

**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);

<b>Plan Reference Number</b>	<b>Date Received</b>
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 19<sup>th</sup> 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 23<sup>rd</sup> 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](mailto:assetprotectioneastern@networkrail.co.uk).

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

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyservicesneem@networkrail.co.uk](mailto: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 26<sup>th</sup> 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 (T11) – 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 fencing 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](mailto: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](mailto:assetprotectioneastern@networkrail.co.uk).

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

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

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 should .....promote 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 show 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 no 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 conditioned 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**

<b>Ward</b>	<b>Billingham East (Pre May 2023)</b>
<b>Ward Councillor</b>	<b>Councillor Mick Stoker</b>
<b>Ward Councillor</b>	<b>Councillor Evaline Cunningham</b>

### **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