

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

5 June 2024

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

18/0195/OUT

**Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees
Residential Development comprising up to 200 homes and including provision of a
Neighbourhood Centre, Community Centre, Primary School, Open Space and Means of
Access**

SUMMARY

At the Planning Committee meeting on the 31st July 2019 Members resolved to grant planning consent for the above application subject to planning conditions and the development entering into a Section 106 agreement. Further amendments were then agreed at planning committee on the 3rd June 2020 in relation to removing the requirement for a recreational route and footbridge leading from the site to Ingleby Barwick across Bassleton Beck.

However, as the Section 106 agreement was not completed prior to the March 2022, the application was caught by the introduction of nutrient neutrality into the Tees catchment. The applicants have subsequently been working on a scheme to address the resulting impacts from increased levels of nitrogen arising out of the development and a suitable mitigation scheme has been agreed with Natural England.

In addition, given the passage of time a review of the section 106 requirements has also been undertaken and these are outlined within the Heads of Terms below. As these changes are considered to materially affect the decision Members reached in 2020, the matter is referred back to Planning Committee to make a decision on the merits of the scheme in view of the revised Heads of Terms.

All material planning considerations remain as outlined within the original committee reports unless otherwise addressed within the report below. For completeness, the original reports associated with previous recommendations to planning committee are contained within the appendices.

RECOMMENDATION

That planning application 18/0195/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

- Approved plans:**
- 01 The development hereby approved shall be in general accordance with the following approved plan(s);
- | | Date on Plan |
|------------------------------|------------------------|
| Plan Reference Number | |
| LTP-2691-TS-06-01-B | 23 May 2019 |
| 5755_200 | 26 January 2018 |

5755_201_E

27 February 2020

Reason: To define the consent.

Reserved matters:

- 02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

Time limit for submission of the reserved matters:

- 03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

Time limit for commencement:

- 04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

Phasing programme:

- 05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

Open Space Strategy:

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

Reason: To enable the Local Planning Authority to satisfactorily control the development

Dwelling numbers:

- 07 The total number of dwellings authorised by this permission shall not exceed 200

Reason: To ensure a satisfactory form of development.

- Energy efficiency:**
- 08 No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

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

- Construction Method Statement:**
- 09 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
- i. Construction access;
 - ii. Parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
 - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
 - vii. A Site Waste Management Plan;
 - viii. Details of the routing of associated HGVs;
 - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

- Construction activity:**
- 10 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

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

- Ecological Survey:**
- 11 No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To conserve protected species and their habitat

Restrictions on retail provision

- 12 Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.

Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.

Noise protection – traffic and commercial noise

- 13 No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

Drainage

- 14 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;

- a) Detailed design of the foul water management system
- b) Detailed design of the surface water management system
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure
- d) A management plan detailing how surface water runoff from the site will be managed during construction phase
- e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:
 - I. Identification of those areas to be adopted and
 - II. Arrangements to secure the future operation of the system throughout its lifetime

Thereafter the development shall take place in accordance with the approved details.

Reason; To ensure that satisfactory drainage is provided and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Unexpected land contamination

- 15 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters

Ecology Checking Survey

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

Reason: To conserve protected species and their habitat where necessary

Nutrient mitigation – woodland planting and maintenance.

- 17 No development shall commence until full details of the woodland mitigation scheme have been submitted to and been agreed in writing with the Local Planning Authority. Such a scheme shall include details of proposed location; species mix, planting size and densities; and be of a minimum area of 3.8 hectares as detailed on drawing 5755_200 submitted with the Nutrient Mitigation.

The woodland mitigation scheme shall be carried out in accordance with the agreed details and shall be planted prior to the occupation of the hereby approved dwelling. The woodland planting shall be maintained in accordance with the submitted maintenance plan (Rossetta, March 2024).

Reason: To secure the requirement mitigation for the purposes of nutrient neutrality and to prevent an adverse impact on the Teesmouth Special Protection Area

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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

HEADS OF TERMS

- Provision of access to serve the development
- The provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout
- Provision of 20% affordable housing
- A contribution towards primary and secondary school education provision in line with the Council formula
- Provision of an adoptable standard footway access to Thornaby Road and associated bus stops
- Provision of a footway access to Low Lane
- Provision of a scheme for open space and its future management, including the arrangements for transfer to a Management Company or the Council or another person or organisation
- Provision of a Travel Plan and associated incentives

MATERIAL PLANNING CONSIDERATIONS

1. Following on from the previous planning committee resolution (original reports at Appendix 1 and 2) and in view of recent approvals or pending applications for housing sites to the west of this application site a review of the required planning obligations has been undertaken to ensure that a consistent approach is being taken to all sites.

2. Whilst many of the Heads of Terms remain as agreed, there are elements of change which are discussed below;

Primary school provision

3. As set out in the original committee report (appendix 1 – paragraph 26) at that time a shortfall in the provision of primary school places was identified given the limited ability at that time for expanding primary schools and a new primary school was considered to be likely to be required given the overall scale of housing developments in Ingleby Barwick. The application site, along with the neighbouring development site were therefore each required to provide 50% of the land required to enable a new primary school to be built at a point in the future.
4. In the intervening period, the overall demographics of the area has changed and the supporting submissions at the neighbouring site (ref 23/2292/FUL) argue that a new primary school is no longer needed. In addition, this applicant also seeks fairness and consistency on any planning obligations imposed across the two sites.
5. Following recent dialogue with officers within Education it has been explained that demand for primary school places has reduced across the six primary schools in Ingleby Barwick and as a result two have reduced their Published Admission Number (PAN). Even with the lower PAN in two of the schools, they remain capable of taking additional children. Furthermore, the largest cohorts are in years 5 and 6 with year 6 having the largest cohort on roll and there being a difference of c. 70+ children between the year 6 leavers and those enrolling in reception.
6. Consequently it is considered that there is no longer the need to pursue the land to deliver a new primary school across those two housing sites and instead contributions towards primary/secondary school provision in line with the Council's standard formula will be sufficient to address future school place need.

Bus provision

7. Bus services (No.'s 15, 16, 17 & EGG6) already run adjacent to the site and the Highway officers have stipulated that either they would seek either a bus service (with associated bus stops) entering the site or as an alternative that an adoptable standard footpath link to the adjacent bus stop on Thornaby Road is provided.
8. The applicant has entered into discussions with a bus operator over the potential to achieve bus penetration into the site via a loop for a period of five years and whilst achievable could also present some difficulties over the longer-term viability of the route once the funding were to cease.
9. Highway Officers are satisfied that the alternative of an adoptable standard footpath route with new bus stops being provided, would secure suitable access to bus services already in operation and that this represents a suitable and long term viable option.

Nutrient Neutrality

10. Following advice from Natural England in March 2022 with regards to the unfavourable condition of the River Tees due to excess nutrients, all forms of development which generate additional overnight accommodation are required to consider and assess whether there is an adverse impact resulting from the development proposals.
11. The provision of the associated 200 residential dwellings will generate additional overnight stays and the applicant has submitted a Nutrient Neutrality report which includes a Nutrient budget calculator which has fully considered the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
12. An appropriate assessment has also been undertaken and Natural England have considered and commented on that assessment. In summary the Appropriate Assessment notes that the

proposals will increase the nitrogen given the nature of the development and consequently the applicant was advised that this development is deemed to have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.

13. In order to address those impacts the applicant is seeking to include an area of woodland planting of 3.8 hectares to the east of the housing land, which alongside the reversion of the agricultural land will result in no net increase in nitrogen.
14. The identified mitigation land is within the control of the applicant and forms part of the planning application site (delineated by the red line boundary). The mitigation measures can be appropriately secured through the imposition of an appropriately worded planning condition which would require the delivery of the woodland prior to the first occupation of any associated dwelling. In addition, to ensure that the mitigation remains effective in the reduction of nitrogen over the lifetime of the scheme a woodland management plan accompanies the proposals and this element also forms part of the planning condition.

CONCLUSION

15. Whilst there have been changes to circumstances surrounding the application and associated Heads of Terms, the site remains a housing site within the adopted Local Plan and the current proposals seeks to provide facilities to meet an element of the future residents' day-to-day needs.
16. Overall the application site is considered to remain a sustainable location for a future housing development and in view of all the identified material planning considerations outlined in this and the other previous reports, the proposals remain acceptable in planning terms.

Director of Economic Growth and Development
Contact Officer Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Southern Villages Ward
Ward Councillor(s) Councillor Elsi Hampton

IMPLICATIONS

Financial Implications:

Other than those identified within the heads of terms, there are no known financial implications.

Environmental Implications:

The environment impacts of the proposed development have been fully considered and addressed within the report above. In view of those considerations it is not considered that the proposal has any significant environmental implications.

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 2019