

DELEGATED

AGENDA NO. 9.

REPORT TO PLANNING COMMITTEE

DATE: 21 June 2006

REPORT OF THE CORPORATE
DIRECTOR, DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

**RESERVED MATTERS APPLICATION FOR THE ERECTION OF 148 No
DWELLINGS AND ASSOCIATED ROAD AND SEWER WORKS
LAND EAST OF BLAKESTON LANE, NORTON**

**APPLICATION 06/0951/REM
Expiry 30th June 2006**

SUMMARY

This application seeks reserved matter planning approval for 148 dwellings on 10.5 hectares of largely derelict industrial land outside but adjacent to the urban area off Blakeston Lane, Norton. Outline planning approval was granted in April last year (application No 03/2954/OUT). That application reserved all matters of detail with the exception of the means of access onto Blakeston Lane. In granting outline approval the planning authority recognised that the site is outside of the defined urban limits and is also partially a Site of Nature Conservation Importance (SNCI). However, the site is previously developed land that has been subject to tipping with an extant permission for the storage of up to 350 haulage vehicles and an approved use for car boot sales. The development also avoids impacting significantly on the SNCI, which the applicant seeks to preserve and enhance through new planting and landscape management.

A number of planning conditions were imposed including details of siting, design and layout of the housing to be reserved for future approval, a limit on the number of houses (150), provision of affordable housing, site to be developed in accordance the design statement accompanying the application, a limit of developable area, the provision of a comprehensive landscape and visual impact assessment, new tree planting and protection of existing trees and hedgerow, a conservation management plan for SNCI including possible public access arrangements to woodland and footpath links, mitigation measures to protect wildlife including controls over timing of any site clearance works and an assessment and remediation of any contamination and landfill gas on the land

The outline approval also secured other community benefits through off-site highway improvements and a contribution the provision of a Community Reception Area at Blakeston School.

The details now submitted relate primarily to the reserved matter conditions i.e. details of the siting and design of the dwellings, external appearance and landscaping. The submitted layout indicates that mixed house types are proposed and includes an element of affordable housing as required by the outline approval. It restricts development to the previously "developed" part of the site i.e. hardstanding concreted areas avoiding the heavily wooded areas that form part of the SNCI. The development

also proposes a large public open space area and new planting and open spaces. There are some concerns with the level of detail in respect of general landscaping in that the applicants have not initially provided the required visual assessment, a full tree survey, tree protection details but this information has recently been submitted and is currently being assessed.

Submitted with the application for approval of reserved matters are details of the remediation strategy and other information required to discharge the relevant conditions of the outline approval.

The current application has given rise to a number of objections from local residents primarily concerned about the traffic impact. However, this issue was thoroughly examined at the outline stage and agreement reached on a contribution for off-site highway improvement to the junction of Junction Road and Blakeston Lane. English Nature has also objected on the grounds of insufficient information regarding the impact on protected species primarily bats, has not been submitted with the application. However, that information was submitted at the outline stage and it is expected the objection will be withdrawn.

The proposed development is generally acceptable though some minor changes to the layout are required to meet Council standards and it is still to be established whether the recently submitted additional information satisfies the requirements of the Landscape Architect.

This is a "major application", the decision on which needs to be made before the Planning Committee next meets.

RECOMMENDATION

It is recommended that subject to the recently submitted revised drawings and additional information being satisfactory, the views of the Head of Transport and Integrated Policy and the withdrawal of the objection from English Nature, determination of the application be delegated to the Head of Planning Services and with the approval subject to conditions covering the following matters:

- ***Retention and protection of identified trees and hedges***
- ***Full details of and implementation of open space provision including children's play area***
- ***Details of play equipment to be agreed***
- ***Implementation and validation of remediation works***
- ***Satisfactory implementation of landscaping and planting***
- ***Securing minor amendments to access to reflect Networks Rail's requirements***
- ***Restriction of hours for construction work***
- ***Details of drainage including protection of the local water environment***
- ***No garage conversion to habitable accommodation without prior consent***
- ***Removal of permitted development rights***
- ***Details of all finishing materials including surface treatment***
- ***and any other relevant matters***

The following policies were relevant in this decision:

***Stockton on Tees Local Plan policies GP 1, EN4, EN11, EN13, HO 4, HO5, HO11
Tees Valley Structure Plan policies ENV6, ENV13, ENV16, ENV18, ENV19, H1A,
H2A, SUS2, T25.***

Regional Policy Guidance 1

Planning Policy Statement 1 and Guidance Notes No 3, 4, 13 and 23

BACKGROUND

1. The application relates to a 10.5 hectare site located north of the residential area of Norton. The site which is roughly rectangular in size, comprises vacant and under-used former industrial land and was previously used as a quarry, tile factory and transport depot. No extraction operations have taken place since 1980. The site is currently largely disused apart from a weekend use for car boot sales. A number of vacant industrial buildings and associated structures remain within the site together with two residential buildings occupied by the site owners. The site has been previously tipped resulting in the eastern part of the site being one metre higher than the rest of land which otherwise is relatively flat.
2. Access to the site is via Blakeston Lane close to an existing rail crossing. The access road is unadopted and loose surfaced. The surrounding uses comprise dense tree cover and hedgerow to the north and east beyond which is agricultural land. To the south is Norton Golf Course, a railway line with residential Norton beyond. To the west is farmland and Blakeston Lane. A significant portion of the site alongside its southern and eastern boundary is a steep sided valley and well treed. Trees also form an important component along the north side of the access road. A location plan is attached.
3. Outline planning approval (a re-submission of the 2002 planning application) was granted in April 2005 to redevelop the site for housing purposes with all matters of detail reserved for future approval except for the means of access (application No 03/2954/OUT). Details of the access arrangements were submitted which included both pedestrian and vehicular access and egress from Blakeston Lane, which connects with Junction Road.
4. A Planning Statement, Design Statement, a Traffic report, an arboricultural report, Protected Species Survey, a subsequent second stage Bat Survey and Bat Roost survey of the site access also supported the application.
5. The Design Statement provided information to support the application and in summary provided the following elements:
 - "Around 130 dwellings across the site based on current design principles and policies;
 - A mix dwelling types to cater for an identified need;
 - Provision of high quality public open spaces, private spaces and streetscape;
 - The retention of existing vegetation, particularly around the site's perimeter and new areas of landscaping and tree planting which enable the development to knit into the area's landscape framework;
 - A layout which ensures that the development exists as one not dominated by the car, in fact a development which puts the pedestrian and cyclist first;

- An internal network of overlooked pedestrian and cyclist routes enabling easy and quick access onto the town's network.”
6. The Highway Transport report assessed the highway and traffic effects of the proposals on the local highway network, including the proposed development access on Blakeston Lane. The findings of the report were subject to a long and detailed examination by the Head of Engineering and Transportation. As a result of these discussions an amendment to the access onto Blakeston Lane was agreed together with a scheme for off-site highways involving improvements to the Junction Road/Blakeston Lane/Ragpath Lane junction. The developer has also agreed to contribute £200,000 towards the cost of these works. That was secured by means of a Section 106 agreement.
 7. In granting outline approval a number of conditions were imposed to control the form of development and protect the amenities of the area, which included a Site of Nature Conservation Importance (SNCI). As well as the standard conditions and requirement to submit for future approval, details of the siting, design, external appearance and landscaping, other conditions were imposed relating to:
 - *Site to be developed in accordance with principles and detail of the design statement accompanying the planning application*
 - *Limit of developable area to be agreed*
 - *Limit on number of houses not to exceed 150*
 - *Comprehensive landscape and visual impact assessment to be provided*
 - *Tree and hedgerow protection measures*
 - *New tree planting*
 - *Conservation management plan for SNCI including possible public access arrangements to woodland and footpath links*
 - *Mitigation measures to protect wildlife including controls over timing of any site clearance works*
 - *Assessment and remediation of any contamination and landfill gas on the land*
 - *Securing minor amendments to access to reflect Networks Rail's requirements*
 - *Cycle parking provision*
 - *Site drainage*
 - *Provision of affordable housing*

PROPOSED DEVELOPMENT

8. The reserved matter application now submitted relates primarily to the reserved matter conditions i.e. details of the siting and design of the dwellings, external appearance and landscaping. The submitted layout indicates a development of some 148 dwellings of mixed house types and includes an element of affordable housing as required by the outline approval. This comprises 3 one bed flats and 9 No 2 bed terraced houses. It restricts development to the previously “developed” part of the site i.e. hardstanding concreted areas avoiding the heavily wooded areas that form part of the SNCI. The existing two houses on the site are also retained and incorporated in the development.
9. The development also proposes a large public open space area with children's play area and new planting and open spaces. The development is served by a single

access via the approved access onto Blakeston Lane, which forms a loop around the site. The housing types range from 2½ storey and 3 storey terraced town houses in blocks of four in the centre of the development and large detached houses adjacent to the public open space area, to two and single bedroom units arranged around courtyards in the form of open space amenity areas

10. The application, as submitted was deficient in some of the level of detail in respect of general landscaping in that the applicants have not provided the required visual assessment, a full tree survey, tree protection details but this information has now been submitted, albeit only recently and is currently being assessed.

THE CONSULTATIONS

11. Local residents and occupiers have been individually notified of the application. The application has also been advertised on site and in the local press. In respect of the original outline application only three letters of objection were received. With this application 11 individual representations have been received either by letter and email including 2 identical from the same property and others where the address is not identified. Identified addresses are from the occupants of Howden House Farm, 8 Kenley Gardens; 3 and 24 Chelsea Gardens, 16 Syon Gardens and Blakeston Cottage. The comments made can be summarised as follows:

- Strong concerns about the increase in traffic generated by the development given Blakeston Lane's narrow width and the proximity of the level crossing
- Access onto Blakeston Lane unsatisfactory
- Traffic along Blakeston Lane will blight resident's amenity
- Increased risk to children and other pedestrians particularly because of the proximity of houses, schools and rail crossing
- Potential traffic hazard and road safety concerns because of increased traffic at the Blakeston Lane/Junction Road/Ragpath Lane junction which needs to be improved
- The development will add to traffic congestion in the area making it difficult cross the road
- Traffic on Junction Road already comes to a standstill particularly on Sunday Lunch times because of the car boot sales.
- Emergency vehicles will be impeded.
- A request is made for a link road to the A19 from the back of site linking also Forest park housing and Tesco.
- Loss of view once houses are built
- Noise from construction works
- Loss of hedge that needs to be cut back to provide the improved access from the site onto Blakeston Lane. The objector has maintained this for the past 40 years and works will cause significant damage and possible loss. A tree would also have to be removed.

12. The Head of Integrated Transport and Environmental Policy: Final comments still awaited

13. Landscape Architect: is critical of the original submission as it fails to fully address the requirements of the reserved matter conditions in respect of the need for a visual assessment, a full tree survey, and tree protection details. He was also concerned

about the children play areas. The further information recently submitted by the applicant attempts to address these concerns and response from the landscape architect is awaited.

14. The Environmental Health Unit has no objection in principle but recommends a condition requiring validation of the implementation of the necessary remedial scheme submitted to deal with contamination on the site.
15. Joint Public Transport Group: notes that a significant number of houses will be outside of the 400m walking distance to bus services.
16. Environment Agency: no objection but recommends a number of conditions to deal with drainage to prevent pollution of the water environment.
17. English Nature: objects to the development on the basis that insufficient information has been submitted in respect of the potential impact on protected species particularly bats.
18. Tees Archaeology: no objections
19. Network Rail: requests that the same condition attached the outline permission requiring works to upgrade the adjacent level crossing be re-imposed.
20. Northumbrian Water: comments foul and surface water must be on a separate system with surface water prevented from entering public surface water or combined sewers.
21. Tees Forest: No response
22. Tees Valley Wildlife Trust: is satisfied that the developer has taken proper regard of the nature conservation interest of the site in the application and development process. It has no objection to the application.
23. Ramblers Association: no response
24. One North East: No comments
25. Grindon Parish Council: registers a concern at the weight of traffic that will be generated by the development at the junction of Blakeston Lane and Junction Road and wishes this matter to be given serious consideration by the Council.

PLANNING POLICY CONSIDERATIONS

National Planning Policy

26. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).
27. Relevant to this application are:

PPS 1 "Delivering Sustainable Development"

PPG 3 "Housing" (advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed)

PPG 4 "Industrial and Commercial Development and Small Firms" (advises it is important to get under-used or vacant industrial land back into beneficial use)

PPG 13 "Transport" (promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas)

PPG 23 "Planning and Pollution Control" (provides advice on the relationship between planning and pollution control including requiring investigation and remediation of contaminated sites)

28. Regard also has to be given to the emerging Regional Spatial Strategy, which will ultimately replace RPG1. Policies in RPG1 set out the need for a sequential approach to development; sub-regional guidance to include, inter alia, targets for the re-use of previously developed land and buildings; and a managed release of housing land for development.
29. Section 54a of the Town and Country Planning Act 1990 states that all planning applications have to be determined in accordance with the Development Plan(s) for the area unless material considerations indicate otherwise. The development plan for the purposes of the application comprises the Tees Valley Structure Plan 2004 and the Stockton Borough Local Plan 1997.

Tees Valley Structure Plan

30. The Tees Valley Structure Plan policies that particularly need to be considered include:
- ENV13 (Control of Urban Development) development outside limits to development will be strictly controlled
 - H1A (Sequential approach for allocation of new housing sites) preference given to previously developed land
 - H2A (Co-ordinated mechanism for release of greenfield housing land) phasing to encourage the prior development of previously developed land
 - ENV6 (Protection, inter alia, of Sites of Nature Conservation Importance) development not permitted unless it is demonstrated that need for the development outweighs need to safeguard site. If permitted mitigation measures are required.
 - ENV16 (protection of trees and hedgerows)
 - ENV18 (Environment of the urban fringe to be improved)
 - ENV19 (character, appearance and amenity of the countryside to be improved and enhanced)
 - SUS2 (Sustainable Development Policy) states the Tees Valley authorities should give regard to several factors through their local plans, development control decisions and partnership activities, including: give preference to brown field sites, and prevent the unnecessary use of Greenfield sites; promote the re-use of vacant land and buildings; encourage development in locations which minimise the need for travel and can be well served by public transport; maintain and enhance the vitality and viability of town and district centres.
 - T25 (Transport Requirements for New Developments) promotes the location of new development to give priority to walking, cycling and public transport access.

Stockton Borough Local Plan

31. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -
- i. The external appearance of the development and its relationship with the surrounding area.
 - ii. The effect on the amenities of the occupiers of nearby properties.
 - iii. The provision of satisfactory access and parking arrangements.
 - iv. The contribution of existing trees and landscape features.
 - v. The need for a high standard of landscaping.
 - vi. The desire to reduce opportunities for crime.
 - vii. The intention to make development as accessible as possible to everyone.
 - viii. The quality, character and sensitivity of existing landscapes and buildings.
 - ix. The effect upon wildlife habitats.
 - x. The effect upon public rights of way.
32. Policy EN13 restricts development outside of the limits to development to certain categories relating farming, forestry, tourism, the rural economy and sport or recreation.
33. Policy EN4 states that development that is likely to have an adverse effect on Sites of Nature Conservation Importance will only be permitted if there is no alternative site available or practicable approach and any impact on its nature conservation value is kept to a minimum.
34. Policy EN11 encourages the planting of trees within the area identified in the plan for Community Forest and in considering applications within this area regard will be given to whether or not the applicant has taken full account of existing trees on the site and the need for new planting.
35. Policy HO4 requires the provision of affordable housing to an agreed extent for housing developments exceeding 2 hectares.
36. Policy HO5 states that, exceptionally, planning permission may be granted for small scale low cost housing on land adjoining the Limits to Development that normally would not be released for development if it can be demonstrated there is a need for such development in that location and arrangements are made that the benefits of low cost housing are enjoyed by future occupiers as well.
37. Policy HO11 requires all new residential development to be designed and laid out to a high quality standard with open space and a satisfactory degree of privacy and amenity for both the new dwellings and the occupiers of nearby properties.

MATERIAL PLANNING CONSIDERATIONS

38. In light of the objections received, the consultation responses, current and emerging planning policy and the planning history of the site, a number of planning issues are considered material to the consideration of this application.

Land Use Planning Policy issues

39. The outline planning approval has established that the site is suitable for the development of up to 150 dwellings. The current application seeks approval for the details of how the site is laid out and designed and in that it complies with the principles agreed previously. As such it does not give rise to any new planning policy concerns.

Traffic and access

40. The major concern of the local residents that have objected to the proposal as well as the Parish Council, relate to potential adverse impact on highway safety through increased traffic generation onto an inadequate road system. The same concerns were expressed at the outline stage at which time there were protracted negotiations on access and traffic concerns, which significantly delayed the determination of the application.
41. As a result of these negotiations agreement was reached on the access arrangement onto Blakeston Lane which had also been agreed with Network Rail responsible for the adjacent level crossing. Detailed approval for that aspect of the development was granted, together with the payment of £200,000 for significant off-site highway works secured by a Section 106 agreement. These highway works involve improvements to the Blakeston Lane/Junction Road/Ragpath Lane junction to accommodate the increase in traffic.
42. There are known problems with the junction with complaints received particularly when the car boot sale is in operation on a Sunday but the previously agreed improvement is a significant gain for the local community secured at little cost to the authority that otherwise might not happen for sometime because of budgetary constraints.
43. The previously agreed highway improvements are not changed by the current application and highway issues to be considered in this application relate solely to whether the proposed internal arrangement of houses and parking meet the Council's Design Standards. The views of the Head of Integrated Transport and Environmental Policy is still awaited on this aspect but is not anticipated that any fundamental objection will be raised. The comments will be presented in the update report.

Nature Conservation, Trees and Landscape

44. Part of the site is identified as a Site of Nature Conservation Importance (SNCI) and whilst such sites do not have statutory protection it is a key aim of the local plan to protect and improve the natural environment. The applicant has fully recognised this issue in the details of the layout now submitted which has also satisfied the original concerns of the Tees Valley Wildlife Trust. The applicant has also recently submitted an "ecology information note", as required by condition of outline approval explaining how ecological interests will be protected. Guidance for construction works in relation to ecological issues has also been issued. It should be noted that development is only on that part of the site comprising existing hardstanding open areas, industrial buildings and remnants of the site's industrial past.

45. The objection from English Nature is noted. However, it is considered that EN has misunderstood the nature of the current application, which is just for reserved matter approval for the layout, and design of the housing. As explained in the ecology information note, detailed bat surveys were carried out in 2003 and 2004 and the results submitted with the outline application. English Nature had no objections at that time. Further ecological surveys were carried out in Spring 2005 confirming that there are no bat roosts on the development site and that no protected species are affected by the development. Additionally, the ecological mitigation measures agreed at the outline stage remain in force. In the circumstances English Nature has been asked to withdraw its objection.
46. As part of the applicant's commitment to carry out environmental improvements to the southern and eastern parts of the site that are within the designated SNCI, it has also now provided, as requested by the Council's Landscape Architect, a visual assessment of the site, a full tree survey, and tree protection details. The layout has also been changed to make the small children play areas into amenity open space. Instead formal play equipment will be placed on a large children's play area to be developed within the extensive public open space area. As this additional information details has only recently been submitted the Landscape Architects has not yet been able to respond. Any comments received will be set out in the update report.
47. Notwithstanding the above, it is considered that the overall layout in terms of open space is generally satisfactory. As required by the outline approval, built development avoids areas of conservation importance and will help secure the ecological interest of the area and avoid any detrimental impact on any protected species in the area.

Contamination and Landfill Gas

48. It was a requirement of the outline approval to carry remediation of the site arising from the past industrial activity as well as dealing with landfill gas from past tipping. To meet this requirement detailed site investigations have been carried out and a remediation strategy outlined. This studies carried are satisfactory to the Environmental Health Unit and subject to the identified work being implemented and a validation statement issued, it has no objection. This can be controlled by an appropriate condition. The concerns of the Environment Agency regarding protecting the local water environment, particularly as work may impact on a local water course, are noted and can, as the Agency recommends, be dealt with also by appropriate conditions.

Residual Concerns

49. Concerns about construction noise can be ameliorated by imposing an hours of working condition. Loss of view is not a not a material planning consideration but given the hedges and trees to remain around the site and distances from nearby housing the will be little intrusion into the landscape outside of the site.
50. Some of the hedgerow to the from of the site along Blakeston Lane will lost in order to provide the necessary sight lines for a safe entrance. However, it should be noted the plan submitted with this application showing the access improvements is the same plan as approved as part of the outline permission last year. It is also strictly

not necessary to re-impose the condition requiring improvements to the level crossing as requested by Network Rail as that condition remains in force. However, for the avoidance of doubt it can be attached again to clarify that these works are still required before the houses are occupied.

CONCLUSIONS

51. The outline planning approval has established that the site is suitable for the development of up to 150 dwellings. With approval for the revised layout now submitted, development of this problem site will be able to quickly progress. Concerns raised by residents on traffic whilst understandable have been previously addressed. The access on Blakeston Lane will be significantly improved together with improvements to the Junction Road/Blakeston Lane/Ragpath Lane junction carried out with a substantial contribution from the developer.
52. The overall layout in terms of open space is generally satisfactory and the built development avoids areas of conservation importance and will help secure the ecological interest of the area and avoid detrimental impact on any protected species in the area. Nature Conservation on the site will also be better protected and enhanced with new planting and better management and increased public access allowed to local woodlands. Whilst a full assessment of the landscape details needs to be completed, in principle they appear satisfactory.
53. In conclusion and subject to the final views of the Head of Integrated Transport and Environmental Policy, the Council's Landscape architect and the withdrawal of the objection from English Nature, it is considered that the application is acceptable and approval can be granted.

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

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

None

Background Papers:

Application files: 03/2954/OUT & 06/0951/REM

Ward and Ward Councillors:

Northern Parishes Ward

Councillor S Parry