

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
4 DECEMBER 2024
REPORT OF ASSISTANT DIRECTOR OF
INCLUSIVE GROWTH AND DEVELOPMENT**

24/0430/REM

**Land West Of Maynard Grove, Wynyard Village, Wynyard
Application for reserved matters approval (appearance, landscaping, layout and scale) for a
new local centre with associated hard and soft landscaping pursuant to planning consent
LPA Ref. 20/2408/OUT**

**Expiry Date: 14 June 2024
Extension of Time Date: 8 November 2024**

SUMMARY

Members will recall that this planning application was considered at planning committee on the 6th November 2024 when the planning committee deferred the determination of the application to give the applicant the opportunity to seek to address the concerns raised by members and the objectors. These concerns were noted as;

- Consider further consultation with the community;
- Reconsider in terms of the layout, design and servicing arrangements.

Since the last committee the applicant has submitted revised plans to show a service bay on the verge outside of the local centre, provided updated servicing plan and revised plans to show an uplift of the floorspace of the community hall. The revised details were subject to public consultation. Whilst no direct public consultation was undertaken by the applicant following the last meeting, a statement from the applicant giving their perspective on the background and ethos behind the local centre has been submitted (which is appended to this report). This includes an explanation over the aims for the local centre, current position on potential end users and clarity over community engagement which has taken place previously.

Following the Local Planning Authority's consultation on the submitted revised details two further letters of objection have been received and two letters of support, these are detailed below. However, no objection has been received from any of the technical consultees.

Whilst Officers are satisfied that the condition imposed on the parent permission (ref; 20/2408/OUT) gives sufficient control to secure an appropriate mix of end users to serve the local community. Condition 6 is also now recommended which will look to restrict the number of cafes/restaurants within the centre. The main purpose of this would be to ensure that the parking provision is sufficient for the centre as a whole and to ensure a blend of end users.

Following consideration of the revised submission, the recommendation to members is that the proposed development remains an acceptable form of development which would be in compliance of the parent permission, the Wynyard Masterplan and policies of the local plan when read as a whole. The recommendation is therefore one of approval subject to conditions a set out below.

RECOMMENDATION

That planning application 24/0430/REM be approved subject to the following conditions and informatives below;

Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Reference Number	Date Received
PL-LC-04_REVC	17 September 2024
2044-04C	17 September 2024
4982-XX-XX-DR-E-200	17 September 2024
PL-LC-03_REVD	14 November 2024
PL-LC-05_REVC	14 November 2024
PL-LC-06_REVC	14 November 2024
PL-LC-07_REVC	17 September 2024
PL-LC-08_REVD	14 November 2024
PL-LC-09_REVC	14 November 2024
PL-LC-10_REVC	17 September 2024
QD1898-03-03-D	17 September 2024
PL-LC-02	17 September 2024
PL-LC-GM-01_REVB	14 November 2024

Reason: To define the consent.

Service Management Plan

02 The development hereby approved shall be carried out in full accordance with the Service Management Plan, received by the Local Planning Authority on the 14 November 2024

Reason: To ensure the safe functioning of the highway and to protect the amenity of the occupiers of the adjacent property in accordance with local plan policy SD8 and the NPPF

Bin/ Refuse

03 Notwithstanding the submitted details, prior to the occupation of the development hereby approved a refuse collection plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the hereby approved commercial/community units shall operate in complete conformity with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policy SD8

External Materials

04 Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development in accordance with Policy SD8.

Hard landscaping and street furniture

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

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area and in accordance with Policy SD8

Restaurant/ Café

- 06 Notwithstanding condition 06 of application ref 20/2408/OUT, the units hereby approved shall not be occupied by more than one restaurant/ café, unless it can be demonstrated to the satisfaction of the Local Planning Authority that this would not have an impact on parking provision or highway safety.

Reason: To ensure the safe functioning of the highway and to protect the amenity of the occupiers of the adjacent property in accordance with local plan policy SD8 and the NPPF

Loading Bay

- 07 The development hereby approved shall not commence until the loading bay as shown on plan ref PL-LC-03_REVD received by the Local Planning Authority on the 14 November 2024 is provided. Thereafter the loading bay shall remain free at all times, except for the purposes of loading/unloading in association with the use of occupiers of the units of the local centre.

Reason: To ensure the safe functioning of the highway and to protect the amenity of the occupiers of the adjacent property in accordance with local plan policy SD8 and the NPPF

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.

CONSULTATIONS

1. Following the receipt of the amended drawings, further consultation was undertaken and the following comments were received.

Highways Transport & Design Manager

General Summary

The Highways, Transport and Design Manager raises no objections to the proposed development on highway safety grounds but does not support the provision of the loading bay.

Highways Comments

As detailed in earlier comments there is no objection on highway safety grounds to the proposed development and the original layout.

Following the November planning committee meeting, the applicant has provided an updated site plan, drawing reference PL-LC-03 REV D, which includes a loading bay on the site frontage of the development.

The purpose of the loading bay is to remove deliveries from the car park of the proposed development, however, the only safe location delivery vehicles can turn after existing the loading bay is either within the car park of the proposed development or within one of the nearby residential cul-de-sac.

It is considered that the use of a residential cul-de-sac for delivery vehicles turning manoeuvres would be unacceptable. The proposed layout for the local centre would remain safe for all users including pedestrians, were it to remain to be used for delivery vehicles to turn within and head back out in the direction of the A689. Such measures could be controlled via a planning condition for a service delivery plan to be agreed.

Additionally, the proposed loading bay would also require a Traffic Regulation Order (TRO) restricting the use of it to 'loading only'. Should other road users choose to ignore the TRO and park in the loading bay, deliveries would have no option other than to utilise the car park.

Whilst the loading bay would provide an opportunity for segregated deliveries, in the opinion of the Highways Transport and Design Manager, it is considered to be an unnecessary addition to the proposed scheme as service vehicles and deliveries can be safely accommodated within the car park of the proposed development, as originally proposed.

The Highways, Transport and Design Manager therefore does not support the introduction of the proposed loading bay.

For the avoidance of doubt the proposed development layout, as shown on drawing PL-LC-03 REV C which excludes the loading bay, is considered to be acceptable.

PUBLICITY

2. Following the receipt of the amended drawings, further public consultation was undertaken and the following comments were received.

Support

The area is in much need of these facilities to support its growing population. A community centre can only serve to help the community.

The provision for a shop, health centre and cafe will provide jobs, boost the local economy and allow residents to walk to amenities rather than having to drive everywhere.

Sadly the NHS do not have the funding to place a new health centre within Wynyard, but I believe they will be able to refer out to a private practice which seems like the next best option.

I cannot think of any tangible reason not to approve the application

I would like to support this application.

They are so short of amenities and facilities for a growing number of houses in the area. This would be of great benefit to the community and will provide retail on the door step . Also this will create more jobs and less travelling.

Objection

I agree Wynyard needs more building such as retail units but the ones being offered are not what is needed. We do not need any cosmetic outlets. The obvious things we need are schools, community centres and a medical centre. These are needed now. Definitely not more houses being crammed into every spare inch of land for profit. The residents needs should come first and not the desires of the developers. We need safety aspects to be looked at first - pedestrian crossings for one. Safe play areas for children. I find it hard to think of any section 106 which has come to fruition

The latest revision does not appropriately address the issues raised at the planning meeting on 6th November. It amounts to tinkering round the edges.

It seems illogical to try and solve the health and safety issues by putting a loading bay on the access road before the turn into the Centre. These large vehicles will probably enter the Centre, after dropping off deliveries, in order to turn around and exit the access road and back out onto Stoney Wood Drive. Refuse vehicles, presumably, will still have to enter the car park.

We will end up with drivers wheeling cages of supplies from the loading bay across the car park to get to the rear of the units. Again creating its own Health and Safety issues.

This Centre is to serve the existing community plus another 450 homes currently being built and another 135 awaiting appeal, in the immediate vicinity. This Centre should be suitably designed with not just the needs of the Community as they are now in mind but also to serve the needs going forward of a rapidly increasing population.

No answers have been provided by the applicant to the claim that inappropriate data has been used to assess the number of parking spaces required for the car park. The dependent data assumes car ownership levels far below those we experience in Wynyard, thus, no doubt, understating the requirements needed to serve a Local Centre of this scale.

The proposed modifications to the Community facility do not seem, on the face of it, to be a satisfactory solution. Consultation should be undertaken over this facility with residents as well as the uses that will be provided by the other units. Is it not common sense that a convenience food store must be the highest priority.

MATERIAL PLANNING CONSIDERATIONS

3. The majority of the material planning considerations in relation to this application remain as set out within the officers original committee report (6th November 2024). Additional material considerations as a result of either the committee debate or revised drawings are detailed below;

Public Consultation

4. As set out within the committee report for the initial outline application, the applicant did undertake public consultation, the extract from the committee report is included below;

Procedure: Statement of Community Involvement

28. The Localism Act 2011, Part 6 Chapter 4 Clause 122(61W) sets out a requirement to carry out

preapplication consultation. In addition to the consultation with Stakeholders the applicants distributed approximately 200 flyers, displayed site notices, provided a dedicated website and distributed flyers and a covering letter. Following the consultation 8 letters were received. The applicant summaries the feedback as follows;

“Of the 8 responses received to date, all responses raised concerns with the particular aspects of the proposals, although 2 responses did comment positively on other aspects. Some of the comments did, however, indicate that they would not be in objection to the development if their concerns were overcome”.

29. It is considered that the scope of public consultation is proportionate and is largely compliant with the aims of the Localism Act 2011.

5. However, despite noting the members comments from the November 6th committee, the applicant did not feel that carrying out further consultation, at this stage would be practicable due to the lack of clarity that could be provided to the community over the nature of the future occupiers. As detailed within the applicants statement they remain committed to providing a Community Hub which provides amenities within walking distance of many residents and one it is hoped will provide a range of potential operators, including scope for a potential convenience shop.
6. As discussed at the previous committee no end users have signed up to the local centre and this will be market driven. The applicant however has assured officers that they did take note of the objections made both in written form and at the committee meeting.
7. The one element that is to be provided is the community facility and the applicants have taken the comments made at the committee meeting about the reduction in size into account. Consequently, the submitted revised plans show increased floorspace for that facility with the community space now totalling 175sqm, through the provision of a mezzanine level. This is a 75% uplift of the requirement of the S106.
8. Officers are satisfied that the condition imposed on the original outline/parent permission 20/2408/OUT would give sufficient control to secure an appropriate mix of end users to serve the local community. However, it is also proposed that should members find this agreeable an additional condition is recommended to be imposed (condition 6) this would seek to restrict the number of cafes/restaurants within the centre. The main purpose of this would be to ensure that the parking provision is sufficient for the centre and to provide the opportunity to deliver a blend of end users within the local centre.
9. Members will note that whilst they requested further dialogue between the applicant and the community, there are no provisions which requires the developer to carry out further public consultation nor can it form the basis of a refusal of the application.

Layout, Design and Servicing Arrangements

10. The concerns of members and residents were noted in terms of the design and layout of the proposed local centre and the impact that this would have on servicing arrangements.
11. As part of the overall design approach, the applicants have also sought to achieve a design led solution which creates an attractive and vibrant local centre which fits with the characteristics of the Wynyard Village estate and is appropriate within its scale and context as a residential area. It is considered that the proposed layout strikes an appropriate balance between its physical appearance and safe operation.
12. Following the committee meeting, Officers have worked with the applicant to ascertain whether there are any alternative proposals within the confines of the application site which would satisfactorily seek to address the concerns members raised.
13. However, the site is constrained by virtue of the residential dwellings approved, and under construction to the eastern and southern boundaries of the application site. Furthermore the S106 required the local centre to be approximately 1000sqm, to ensure it was to be of a scale to

meet the wider needs of the settlement. Given these constraints it has not be possible to achieve a solution which has the ability for the units to be serviced from the rear without that having significant impacts on the amenity of the residents to the side and/or rear; the overall street scene; or, the design ethos of the proposals.

14. During the committee debate, Member raised concerns that the service arrangements were uncommon, however, they are not unusual in the context of a local centre of this scale. Members attention is drawn to a very recently accepted and nearby the local centre at Hanzard Drive, Wynyard Park (application ref 21/0345/FUL). This was approved by Members of the Planning Committee on the 3rd July 2023 and is a development which is served by a singular access and egress with the units serviced from the car park to the front/side of the local centre, with shared bin storage between multiple units. A site plan has been included below;



15. Notwithstanding the above, the applicant has reflected on the planning committees comments, and sought to try and reach a workable solution to address the concerns raised. This has resulted in the offer to provide a service bay to the north of the local centre within the highway verge.
16. The Highways Transport and Design Manger raised no objection to the previously proposed service arrangements and does not support the revised proposals. This is because the loading bay is not considered to be necessary with the previous scheme/servicing arrangements being considered to be a more preferable form of development.
17. Given the service arrangements would not adversely affect highway safety it is considered in planning terms to be an acceptable solution which would in part, overcome Members concerns. The revised plans which detail a loading bay within the highway verge, can be secured by condition.

The updated service management plan, appended to this report sets out how the loading bay would operate. The main function of the loading bay is to limit the larger vehicles entering and parking within the centre, enabling resident's cars to move more freely within the car park. Dedicated pedestrian connections from east to west for pedestrians remain an originally shown and it is considered that pedestrian safety remains acceptable.

18. With regards to the handling of refuse the applicant has clarified that the refuse will be collected once a week via private refuse collector. To restrict pull distance a communal collection point will be located in the centre of development. A condition is recommended to secure the final details.

CONCLUSION

19. It is considered that where practicable the developer has sort to address concerns raised.
20. Given the above considerations the proposed development is considered to be visually acceptable and it is not considered that the proposed development will have any adverse impacts on levels of residential amenity or highway safety to justify a refusal of the application. The proposed scheme is therefore in accordance with the relevant local and national planning policies and is recommended for approval subject to those conditions outlined within the report above.

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

WARD AND WARD COUNCILLORS

Ward	Northern Parishes
Ward Councillor	Councillor John Gardner
Ward Councillor	Councillor Vanessa Sewell

IMPLICATIONS

Financial Implications: See Report

Environmental Implications: See Report

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 2019