigated accordingly.

Planning Permission was granted in January last year for a larger stable building within the adjacent field. The permission was approved on the basis that the stable block which is subject of the application to be demolished.

The application has been considered in full and is recommended for refusal as the scheme is contrary to planning policy as it would lead to an isolated home within the countryside which is unsustainably located. The conversion is not considered to meet any of the requirements of planning policy SD3 which supports countryside dwellings and as a result the development would lead to an erosion of the countryside and set an undesirable precedent.

The application was due to be presented to Committee in January as the Applicant is a Council Employee and the Scheme of Delegation states that applications which meet the following criteria be referred to Planning Committee

Those cases which involve development on land owned, or in which an interest is held, by a Council Member (or their spouse/partner) or by any member of the Council staff (or their spouse/partner). An Objection representation has been received to the planning application.

However, an appeal has been submitted for non-determination and the application is brought to the planning committee for Members to make a decision on how they would have voted and whether members would have been minded refusing the application as per the Officer recommendation.

RECOMMENDATION

That members would have been minded to refuse planning application 23/1003/FUL for the following reasons:

- Isolated dwelling in the Countryside**
- 01 In the opinion of the local planning authority the proposal is contrary to the National Planning Policy Framework (para 84) which aims to restrict isolated new dwellings within the countryside without appropriate justification. The proposal is contrary to SD3

of the Stockton on Tees Local Plan which states development outside the limits of development will only be permitted if it is necessary for a farming, forestry or rural based enterprise; or represents optimal use of a heritage asset; would re-use a disused building and would enhance its setting; be of exceptional quality or innovative design. It is considered that there are no special circumstances relating to the proposal as defined in paragraph 84 of the National Planning Policy Framework to override the adopted policies of the Local Planning Authority.

Out of character with the area

- 02 In the opinion of the Local Planning Authority, the proposed development by virtue of its residential character and appearance (including the provision of residential paraphernalia) is considered to be out of character with the immediate rural environment within which it is located would be detrimental to the visual amenities of the surrounding open area. Approval of the change of use would also set an undesirable precedent which would make it difficult to refuse other similar applications, the cumulative effect of which would be the erosion of the open countryside contrary to the guidance set out in paragraphs 135 and 180 of the National Planning Policy Framework and Planning Policy SD3, SD5 and SD8, which aims to protect and enhance the intrinsic character and beauty of the countryside.

Unsustainable location

- 03 In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the lack of public footpaths and street lighting which would require occupants to travel via the private car for employment, schools, retail and recreational purposes and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in the National Planning Policy Framework and it is considered that there are no special circumstances relating to the proposal as defined in paragraph 84 of the National Planning Policy Framework to override the National Planning Policy Framework when taken as a whole.

BACKGROUND

1. The following planning permissions have been granted in connection with the site:
2. In 2009 a planning application was granted for the existing stable block under planning application 09/0218/FUL which was approved 26th March 2009. This is the application building under consideration as part of this application.
3. In 2022 a further application was made for the provision of a new stable building with an associated access, landscaping and 1.2 metre high fence was approved on the adjacent field to the west of the proposed application site. This was allowed on the basis the existing stable block granted under planning application 09/0218/FUL would be demolished within 1 month from bringing this approved stable building in to use and the land restored to its former condition. This application was approved with conditions on 9th January 2023 (22/2366/REV).

SITE AND SURROUNDINGS

4. The application site is a stable building located to the west of North Meadows, Calf Fallow Lane, Norton, Stockton on Tees. To the site is located within the open countryside and within the area are small agricultural holdings with associated agricultural buildings.

PROPOSALS

5. The application seeks planning permission for the conversion of an existing stable building which would include external alterations for the creation of 5 new window openings to the

east elevation, fully glazed southern gable side elevation, four windows and front entrance door with centrally located front porch.

6. The application also includes the erection of a 1.8 metre high rendered wall to the north west of the building with automatic entrance gates.
7. It is noted the red edge location plan is tightly around the stable building and no change of use of any associated residential amenity space is sought as part of this planning application.

PLANNING POLICY

8. 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.
9. 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

10. 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.
11. 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.
7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

108. 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.

109. 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.

114. 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.

115. 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.

116. 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.

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land⁴⁹.

131. 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.

135. Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) 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);
- d) 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 visit;
- e) 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
- f) 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 users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- 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.

186. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

187. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites⁶⁸; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Planning Policy

12. 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.

Housing

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.

- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the

development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.
- c. Providing opportunities for custom, self-build and small and medium sized house builders.

4. New dwellings within the countryside will not be supported unless they:

- a. Are essential for farming, forestry or the operation of a rural based enterprise; or
- b. Represent the optimal viable use of a heritage asset; or
- c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
- d. Are of an exceptional quality or innovative nature of design. Such a design should:
 - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - ii. reflect the highest standards in architecture;
 - iii. significantly enhance its immediate setting; and
 - iv. be sensitive to the defining characteristics of the local area.

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.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

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 possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

- a. To an infiltration or soak away system; then,
- b. To a watercourse open or closed; then,
- c. To a sewer.

6. Disposal to combined sewers should be the last resort once all other methods have been explored.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

Natural, Built and Historic Environment Policy 5 (ENV5) - 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.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:

i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

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 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.

CONSULTATIONS

13. Consultees were notified and the following comments were received:-

Northern Gas Networks

We do not object to the amendments as per 1400018624

Environmental Health Unit

I have checked the documentation provided, have found no grounds for objection in the principle of this application and do not think that additional conditions need to be imposed from an Environmental Health perspective.

Highways Transport & Design Manager

Highways Comments - There are no highway objections to the proposed conversion of 1no barn to 1no dwellinghouse.

Landscape & Visual Comments - There are no landscape and visual comments on the proposals.

Parish Council

The Parish Council at its meeting of 12th July 2023 considered this application.

The Parish Council wish to Object to the proposal as we feel the planning application is not consistent / compliant with the Local Plan in its proposal, both by its nature and in its design which is not considered aesthetic or in spirit of the Local Plan. Of additional concern is the potential that the barn may have been subject to recent planning proposal and then further proposed as a barn conversion.

The Parish Council is additionally concerned about the prevalence of barn conversions in the area.

We would be grateful if the Parish Council's objection could be lodged.

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.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated.

No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue.

If you have any questions, our Before You Dig Team will be able to help on 0800 040 7766 (option 3) or beforeyoudig@northerngas.co.uk

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Teesmouth and Cleveland Coast Special Protection Area and Ramsar Site - <https://designatedsites.naturalengland.org.uk/>
- damage or destroy the interest features for which Teesmouth and Cleveland Coast Site of Special Scientific Interest has been notified.
-

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- 0.06ha of land to be taken out of agricultural land use to convert into woodland, as detailed in the submitted Habitats Regulation Assessment and Woodland Management Plan.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation measures – Woodland creation

As mitigation it is proposed to plant 1.2ha of woodland. The local planning authorities are the Competent Authorities with regard to the Habitat Regulations and must be assured and satisfied that any mitigation proposed can be secured and delivered in perpetuity. Any scheme for offsetting nitrogen must meet the basic tests of certainty of delivery, enforceability and the need for securing the adopted measures for perpetuity to ensure it is effective mitigation. Changes on agricultural land need to be enforceable in perpetuity and the competent authority will need to be certain that these changes have occurred and will continue to occur on the long term.

The applicant has provided a monitoring and management plan for the proposed mitigation.

Provided that your authority, as the competent authority, is assured and satisfied that the site areas used in the nutrient budget calculation are correct and that the existing and proposed land uses are appropriately precautionary, then Natural England raises no concerns with the nutrient budget.

Other advice

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

PUBLICITY

14. Neighbours were notified and no comments were received.

15. **SITE NOTICE EXPIRY DATE:** 18 July 2023

MATERIAL PLANNING CONSIDERATIONS

16. The main considerations of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact on the amenity and highway safety matters along with any other material planning considerations.

Principle of Development

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point in assessing any planning application must therefore be the local plan.

18. Within the supporting statement the agent refers the building as a barn and makes reference to permitted development rights under class Q of the GPDO. For clarification the building is a stable block which was granted planning permission for personal equestrian use in 2009 (09/0218/FUL) and is not used for agricultural purposes or an agricultural trade or business.

19. Full planning permission is sought for the conversion of a stable block to a dwelling to include the addition of a front porch and boundary wall. The site is located within the open countryside and falls outside the limits to development as shown on the Local Plan policy map. In these instances, policies SD3, SD4 and SD5 set out the types of appropriate developments within the countryside. The Council can demonstrate a five-year land supply and the development plan conforms and is consistent with the National Planning Policy Framework (NPPF) 2023 and is given appropriate weight.

20. The Local Plan identifies 'limits to development' the extent of which are displayed on the accompanying Policies Map. The limits to development mark the transition between built development in the conurbation, Wynyard and the Borough's villages from the open countryside around them and provide a useful function in directing development to sustainable locations. Paragraph 4.49 of the Local Plan provides further explanation stating 'The principle of the limits to development is to protect the intrinsic value of the countryside. Through the application of other policies within the Local Plan, the limits to development also serve to actively manage patterns of growth.'

21. Policy SD5 of the Local plan seeks to ensure any new development conforms with the design principles of policy SD8, ensuring new development retains the physical identity of individual settlements and does not lead to an unacceptable upon the character and distinctiveness of the Borough's landscape. Additionally, SD5(1h) sets out support is given to the re-use of buildings outside the limits of development whereby it does not amount to significant demolition and rebuilding, extensions and alterations are limited, any outbuildings/structures are of an appropriate scale and design or lead to a non-viable agricultural unit.

22. The proposal includes installation of fenestration, the erection of a porch to the front and a brick wall enclosure. The plans indicate an existing wooden structure at the site will be demolished. It is noted the red edge only includes the footprint of the building and the existing unauthorised hard standing and building erected does not benefit from planning approval and are subject to further enforcement considerations. A structural survey accompanies the application that concludes the proposal would be capable of conversion.

With regards to creating a non-viable agricultural unit, the application site relates to a small section of land for equestrian purposes (and some unauthorised development) and as such the grazing land to the west would remain agricultural land. It is not considered the proposed works shown on the submitted plans would be contrary to the above criteria. However regardless of compliance with this policy, this is dependent on compliance with policy SD3.

23. The development site falls outside the limits to development and is subject to planning policy SD3 (4) which aims to ensure the intrinsic character and beauty of the countryside is not adversely impacted upon and in the case of paragraph 84 of the NPPF is to avoid isolated homes within the countryside. The NPPF and policy sets out the principle of new dwellings within the open countryside, will only be accepted if it meets one of the following criteria;
- a. Are essential for farming, forestry or the operation of a rural based enterprise; or
 - b. Represent the optimal viable use of a heritage asset; or
 - c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
 - d. Are of an exceptional quality or innovative nature of design. Such a design should:
 - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - ii. reflect the highest standards in architecture;
 - iii. significantly enhance its immediate setting; and
 - iv. be sensitive to the defining characteristics of the local area
24. Whilst the definition of an isolated home is not provided within the Framework, it is considered to be interpreted as a dwelling that is physically separate or remote from a settlement as set out within the Braintree judgement (Braintree DC v Secretary of State for Communities and Local Government & Others [2018] EWCA Civ 610). The site falls outside the settlement boundary down an approximate 0.5 mile single width track. It is therefore considered that a dwelling within this location would be considered as isolated.
25. The dwelling would not be used for rural purposes, as defined in Policy SD3, it is not a heritage asset nor would the development demonstrate exceptional quality or innovative design and therefore does not comply with criteria a, b or c. The supporting statement concludes the application for planning permission would re-use a redundant building and enhance its immediate setting.
26. Within the submitted planning statement it states: *The proposals would breathe new life into buildings that have no current beneficial use. The meaning of 'enhancement' in the context of Para84 was considered by Inspector Underwood in addressing consideration of the conversion of redundant stable blocks at Long Newton, Stockton on Tees. In allowing the appeal, he stated:*
- "I consider than an enhancement in the terms of Framework paragraph 55 would not necessarily be restricted to the improvement of character and quality of an area required by Framework paragraph 64 as it could relate to the condition, maintenance and management of land and buildings from a disused or redundant state."*
27. The stable building itself is in very good condition and from the site visit and photos provided within the structural survey the building would not be seen as redundant or in a disused state. Furthermore, the recent unauthorised works to the site would suggest otherwise. The building appears as a stable block, which is a common feature within a rural setting. It is not considered the addition of a front porch and wall would 'enhance' the

setting, rather detract from it in making it have a domestic appearance which would undoubtedly lead to associated paraphernalia. Whilst the policy does not seek evidence in respect of a building being disused, from the site visit and on-going works, the building and surrounding land does not have a disused appearance or is within a redundant state. The application states the use is equestrian/agricultural and is not described as a disused building. The submission also states the proposed development would provide an enhancement to a building with no beneficial use. The stable building as previously set out was approved for private equestrian purposes and could still be utilised for this purpose.

28. The building would maintain much of its external fabric; however it would be domesticated by the fully glazed south end and the insertion of windows and porch. The very nature of these alterations would urbanise the building and as a result change the character of its surroundings. Together with the further domestication from the proposed wall, the site would have an urbanising effect. It is not considered the development would lead to an improvement nor would it enhance the setting of what is a stable building within the countryside.
29. There is no evidence that the stable building is redundant or disused either within the application form or planning statement. It was noted during the site visit there was no horses being stabled, however that is not sufficient to conclude it would be a disused or redundant building.
30. Only in exceptional circumstances as outlined with planning policy SD3(4) would development be granted. If development is not considered in strict accordance with the defined development limits, unless material planning considerations indicate otherwise it is highly likely to lead to the erosion of the limits and a weakening of the development plan. It is not considered the proposal complies with local or national policy and should be refused.
31. In 2022 the applicant applied for planning permission for the erection of a new stable building located within the western part of the agricultural field (22/2366/REV, approved the 9th January 2023) *“for keeping and welfare of her horses for private use on this piece of grazing land, which is in the applicant's ownership, in a more strategic and accessible location than the existing,”* The supporting statement set out the applicant required a larger stable block that met the requirements of The British Horse Society standards for the keeping of shire horses. It also stated *“there will be an area of hardstanding adjacent to the building and adjacent to the existing track to east which will allow adequate space for vehicular parking, unloading of bedding and feed supplies and manoeuvring of all types of vehicle so that they can access and egress the application site in forward gear. The building will also store horse box and trailers.”* As part of the planning approval a condition stipulated the existing stable block (the subject of this application) be demolished within 1 month of bringing the new stable building in to use and the land restored to its former condition.
32. Since the granting of this permission, it is now apparent the applicant did not in fact own the land at the time of granting permission but has since purchased the land in March 2023. The agent has stated should the existing stable block conversion be approved a unilateral undertaking would ensure permission 22/2366/REV would not be built but this would not overcome the policy objections or principle of isolated residential homes outside the limits to development.

Sustainability

33. Paragraph 84 of the NPPF states policies and decisions should avoid isolated homes within the countryside unless it would adhere to one of the specified circumstances. It is

not considered the development proposal accords with those aims to allow an isolated dwelling.

34. The application site is located approximately 0.5 mile outside the limits to development and the adopted highway (measured from the limited to development as defined on the local plan). In terms of consideration of the sustainability of the proposed development, the application site is situated within the open countryside located on a narrow track bound by hedgerows and no safe footpaths, lighting provision or any public transport links. The site is considered to be inherently unsustainable.
35. This dependence on private cars is contrary to the guidance contained within the National Planning Policy Framework, which effectively requires new housing development to be located within sustainable locations. It is considered the proposed development, located outside the limits to development and in an unsustainable location is contrary to policies both at a national and local level and there are no material considerations that would outweigh this conclusion as detailed above. It is therefore recommended that the application be refused for this reason.

Landscape and Character

36. Paragraph 180 of the National Planning Policy Framework directs local planning authorities to recognise the intrinsic beauty of the open countryside, and Local Plan Policy SD5 reflects this by supporting countryside development that is of an appropriate scale. There is however a policy objective not to develop more of the countryside than is necessary, which is reflected in Local Plan Policy SD5 paragraphs 1(e) and h(iv) and its overall objective of conserving and enhancing the natural environment.
37. The application proposals illustrate a part rendered/cladded single storey building which would include the installation of additional fenestration openings, with the southern elevation being fully glazed. The proposal also includes a new boundary wall with car parking area to the front. detail, driveway and residential curtilage. The setting of the building is within an agricultural field and visually appears as a typical structure seen within the countryside. It is considered its conversion and associated works would create further harm the visual appearance of the countryside by formalising a domestic curtilage which would contain all of the domestic paraphernalia associated with the amenity space that it would serve. It is not considered there would be any benefits of allowing such a development with regards to the visual impact and it would add to the erosion of the countryside and would not lead to an enhancement of its setting to justify as an acceptable form of development.
38. Overall, in terms of the impact on the character of the area, the proposed development would represent an erosion of the open countryside, which is considered to result in significant harm to the character and appearance of the area. The proposed development is considered to conflict with the requirement the National Planning Policy Framework and Planning Policy SD5 which aims to conserve the natural environment by supporting buildings only of an appropriate scale.

Amenity

39. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings.
40. Given the location the use of the building for residential purposes would not result in any significant loss of amenity or privacy to the surrounding landowners and would therefore would not raise any significant issues in this respect.

41. It is acknowledged this application only seeks for the conversion of the building as shown within the red edge plan and does not include any amenity space for the residents of this proposal. The land to the east of the building is outlined for nitrate neutrality mitigation. The very nature of no outdoor amenity space allocated for the residents would lead to an inadequate amenity standard and would likely lead to a further erosion into the open countryside.

Highways

42. The Highways Transport and Design Manager has reviewed the application and raises no objections to the proposal on highway grounds.

Nitrate neutrality

43. The applicant has provided information with regards to nitrates and to mitigate impacts they have proposed to plant a woodland covering 0.06ha as detailed within the submitted Habitat Regulations Assessment and Woodland Management Plan. Natural England have provided comment on the applications recommending the development would be acceptable subject to an appropriate condition. The development would therefore be acceptable subject conditions.

Ecology

44. The submitted Ecology Report concludes there are no bats roosting within the building, or any schedule 1 bird species and no further report is required. The submitted report sets out mitigation measures to minimise the risk of harm to birds during the construction phase of the development. A condition can stipulate the development is carried out in accordance with these details.

CONCLUSION

45. It is recommended that the application be Refused for the reasons specified above.

Director of Finance, Development and Business Services
Contact Officer Jade Harbottle Telephone No 01642 528716

WARD AND WARD COUNCILLORS

Ward Northern Parishes

Ward Councillor Councillor John Gardner
Ward Councillor Councillor Vanessa Sewell

IMPLICATIONS

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD3 – Parking Provision for Developments - Oct 2011

SPD – Householder Extensions and Alterations - Adopted May 2021

Appendix

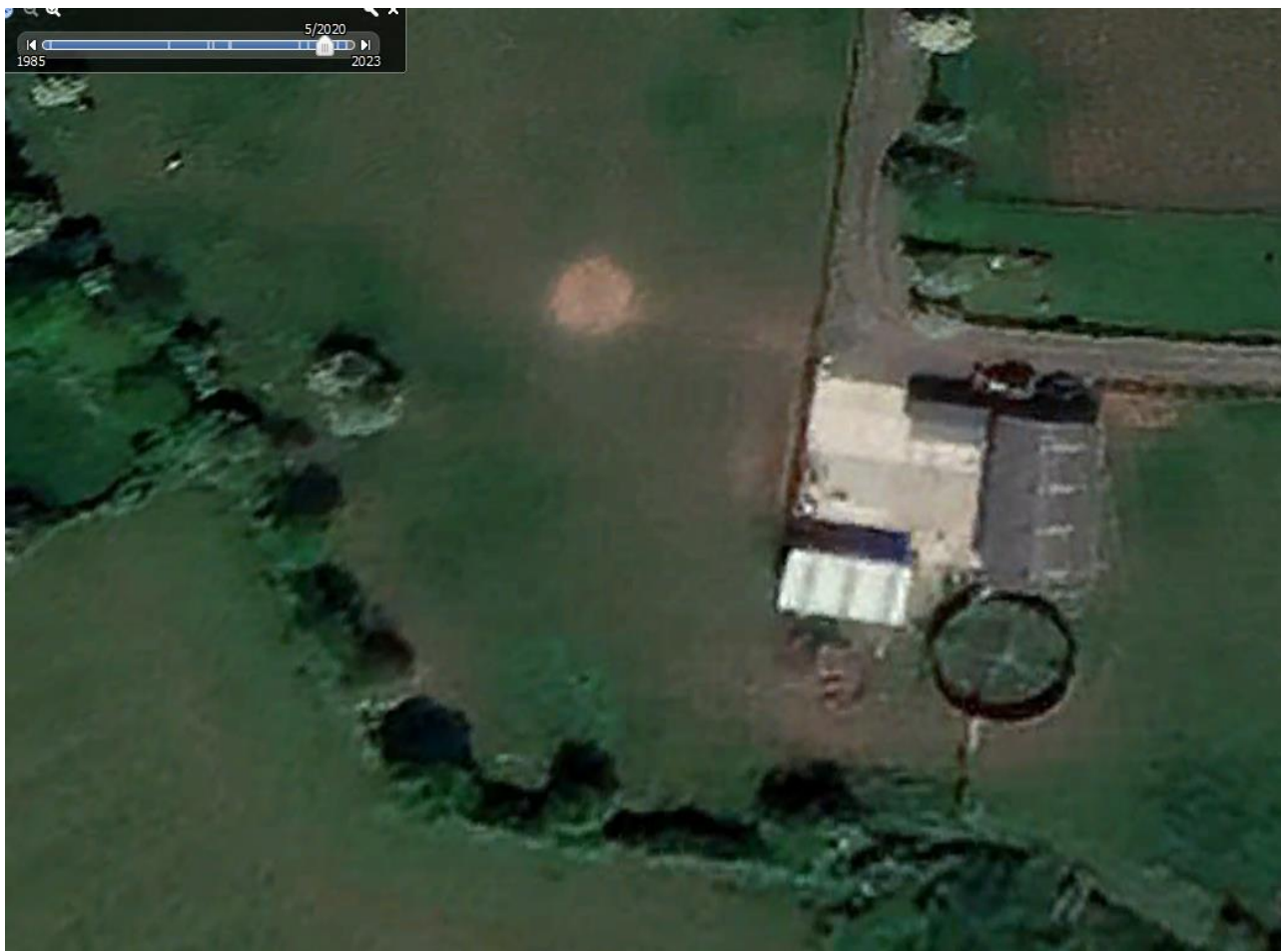
Google Aerial image May 2023

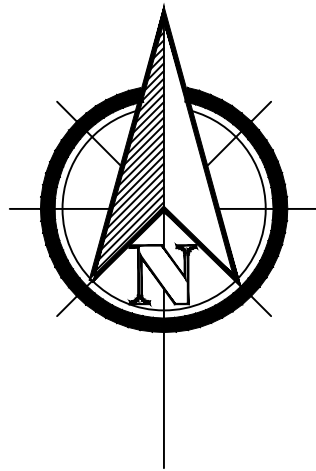
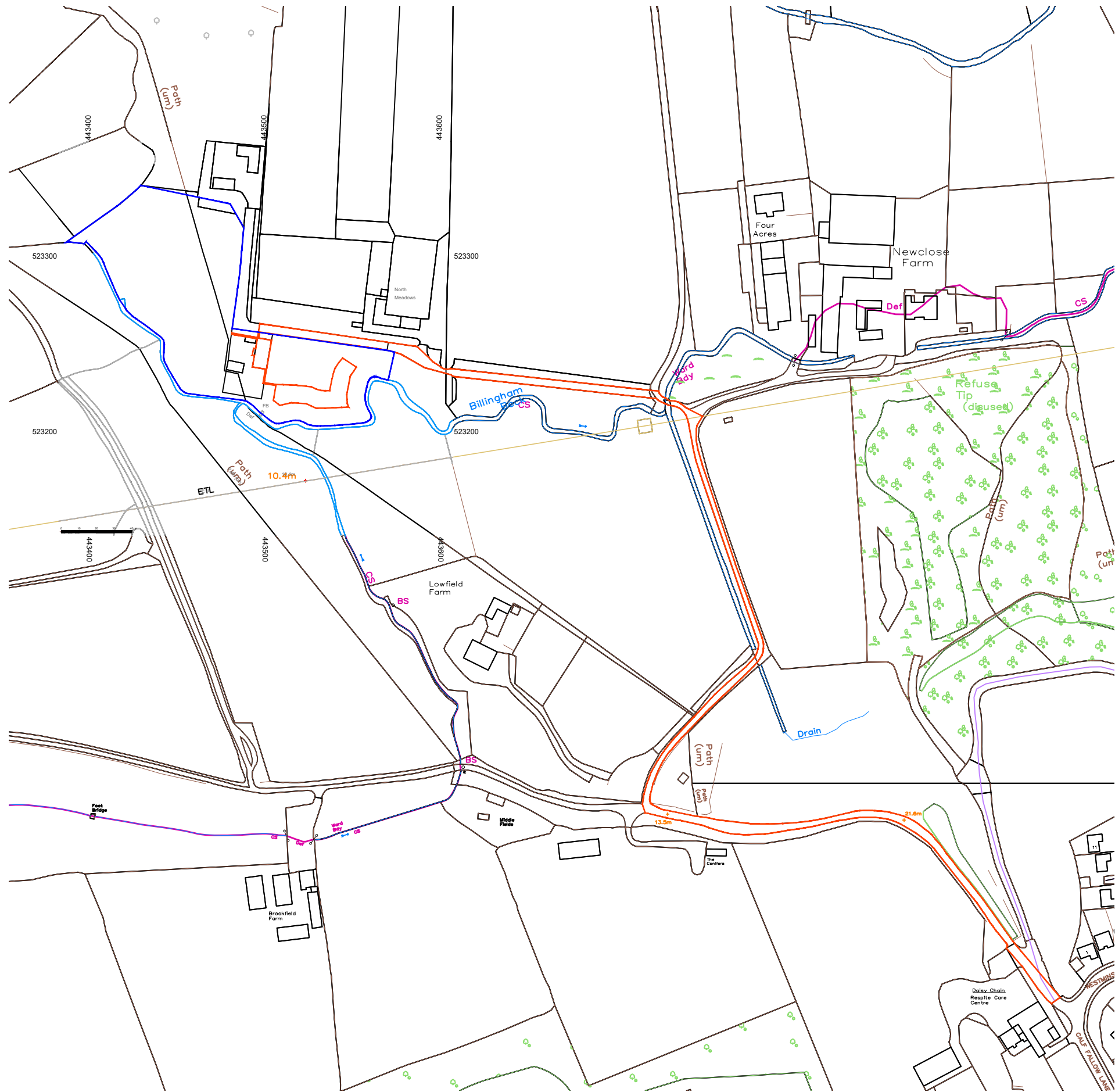


Google image March 2022



Google Image May 2020





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5. This drawing must be read in conjunction with the drawings specified.

HAZARDS:

- CDM2015
1. Live services adjacent/on site.
 2. Excavations - Ground Collapse
 3. Handling major components
 4. Working at height - Falling
 5. Machinery & Equipment
 6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
 7. The weight of each block must not exceed 20kg


REV	DATE	DETAILS
B	26.09.23	Red Line updated following LPA Planning Officer's Request
A	08.09.23	Blue Line and Red Line updated following LPA Planning Officer's Request

REVISIONS:



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CIAT
CHARTERED PRACTICE

CLIENT:
Mr & Mrs Swales

PROJECT:
Proposed Barn Conversion
New Close Farm
Norby, DL6 2HE

DRAWING TITLE:
Site Location Plan

PURPOSE OF ISSUE:
PLANNING

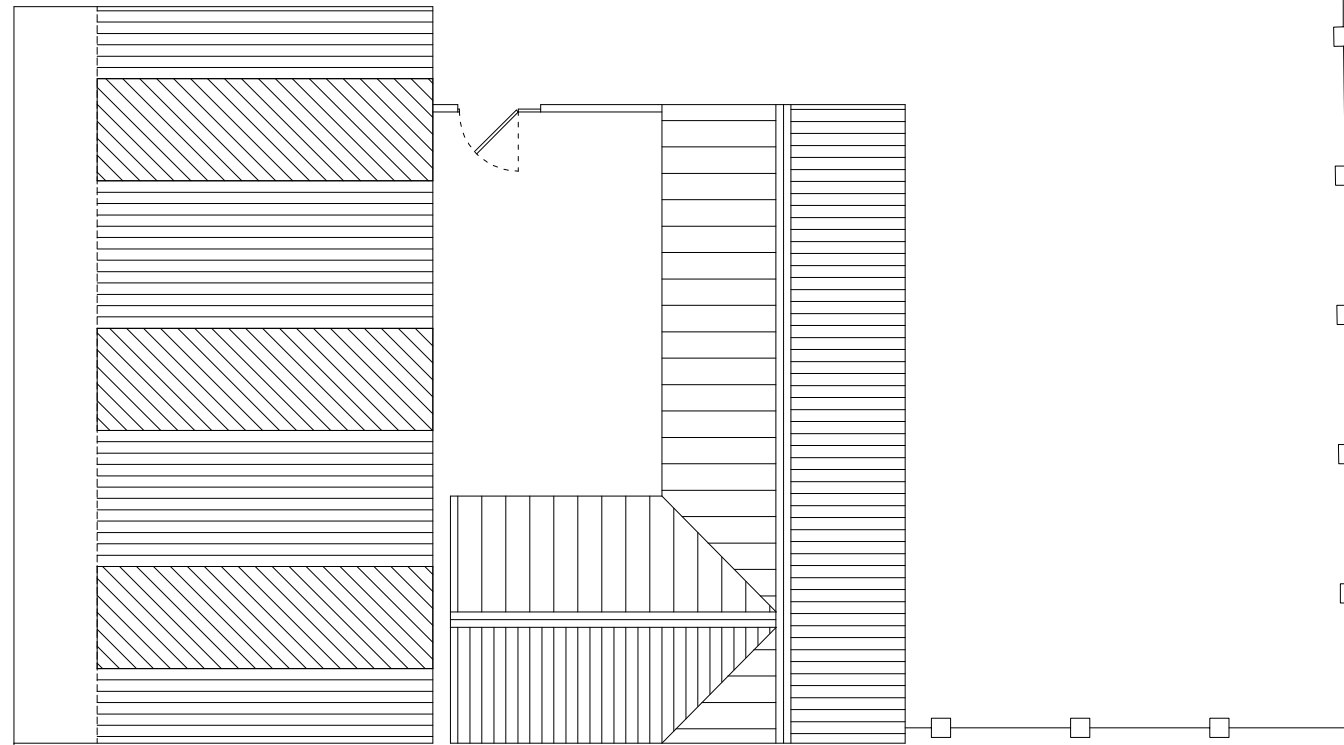
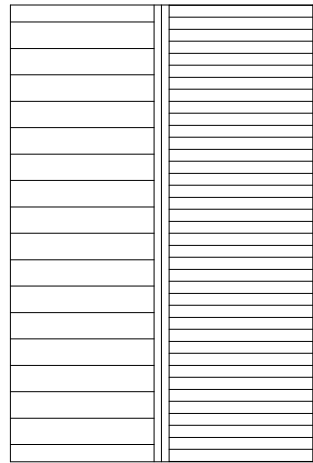
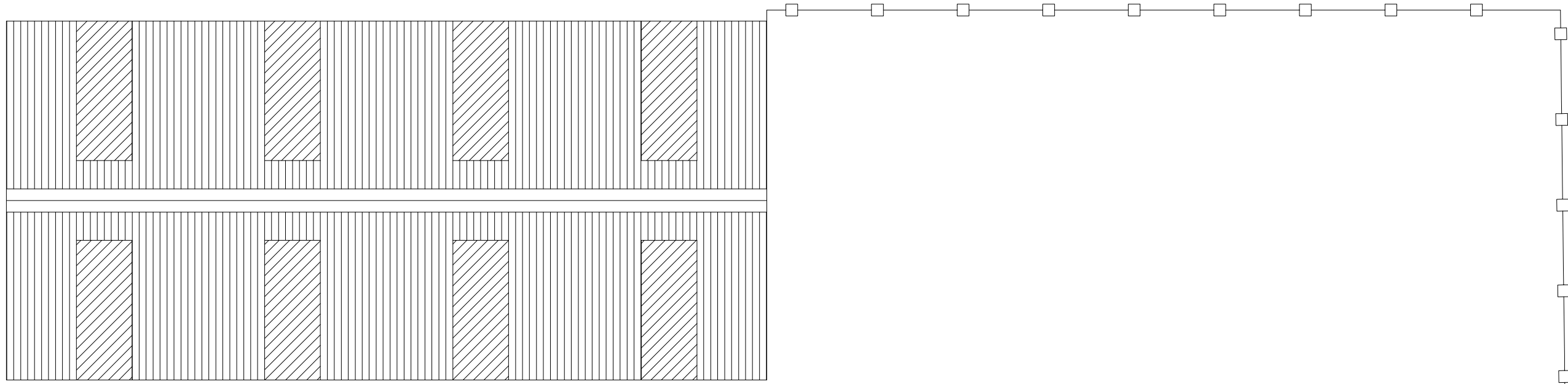
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B

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Existing Site Plan

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HAZARDS:

CDM2015

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2. Excavations - Ground Collapse
3. Handling major components
4. Working at height - Falling
5. Machinery & Equipment
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7. The weight of each block must not exceed 20Kg

REV	DATE	DETAILS

REVISIONS:

CLIENT:
Mr & Mrs Swales

PROJECT:
Proposed Barn Conversion
New Close Farm
Call Follow Lane

DRAWING TITLE:
Existing Site Plan

PURPOSE OF ISSUE:

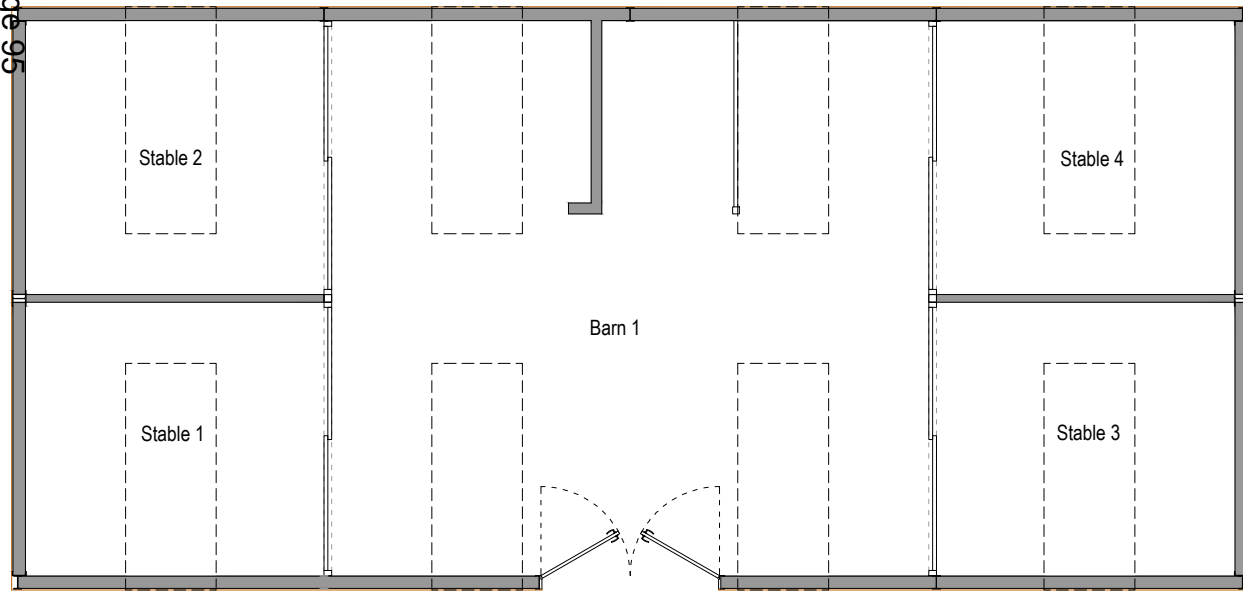
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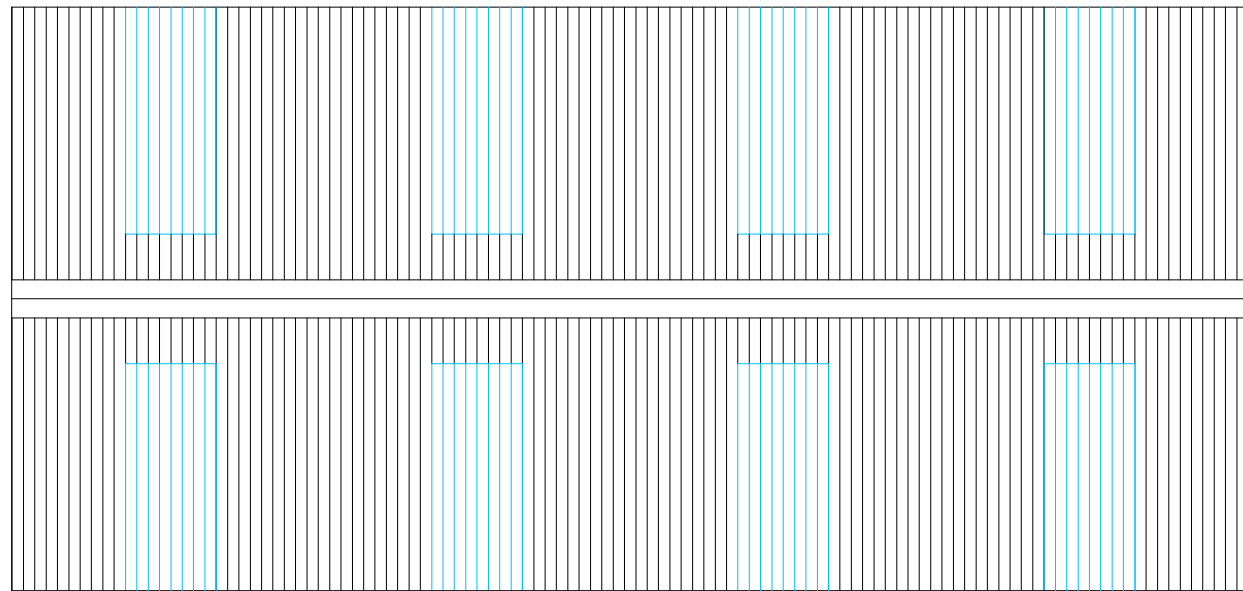
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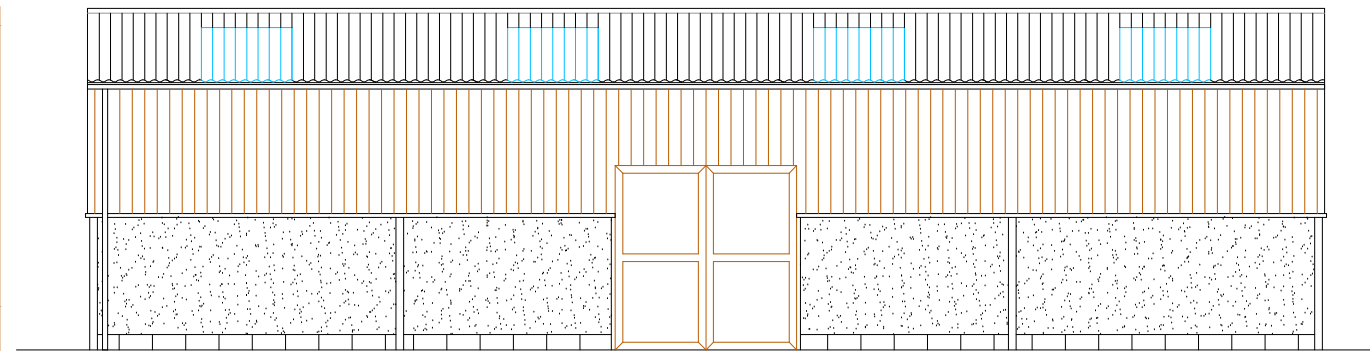
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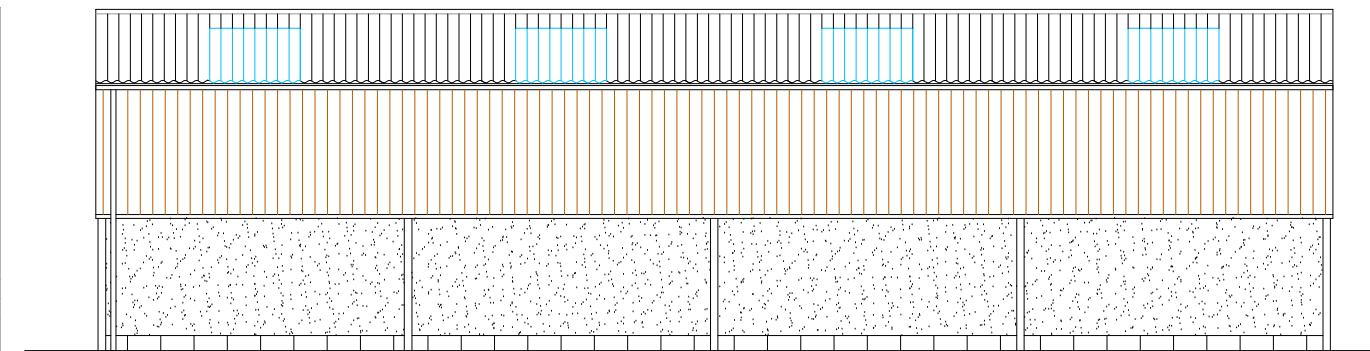
Existing Ground Floor Plan (Building 1)



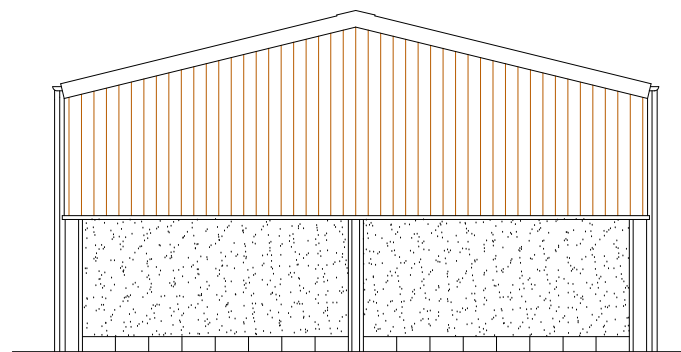
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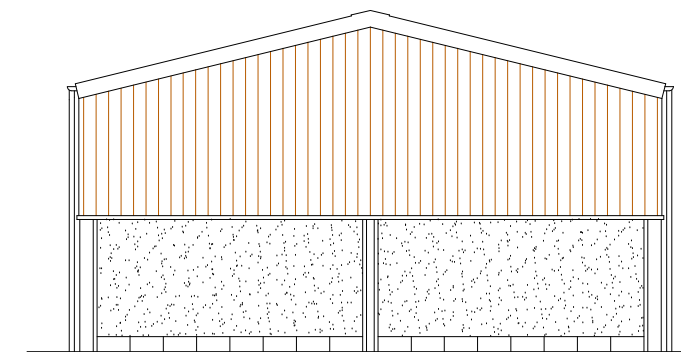
Existing West Elevation A (Front)



Existing East Elevation B (Rear)



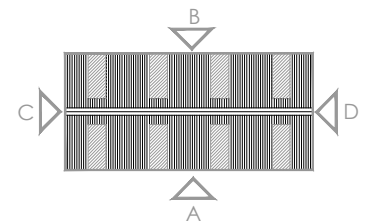
Existing South Elevation D (Side)



Existing North Elevation C (Side)

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- HAZARDS:
- CDM2015
1. Live services adjacent/on site.
 2. Excavations - Ground Collapse
 3. Handling major components
 4. Working at height - Falling
 5. Machinery & Equipment
 6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
 7. The weight of each block must not exceed 20Kg



REV	DATE	DETAILS

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CIAT
 CHARTERED PRACTICE

CLIENT:
 Mr & Mrs Swales

PROJECT:
 Proposed Barn Conversion
 New Close Farm
 Normby, DL6 2HE

DRAWING TITLE:
 Existing Floor Plans (Building 1)

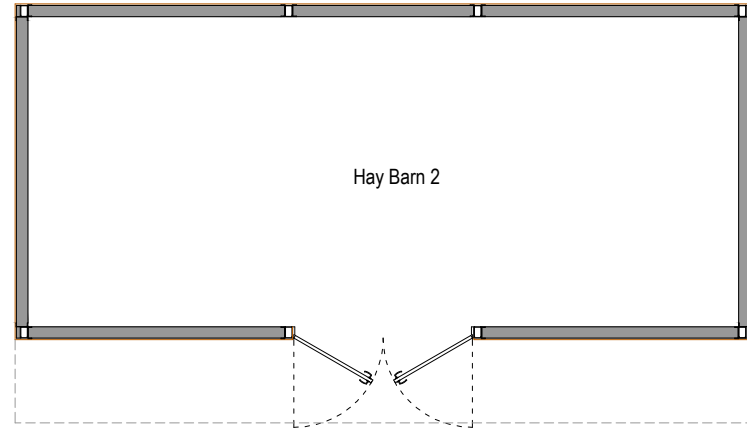
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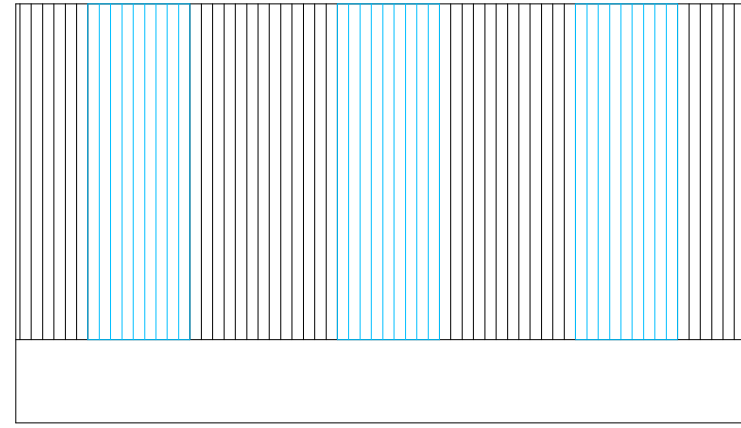
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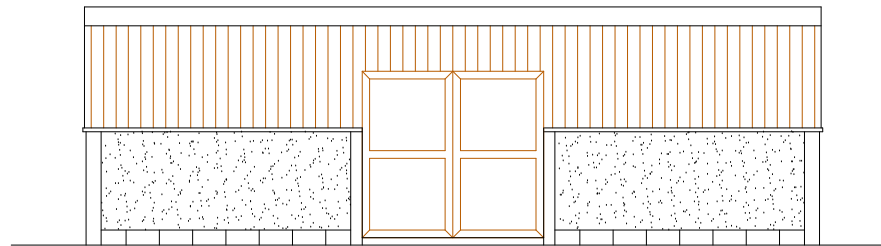
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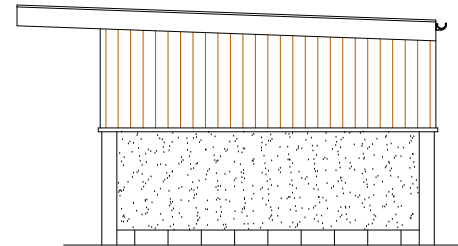
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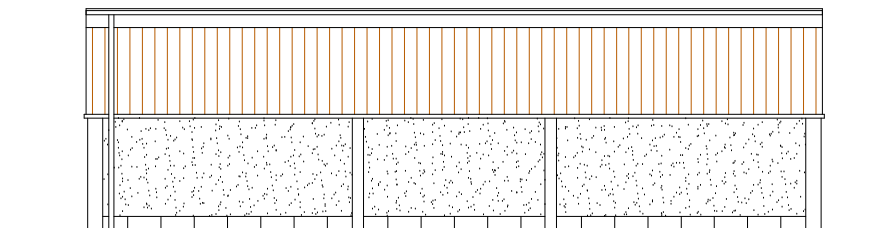
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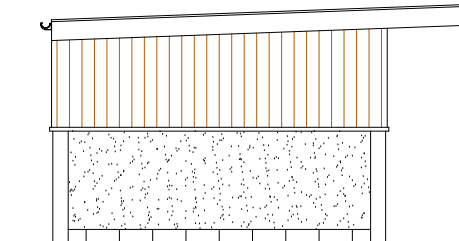
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Existing West Elevation D (Side)



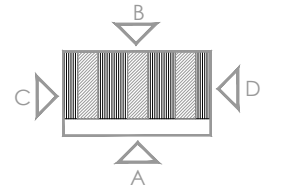
Existing South Elevation B (Rear)



Existing East Elevation C (Side)

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- HAZARDS:
- CDM2015
1. Live services adjacent/on site.
 2. Excavations - Ground Collapse
 3. Handling major components
 4. Working at height - Falling
 5. Machinery & Equipment
 6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
 7. The weight of each block must not exceed 20Kg



REV	DATE	DETAILS

REVISIONS:

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CLIENT:
Mr & Mrs Swales

PROJECT:
Proposed Barn Conversion
New Close Farm
Normby, DL6 2HE

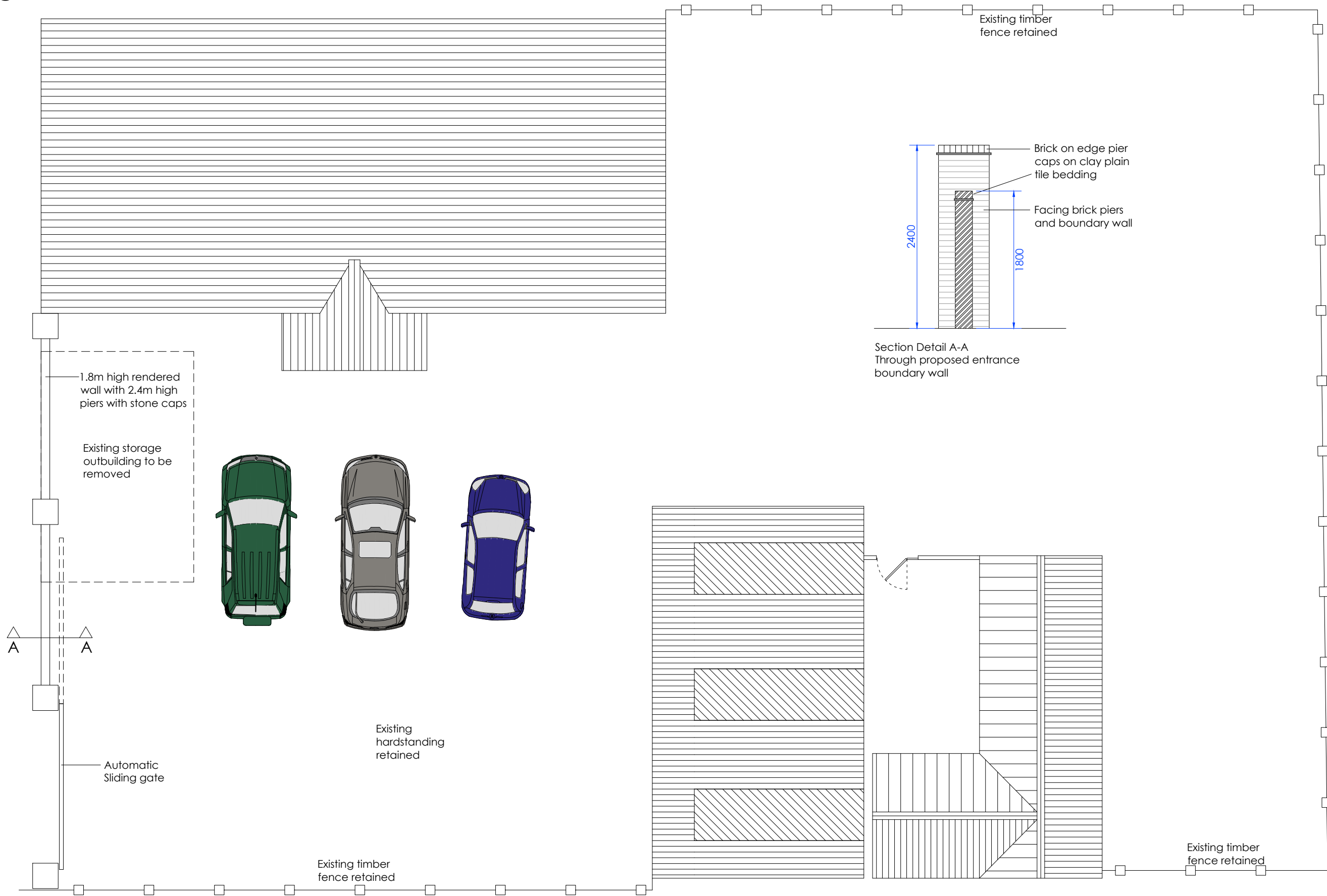
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Existing Plans & Elevations (Building 2)

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DATE: APR 2023	DRAWN: AS	DRG REVISION:
DRAWING NO: L022143 - 004		-

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Proposed Site Layout Plan

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- HAZARDS:
- CDM2015
1. Live services adjacent/on site.
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 6. Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
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REV	DATE	DETAILS
A	Jun 23	Additional wall detail added

REVISIONS:

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CHARTERED PRACTICE

CLIENT:
Mr & Mrs Swales

PROJECT:
Proposed Barn Conversion
New Close Farm
Calf Fallow Lane

DRAWING TITLE:
Proposed Site Layout Plan

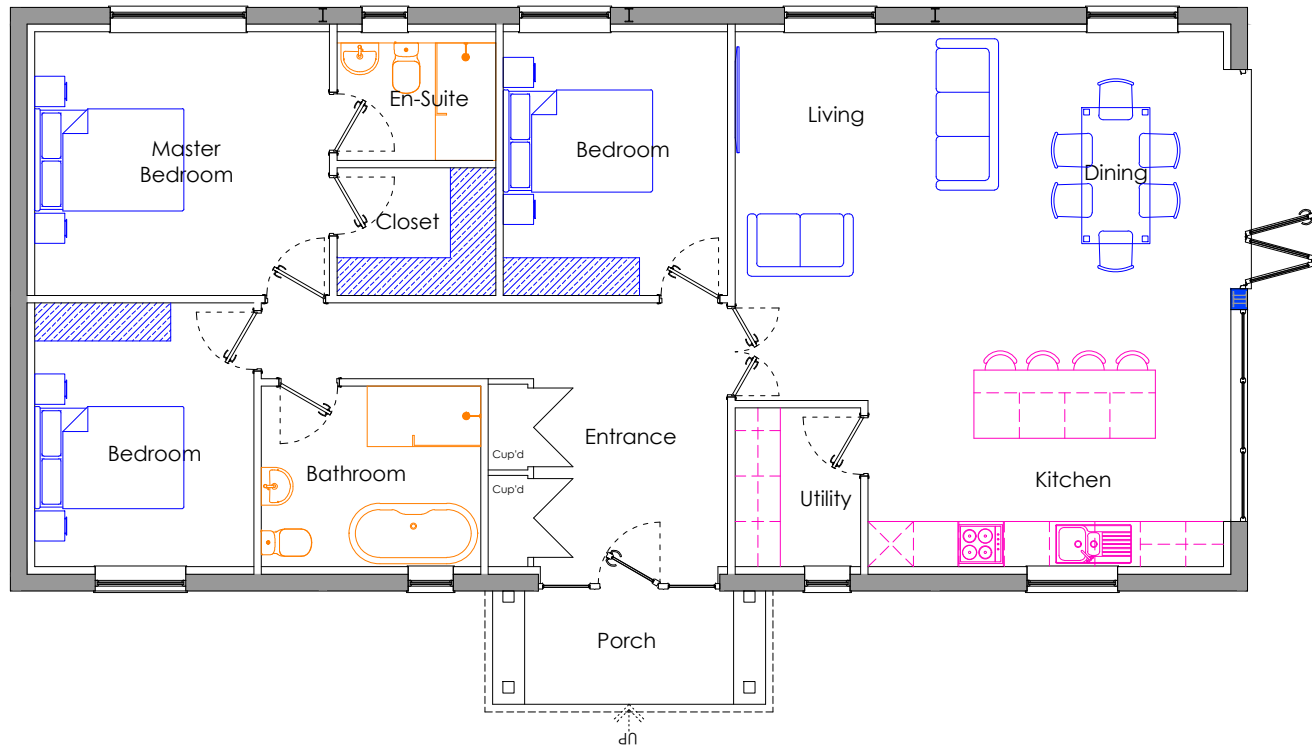
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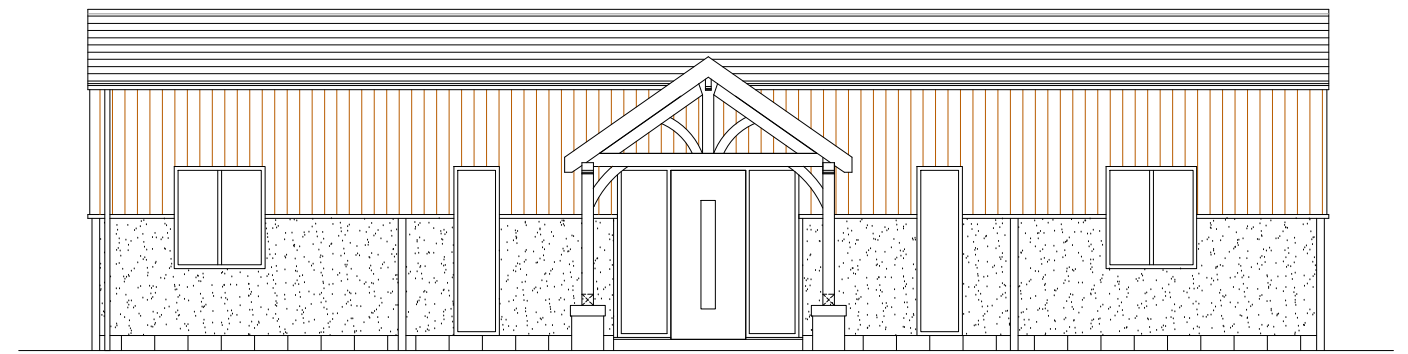
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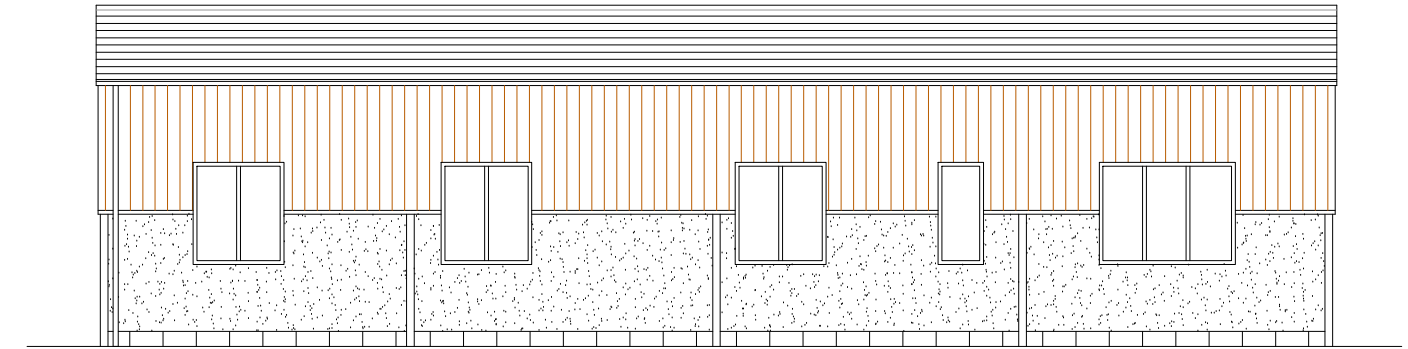
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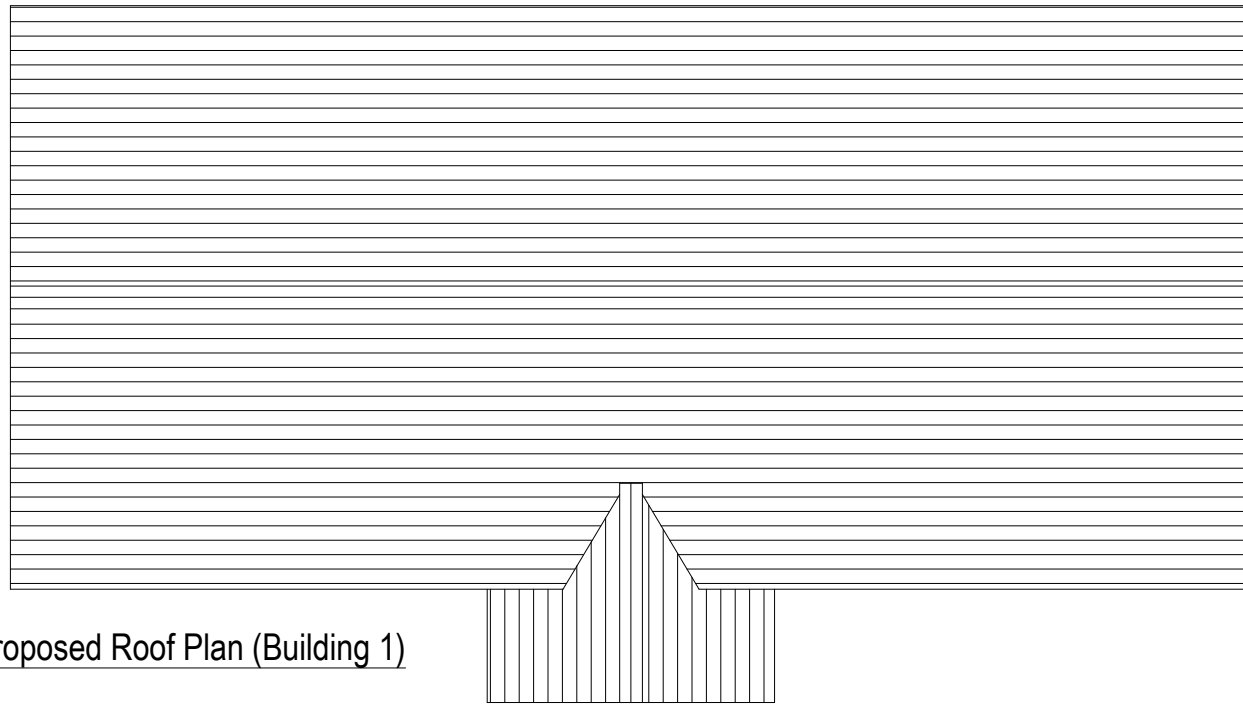
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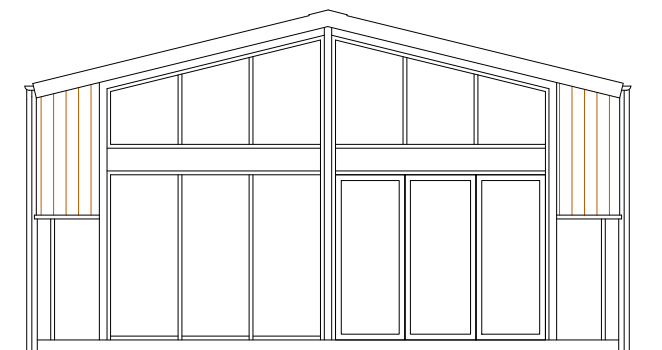
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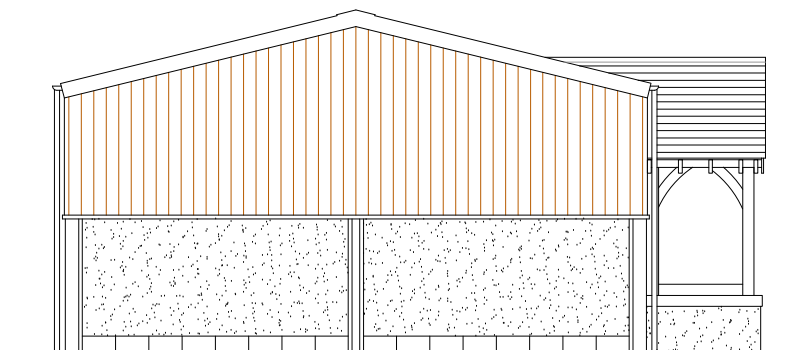
Proposed East Elevation B (Rear)



Proposed Roof Plan (Building 1)



Proposed South Elevation D (Side)



Proposed North Elevation C (Side)

REV	DATE	DETAILS

REVISIONS:

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- HAZARDS:**
- CDM2015
- Live services adjacent/on site.
 - Excavations - Ground Collapse
 - Handling major components
 - Working at height - Falling
 - Machinery & Equipment
 - Ensure all blockwork has a minimum crushing strength of 3.5N/mm²
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CHARTERED PRACTICE

CLIENT:
Mr & Mrs Swales

PROJECT:
Proposed Barn Conversion
New Close Farm
Calf Follow Lane

DRAWING TITLE:
Proposed Plans and Elevations

PURPOSE OF ISSUE:
PLANNING

SCALE: 1:100 @ A3 / 1:50 @ A1

DATE: APR 2023 **DRAWN:AS** **DRG REVISION:**

DRAWING NO: L022143 - 100

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Planting Schedule

Proposed Trees

Nr	Code	Tree Name	Specification	Grth	Height
2	Qp	Quercus petraea	Heavy Standard / Clear Stem 175-200 RB	12-14cm	350-425cm
Total 2					

Proposed Conifers

Nr	Code	Tree Name	Specification	Grth	Height
6	Pvlf	Pinus sylvestris	Standard	8-10cm	150-175cm
Total 6					

Native Woodland Mix (0.25m²)

Nr	Code	Plant Name	Root	%
61	Ac	Acer campestre	Whip BR	20%
61	Agf	Alnus glutinosa	Whip BR	10%
61	Bp	Betula pendula	Whip BR	20%
31	Cav	Corylus avellana		10%
31	Cm	Crataegus monogyna	Whip BR	10%
16	Pa	Prunus avium	Whip BR	5%
16	Pp	Prunus padus	Whip BR	5%
31	Qr	Quercus robur	Whip BR	10%
31	Sau	Sorbus aucuparia	Whip BR	10%
Total 309				







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This drawing has been prepared for the purpose of planning approval.

Planting Notes

Herbicide and cultivation: Topsoil to be treated with two applications of herbicide prior to planting, where necessary, strictly in accordance with the Control of Pesticides Regulations 1986 (as amended 1997, or, otherwise, updated/superseded legislation) and following manufacturer's instructions by qualified staff. The topsoil shall then be cultivated to 150mm depth.
Planting: All planting must be in accordance with BS3336 1992 Nursery Stock and BS 8545 2014 Trees from Nursery to Independence.
Trees: All trees planting should conform to BS5545 2014. Standard trees to be planted in pits 800x600x450mm or dimensions of rootball, whichever is greater. Heavy and Extra Heavy Standard trees to be planted in pits 1000x1000x600mm or dimensions of rootball, whichever is greater. Agrigue soil improver and 150g Etmag (or equivalent) to be incorporated into the soil of all new tree pits. Trees to be planted centrally within a tree pit. Tree stakes shall be of hazel, chestnut or other approved timber. They shall be round, rough sawn, straight, free from projections, large or edge knots and other defects and be pointed at the lower end. They shall be strong enough not to split when driven into the ground and when ties are nailed to them (both initially and when adjusted). For Feathered trees use 20x stakes (1.4m by 75mm) to be driven into ground 800mm, leaving 600mm above ground. For Selected Standard Trees 22x stakes (1.7m by 100mm) and cross bar are required, stakes to be driven 500mm below ground leaving 500mm above ground. For Heavy/Extra heavy trees use 20x stakes (2.2m x 100mm) with a 400x100x5mm cross bar. Stakes to be driven into ground 1m leaving 1.2m above ground.
Tree ties: All tree ties to be Green-Tech Hilditch Natural Tree Ties. Natural tree ties made entirely of natural fibres and is fully biodegradable. A spacer by formed using the Natural tree tie itself. It will not strangle the tree and will biodegrade as the tree establishes itself.
Native Woodland / Shrub areas: Soil depth shall consist of 300mm topsoil and 600mm subsoil (in accordance with BS3362 2005).
Container grown shrubs, transplants and whips: Shrubs and transplants shall be planted in pits 300x300x400mm depth, and the bed soil shall include 3 litres of peat-lite tree and shrub compost. Where two or more shrub species are indicated within a single bed each species shall be randomly mixed throughout the bed in groups of 3/5.
Herbicide: Spot treat with herbicide throughout the maintenance period in accordance with the manufacturer's instructions.
Mulch: Planting beds to receive 75mm depth pulverised ornamental bark mulch. Native woodland / shrub / hedgerow plants to be planted with GreenTech Mulch Mat - Type 11. Mulch Mats are 100% biodegradable with an approximate three year lifespan. Mulch Spats are ready-cut for individual plant production with a centre hole for plant protection. Mats pinned to soil.
Plant position: Final position of trees and shrubs subject to confirmation of service location and approval of statutory undertakers.
Protection to planting: Native hedgerow plants, trees and shrubs within mixes to be protected by Green-Tech Bio-Earth Tree Shelter. The Bio-Earth Tree Shelter is made from a special water-proof FSC-approved cardboard which is 100% biodegradable, recyclable, and compostable. Lifespan is typically 3 years. Once the tree / shrub has established enough to no longer need it, the Bio-Earth Tree Shelter can be left to safely biodegrade.
Planting Season: Bare-root shrubs to be planted between mid-November and mid-March dependent upon the planting season.

LEGEND

-  Application boundary
-  Ownership boundary
-  Existing vegetation
-  Proposed tree Heavy (Standard)
-  Proposed tree (Standard)
-  Proposed Native Woodland Mix

Rev A: Revised to Ecologists comments - 23May 23 (BP)
 Base: Wardman Brown 'Site Location Plan' L022143-001 received 15May 23

PROJECT	Calf Fallow Lane, Stockton on Tees		
TITLE	Detailed Landscape Proposals		
CLIENT	Georgia Swales		
DATE	16 May 23	SCALE 1:200	SHEET A1
DRAWN	BP	DRAWING NO	3994/I
CHECKED	BP	REVISION	A



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Native Woodland Mix (0.25m²)
 31 No. Ac
 16 No. Agf
 31 No. Bp
 16 No. Cav
 16 No. Cm
 8 No. Pa
 16 No. Pp
 16 No. Qr
 16 No. Sau

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