

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 31ST OCTOBER 2007

**REPORT OF CORPORATE
DIRECTOR,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

07/2437/OUT

**Land at Urlay Nook, Urlay Nook Road, Eaglescliffe
Outline application for industrial estate comprising the erection of B2 and B8
use class units and associated means of access.**

Expiry Date 19 November 2007

Summary:

This application for outline planning permission seeks approval for access arrangements, layout and scale of the development for industrial development on land at Urlay Nook Road, with appearance, and landscaping reserved for future consideration. The submission is accompanied by a Design and Access Statement, Transport Assessment, Flood Risk Assessment and Tree Survey.

The proposed development comprises 17 units for general industrial use (B2 use) and 13 for storage and distribution (B8). Access to the wider highway network is via a new access in the eastern wing of the site onto Urlay Nook Road. Landscaping and a new footpath link are proposed. A potential rail link is shown on the proposed layout and two new bus stops would be provided.

The site is within the limits to development identified in the Stockton on Tees Local Plan and is identified in Policy IN2 (o.) as a site for general industry and storage and distribution.

Eighty four representations have been received objecting to the proposal and commenting generally on matters relating to the principle of development, loss of amenity, visual impact and landscape, nature conservation, air, noise, light and water pollution, access and highway safety.

Whilst there are no objections to the proposal from external consultees, further information is required by the Council's Highway Engineer and the Environment Agency. The Landscape Officer objects to the current layout and has provided an indication of how the visual impact of the proposed development can be ameliorated. The submission lacks fundamental information in respect of nature conservation interests, which is vital to the determination of this application, particularly bearing in mind the proximity of protected species.

To date, the comments of Darlington Borough Council, as neighbouring authority have not been received, and again this is vital particularly in terms of highway matters to the assessment of this proposal.

Furthermore, the Council's Highway Engineer has requested commuted sums, which can only be secured by Section 106 agreement. Whilst the applicant has indicated a willingness to enter into such arrangements the Heads of Terms have not been agreed.

On the basis of the information to hand and the scheme as currently tabled, it is not possible, given that further consultation will be required, to determine the application before the expiry date of 19th November. In light of this it is recommended that planning permission be refused for the reasons set out below.

RECOMMENDATION

Planning application 07/2437/OUT be refused for the following reason(s)

- 1. Insufficient information has been provided in respect of a travel plan framework, trip rates, traffic routeing, network capacity and design, vehicle and cycle parking, and manoeuvring to enable a full assessment of the proposal in respect of the likely impacts on access and highway safety, contrary to policies GP1, TR15 and Supplementary Planning Document 3: Parking Provision for New Developments**
- 2. Insufficient information has been provided in order to assess the likely impact of the proposal on protected species and nature conservation interests contrary to policy GP1 of the adopted Stockton on Tees Local Plan and advice given in Planning Policy Statement 9 Biodiversity and Geological Conservation.**
- 3. Insufficient information has been provided in respect of the level and detail of the impact of the development upon Public Right of Way Footpath No 7 to enable an assessment of the impact of the development on that Public Right of Way contrary to Policy GP1 of the adopted Stockton on Tees Local Plan.**
- 4. Insufficient information has been provided in respect of surface water drainage to enable an assessment of the impact of the development on water resources contrary to advice given in Planning Policy Statement 25: Development and Flood Risk**
- 5. In the opinion of the Local Planning Authority, the proposed development would by virtue of the layout and scale would have an unacceptable visual impact contrary to policies GP1 and IN2 of the adopted Stockton on Tees Local Plan.**
- 6. In the opinion of the Local Planning Authority, the proposed development does not adequately provide for contributions to public transport facilities and traffic regulation orders (weight limit restriction) contrary to Policy GP1 of the Stockton on Tees Local Plan.**

SITE AND SURROUNDINGS

1. The application site comprises 17.85 hectares of fairly level farmland and scrub between the road A67 to the south and Uraly Nook Road to the north and east. The site is 'U' shaped and partially encloses the Police Tactical Training Facility, the Old Offices and a playing field.

2. To the north is the rail link between Darlington and the east, Urray Nook Road, beyond which is Elementis Chromium (chromium product manufacture). To the east are open fields and neighbouring residential properties in Eaglescliffe. To the south is the road A67. To the west are open fields.
3. The site is crossed by hedges and trees of varying maturity, bounded to the south by a substantial tree belt.
4. The site is within the limits to development identified in the Stockton on Tees Local Plan and is identified in Policy IN2 (o.) as a site for general industry and storage and distribution.

PROPOSAL

5. This application for outline planning permission seeks approval for access arrangements, layout and scale of the development for industrial development on land at Urray Nook Road, with appearance, and landscaping reserved for future consideration. The submission is accompanied by a Design and Access Statement, Transport Assessment, Flood Risk Assessment and Tree Survey.
6. The proposed development comprises 17 units for general industrial use (B2 use) ranging from 650sq.m to 1150 sq.m, and 13 units for storage and distribution ranging (B8 use) from 2100sq.m to 3,400sq.m. The proposed development amounts to 44,500sq.m, with a split of 73% B8 use and 27% B2 use across 30 units. The submission indicates eaves heights ranging from 6.5 metres to 10.5 metres.
7. The general appearance of the buildings is not detailed but the design and access statement makes mention of opportunities for solar heating and photovoltaic electricity generation, and wind turbine generation where appropriate. A schedule of materials envisages facing bricks, smooth and split face blockwork, profiled built-up cladding, flat and micro composite cladding, thermally broken coloured aluminium windows and doors, exposed steel detailing, co-ordinated signage, and macadam and block paving.
8. Access to the wider highway network is via a new access in the eastern wing of the site onto Urray Nook Road. An internal loop road negates the need for a further access to be provided in the western wing of the site. Internal manoeuvring areas are provided and dedicated vehicle and cycle parking is proposed. A new footpath link is also proposed to the existing right of way along the southern boundary of the site. The proposed layout indicates a potential rail halt with limited parking, and two new bus stops within the site.
9. A balancing pond, as part of a sustainable drainage system is shown towards the southern boundary of the site, and a wildlife corridor is also proposed along that boundary.
10. In terms of landscaping new tree belts are proposed along the east and western boundaries of the site with some retention of existing vegetation, in particular the coppice to the north. New planting is proposed throughout the site.
11. The applicant envisages the creation of 500 jobs.

CONSULTATIONS

12. The following consultees were notified and any comments received are set out below:-

Councillor J Fletcher

13. On the information available to me my comments are as follows. I may amend or add to them in the light of anything further I learn.
14. Given the previous planning history & the Local Plan designation, I think that it can be said that the principle of development had been established. However, on 25th October 2006 Planning Committee decided that 20.11 hectares at South Urlay Nook Farm cease to be allocated as land for employment uses and Committee were advised that any such development proposed would become a departure from the Local Plan. If this is now the position under planning law, then presumably the onus is on the Applicant to show why the proposed development should take place. Two points immediately occur to me:
1. There is an oversupply of employment land in the Borough, with much such land available within a mile or two of the Application Site.
 2. Part of the Application Site is within the HSE's zone of consultation round the chrome works. At the very least, the site roads and the nearby highways would need to be adequate should evacuation ever be necessary in an emergency.
15. If Planning law is that the principle of development has not been negated by Committee's decision of 25th October 2006, then Point 2 above still applies. Also, given the weight limits on nearby roads when the Long Newton interchange is open, suggested by SBC engineers a few years ago, the western junction of Urlay Nook Road (former B1273) with the A67 (currently a T-junction on a 60 mph road) would need improvement to take the extra traffic.

Long Newton Parish Council

16. The Council have the following comments to make regarding the above application: -
17. The Council strongly oppose this application. This proposal to create an industrial estate on this site will have a detrimental environmental impact on the village of Long Newton as well as the surrounding areas of Eaglescliffe (especially Hunters Green) and Yarm.
18. The statement cites the new A66 interchange at Long Newton to have a positive impact on the accessibility of the development and the safety of highway routes to and from the site. The Council are dismayed that it is envisaged that the route to and from the site via the A66 will be along Long Newton Lane and through the village. The residents and Parish Council have campaigned for over 20 years for this junction to be built not only to enable a safer crossing of the A66 but in more recent years to take traffic away from the village. Traffic through the village has risen significantly over the past 10 years and this proposal will increase traffic, not only employees (500) but visitors/deliveries to the site. The A67 Yarm/Eaglescliffe area is a bottle neck

and often grid locked throughout the day, especially from 3pm onwards. Traffic heading east, west, north or even south to the A19 is likely to travel via Long Newton and Elton to avoid the hold ups. Conclusion - the quickest route to the main highways will be via Long Newton Lane and Long Newton Village, from a safety aspect this is not acceptable, residents do not want extra traffic through the village.

19. Long Newton Lane is a narrow country lane with no drainage, is extremely prone to flooding and has been the scene of many accidents over the years including fatalities. It is not a suitable road to access an industrial site. The T junction with Darlington Rd has extremely poor sight lines, the property on the corner having planning restrictions on planting allowed in the garden because of this.
20. There is a problem at present with vehicles speed

The Environment Agency

21. No objections in principle subject to conditions in respect of contaminants, methodology for piling foundations, drainage, settlement arrangements, storage of oils, fuels and chemicals. However, further information is required in respect of final allowable surface water discharge.

Health and Safety Executive

22. Using the PADHI+ system the Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

Spatial Planning Manager

23. Established planning law set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise. The current development plan consists of the Tees Valley Structure Plan (2004) and the Stockton on Tees Borough Local Plan (1997).
24. The site is allocated under policy IN2 of the Stockton on Tees Local Plan for general employment and storage and distribution uses. I can confirm that policy IN2 has been saved and remains part of the development plan.
25. It should be noted that no relevant policy exists or has been saved in the Tees Valley Structure Plan which identifies the general area for employment use. However, policy Strat 1 of this document has been saved. This provides guidance on the strategic location of future development and states:
26. **The majority of future development will be located in urban areas with preference given to:**
 - **Previously developed sites within urban areas, particularly along the Tees Corridor between the A66 crossing in Stockton on Tees and the Tees Barrage and between Teesport and the Tees Barrage; and**
 - **In the town and district centres list in policy T3.**

In the event that such areas yield insufficient capacity then the development will be located along public transport corridors on the edge of the Teesside conurbation, Darlington or Hartlepool. Proposals must satisfy the sustainability criteria set out in policy Sus2 (this policy has not been saved).

27. You will be aware that the Planning and Compulsory Purchase Act 2004 has brought in the legislative requirement for a new style of development plan called the Local Development Framework. These documents are currently being prepared however; as the documents progress through the various stages of production they gain more weight. At the time of writing the documents are still emerging and it is likely that they would be given limited weight in determining this application.
28. An important component of the evidence base for the Local Development Framework is the Employment Land Review (ELR), which is currently being carried out. The review will set out the amount of land required within the borough and will finalise the employment land portfolio which will be taken forward through the LDF. The initial stage of the ELR assessed the initial fitness for purpose of employment sites in the borough and advised that the Urray Nook site should be considered for de-allocation via the LDF process.
29. The Council has commissioned consultants to undertake work on the second stage of the ELR involving forecasting the amount of land required and a draft report has been passed to the Council. Whilst this evidence will build the policy position for the Local Development Framework it is considered that these can only be given very limited weight. The Government has recognised that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question (The Planning System: General Principles).
30. It is therefore considered that as things stand the Council can not oppose the principle of development at this site. The site is formally allocated within the adopted development plan and whilst there is some evidence to suggest that the site should not be taken forwards it is considered that this is not an overwhelming reason to override the adopted Local Plan.
31. You will appreciate that this policy position may change over time as the DPDs progress through the preparation stages.

Elton Parish Council

32. Comment that concern was raised by Councillors regarding the potential for increased traffic affecting the Parish of Elton, especially in view of the expansion of Durham Tees Valley Airport. The Council would like to see that careful consideration is given to the impact of the development of this area.

Urban Design Landscape

33. The Landscape Officer comments that approaching from the east along the A67 from Yarm, no views are afforded into the site to travellers in vehicles due to the mature tree planting in single and in some cases double rows that run along the boundary. This tree buffer continues along the A67 west and can be seen for approximately three quarters of the proposed development site. The

spacing of planting does however afford direct views into the site as the vehicles pass the site. Approaching from the west along the A67 from Darlington, views into the site are very clear with no existing screen planting. The existing Police tactical training centre is evident along with its adjacent playing field

34. The proposed site layout plan does not indicate the retention of this existing tree buffer along the southern boundary and some proposed units indicated will conflict with this existing screening.
35. Overall, the Landscape Officer considers that the development as proposed could have significant adverse visual impacts on this rural edge of Eaglescliffe and objects to the outline application. It is advised that to avoid these predicted visual impacts, a landscape buffer comprising mounding up to 2m in height (1:4 gradient) and 16m in width with native trees and shrub planting would be necessary on 3 sides (east/south and west). This mounding would significantly affect the proposed layout of building and Sustainable Urban Drainage (SUD).

Urban Design – Engineers

36. Makes the general comment that the development should be designed and constructed in accordance with the Council's Design Guide and Specification and Supplementary Planning Document 3, and to that end comments that the applicant has provided sufficient parking within the site in accordance with the Council's car parking standards. However is it not clear which car parking bays are assigned to which unit to determine if each unit has sufficient spaces. A lack of adequate parking near to each unit may lead to vehicles parking outside the designated parking bays to the detriment of highway safety. For example:
 - (i) It is unclear which unit the car parking spaces between Units 2 and 3 are assigned to.
 - (ii) Unit 25 only appears to have 24 spaces near to the unit compared to the 28 quoted in the Design and Access statement.
 - (iii) The car parking area for Units 13, 14 and 16 include 3 bays at the end of each car parking aisle. It may be difficult for vehicles to reverse out of the places and exit the aisle in a forward gear. This manoeuvre needs to be demonstrated and if vehicles are not able to exit the aisle in a forward gear these bays (6 in total) should be removed.
 - (iv) To ensure parking is contained within the designated areas the applicant should mark turning areas to be kept clear to ensure sufficient space is maintained for large vehicles to manoeuvre safely.
37. Cycle parking should be shown to be covered and located in secure areas near to the entrance of the buildings. As such, the cycle parking areas for units 1, 5, 6, 7, 8 and 20 should be relocated to be closer to the units.
38. It is not clear where cycle parking is located for units 24, 25, 26, 28 and 30.

39. The proposed 9m x 160m visibility splay based on 85th % tile speed is acceptable and has been indicated on a drawing.
40. Resubmitted trip rates have been calculated based on weekdays and are acceptable.
41. The trip distribution appears to be based on assumptions; clarification of the reasoning behind these assumptions is required.
42. The proposed route via the A67/Urlay Nook Road roundabout whilst being safer than the priority junction is approx 1km longer. Practical measures are required to be identified to ensure site traffic leave via the roundabout. They will be subject to a Section 106 agreement, I will advise shortly when further information is received on these measures.
43. A section 106 contribution of £12K for low floor bus stops and shelters and £5K for traffic regulation orders (weight limit restrictions) is required.
44. The Assessment states that the priority junction was assessed in terms of visibility and it was 'considered that adequate exit and forward visibility was available'. This statement requires substantiating.
45. A Travel plan framework should be submitted for consideration and should be conditioned if planning approval is granted. A full travel plan will be required to be submitted within 6 months of the development opening.
46. Public Footpath No.7 (Eaglescliffe) is within the curtilage of the proposed development site. It should be noted that '*Appendix B*' (**Drawing No.3002/1**) indicates the public footpath runs outside the site, on the western boundary, which is not the case according to the Definitive Map. Therefore, confirmation is required from the developer that PROW 7 will be retained as stated in 4.3.2 of the Transport Assessment document. Confirmation is also required that the route will remain open during the whole development works. If the planned works will restrict and affect usage of Public Footpath No.7, appropriate temporary diversion of footpath would be required to protect the users of the footpath during the full period of works. To discuss and proceed with temporary diverting the above footpath, the Council's Public Right of Way Officer will be willing to meet on site to discuss alternatives routes. It should also be noted that granting of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstruct or damages a right of way.
47. I understand that further information has been received by Traffic Management and is currently being reviewed.

Urban Design – Built Environment

48. No comments

Environmental Health Unit

49. No objection in principle subject to conditions in respect of Possible land contamination - Condition C407, Remediation and Validation - Condition C408, Possible contamination from an old landfill site - Landfill Gas condition.

Northern Gas Networks

50. No objections and encloses main records for the site.

NEDL

51. No objections and encloses mains records

Tees Archaeology

52. There are no known archaeological sites in the area indicated. I therefore have no objection to the works and no further comments to make.

Stockton on Tees Borough Council - Business Development

53. The Employment Land Review Business Consultation states that:

- There is a gap in provision for Industrial Land & Premises
- Land should only be de-allocated if there is no interest in developing it - this cannot be the case here if a planning application is submitted
- The development would be complementary to the Airport
- It is next to an existing industrial development

Natural England

54. Comments that insufficient information has been submitted to assess the impacts of the development upon protected species. The response however, refers to a screening process using the principles and procedures covered in Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.

National Grid

55. Comments that based on the information provided and the proximity and sensitivity of national transmission gas pipes and overhead lines, the risk to those installations from the development is negligible.

Highways Agency

56. No objections but makes comments in respect of the extent of the study area, traffic count data, assessment years, traffic growth, committed development flows, trip generation, trip distribution, developments impact.

57. In summary comments that there are clearly a number of issues with the applicant's consultant transport assessment (TA) and as a result the assessments presented are not accepted by the Agency. The most pertinent issues with the TA are as follows:

- The TA is predicted on incorrect base flows that have been extracted from the unagreed 2004 Durham Tees Valley Airport TA;
- The trip generation has been inappropriately derived by the applicants consultant; and
- The trip generation presented in the TA has not been substantiated.

However, despite the issues noted above, our independent analysis reveals that the development is unlikely to have a material impact at the Strategic Road Network.

The greatest impact of the proposal would be at the Long Newton Interchange, however, this would only equate to 1 additional vehicle per minute at the system and given the Agency's TPI scheme, it is our opinion that it would not be our concern.

Durham and Tees Valley Airport

58. The Airport management has no objection to the proposal. However, future submissions, due to the closeness of the approach path may require a bird management plan to be produced and accepted [by the Airport management]

One North East

59. Supports the Council's evidence based appraisal of employment land to inform the Local Development Framework, and to prioritise sites that should come forward to progress the economic development of the Tees Valley. Consideration should be given to impact of the proposed development of the land south of the Durham Tees Valley Airport, and the Council should be satisfied that the proposed development would have no adverse impacts on the regeneration of the airport. The Council should encourage the developer to pursue the highest standards of quality in the development of this site. The development should also provide details of the renewable energy measures.

Tees Valley Wildlife Trust

60. We note that the application is within 500 metres of habitats known to support Great Crested Newts - a European Protected Species. Also that the plans show that there are water bodies on, or very close to the application site. We would ask that the Planning Authority consult with Natural England on this specific issue.

Egglecliffe and Egglecliffe Parish Council

61. The above application for a major industrial estate on land at Urray Nook was discussed at our Council meeting on Thursday evening and I am instructed to inform you of my Council's concerns and objections as follows:
62. Firstly, we believe there is a surplus of industrial land available in Stockton Borough and even within Egglecliffe Parish - the former Admiralty & Logistics site (now Allen's West), Durham lane Industrial Park and existing proposals for land south of DTV Airport.
63. An industrial estate of this size would have serious traffic implications. The roads to and from the proposed entrance are narrow country lanes not suitable for an increase in traffic of this magnitude. The road at Hunter's Green roundabout would take additional traffic to and from the proposed site and could lead to problems for residents of Hunter's Green. The other entry/exit to and from the site (towards the Airport) is a dangerous unlit T-junction onto a 60mph road.

64. The visual amenity of local residents could be severely affected by these proposals.
65. Loss of trees and agricultural land would impact severely on wildlife habitats including some threatened species in the vicinity.
66. We also believe that part if not all this site is within the HSE "circle" around the Elementis Chromium plant.

Network Rail

67. Network Rail comment that a new rail halt is not required. At the time there are two railway stations in the area and a third would not be required. Rather than providing a new station there is a potential to use funds to improve the existing stations. The developer should discuss matters with Northern Rail, Tees Valley Joint Strategy Unit, Tees Valley Regeneration. The developer should also contact Network Rails Level Crossing Risk Co-ordinator. Further comments, advice and requirements in respect of development in close proximity of the railway are included in the response.
68. No comments have been received from Northumbrian Water, Stockton Police Station, Darlington Borough Council, North East Assembly, or Tees Valley Regeneration, the Councils Travel Plan Officer or Traffic and Road Safety Officer.

PUBLICITY

69. The application has been publicised by means of a site notice, press notice and individual letters. One letter has been received from the management of Elementis Chromium and eighty three (83) other letters and emails have been received objecting to the proposed development from occupants of Ettersgill Close, Newbiggin Close, Grassholme Way, Cotherstone Close, Middleton Close, Egglestone Drive, Urlay Nook Road, Langdon Way, Mickleton Drive, Hunters Green, Lartington Way, and Manor Gate - Long Newton on the following grounds:

General Comments

- The development would curtail the use of the area for recreational purposes
- Objects to the loss of a greenfield site
- Inappropriate location for this type of development, close to residential properties
- Loss of semi-rural area to industry
- There are vast areas of industrial land lying dormant awaiting regeneration.
- There is no guarantee that plans would not be passed for development on the fields to the east [between the site and the residential properties to the east of Urlay Nook Road].
- The development should be on the former MOD site.
- There are units available at Preston Farm and Durham Lane.
- Requests a reduction in the domestic rates/ Council Tax as a result of this development.

- This application raises the same traffic concerns as the application for a change of use at Riverside Lodge, and should be considered in the same way
- The Logistics Site would be a more appropriate location for this development
- The site is within an affected area under the COMAH regulations
- Would lead to anti-social behaviour, crime and prostitution
- Inadequacy of road system in the event of an emergency evacuation from existing factory unit and proposed new development
- Pollution of local allotments and farmlands
- Questions whether other brownfield sites have been investigated as an alternative to this site

Planning Policy

- In the Local Plan, this land is listed as B2 & B8 use where transportation of loads would be by rail rather than road
- That the development should go ahead because of the resolution of October 2006 [de-allocation of the site], and although not in its final stages, it is a material consideration

Access and Highway Safety

- The proposed development would add to the congestion on Yarm High Street and existing roads such as Yarm Road and Orchard Road
- Would result in an increase in road traffic, particularly heavy goods vehicles at all times of day and night on Urray Nook Road and the road A67
- Danger to children from increase in traffic and the type of traffic, particularly as the route along the A67 is used by school children.
- The development would lead to a significant build up of traffic at peak times particularly on the roundabout at the road A67.
- Impact on roads between the site and the A66, which are not of a standard to take the new traffic. Particular concern that traffic may travel through Long Newton and possibly Elton.
- Lack of public transport to serve the development.

Visual Impact

- Implied negative impact of the development on this gateway to Teesside
- Change the appearance and environment of this area from semi-rural to a semi-industrial setting and a negative impact on the quality of life
- Loss of view of open fields
- Concern that the new tree belt would take a long time to mature to provide a meaningful screen

Residential Amenity

- Increase in:
 - noise pollution from activities on the proposed industrial estate and traffic movements
 - pollution generally

- air pollution
 - light pollution
 - vibration
- Any increase in pollution is contrary to GP1 of the Local Plan.

Nature Conservation Interests

- Negative impact on plants, animal and humans.
- Negative impact on the habitat of a species protected by European Law.

Water Environment

- Concern that the development would have pollute nearby waterways and becks

Other Matters

- Economic devaluation of property
- No guarantee that the development would create jobs.
- Are the units necessary?
- The applicant quotes permissions in the 1960's and 1980's, but the development should be considered on its merits today.

Elementis Chromium

The management of Elementis Chromium state that the plant is subject to Control of Major Accident Regulations. The proposed site layout provided indicates that the development lies within the inner consultation zone of the Elementis site and over half the area of the development is in the middle zone. A development of this size is inappropriate. Comment is also made in respect of an easement that the Company has over part of the application site for an underground pipeline, and the Company objects on this ground also.

PLANNING POLICY

70. The relevant development plan in this case is the adopted Stockton on Tees Local Plan. 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 Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

The following planning policies are considered to be relevant to the consideration of this application:-

Policy GP1

71. Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (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 the public rights of way network.

Policy IN2

72. Land is allocated for general industrial or storage and distribution uses (Classes B2 and N8) at the following locations:

- (o.) Urray Nook, Eaglescliffe

Policy TR15

73. The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the parking will normally be required to accord with standards set out in the Stockton on Tees Borough Council Design Guide & Specification Edition No. 1.

MATERIAL PLANNING CONSIDERATIONS

74. The material planning considerations are planning policy and the principle of development, likely impact on residential amenity and occupiers of neighbouring premises, landscape and visual impact, public rights of way, nature conservation interests, and flood risk.

Planning Policy and the Principle of Development

75. As set out in paragraph 4 above the site is allocated for general industrial and storage and distribution in saved Policy IN2 (o.) of the adopted Stockton on Tees Local Plan.

76. Paragraph 3.13 of the local plan set outs clearly that many types of industry and business can co-exist without difficulty. The Local Plan does however, acknowledge that certain types of business, primarily those of B1 are more likely to favour sites where a good standard of design and layout will be required in respect of buildings, servicing and landscaping. This segregation is reinforced as Policy IN1 seeks to encourage B1 and B2 at Holme House Farm, Teesside Industrial Estate, Thornaby and Preston Farm.

77. Paragraph 3.14 acknowledges that where there is a potential for conflict between different types of industry and business and where a less attractive setting may be less important to operators, locations on sites identified in IN2 may be appropriate. The paragraph then goes on to explain that it wishes to *encourage* storage and distribution on 9 of the 18 sites listed in the policy

because of the potential for transport of bulk goods by rail rather than by road. The current application site is not amongst the list. Nevertheless, the policy allocates the site for general industrial and storage and distribution and the supporting text to the policy merely seeks to encourage rather than explicitly restrict storage and distribution at any other site than those listed.

78. Paragraphs 23 to 31 of this report set out clearly the Spatial Planning Managers recent assessment of the status of the site in terms of Policy IN2. Noting the comments of Councillor Fletcher and local residents, given the immaturity of employment land policy in the Development Plan Framework, it has to be concluded that the proposed development at this time is in accordance with the allocation and is therefore acceptable in principle in policy terms.

Impact on Residential and Amenity of other users of adjacent land and premises

79. The neighbouring properties immediately adjacent to the site comprise commercial and business uses with the exception of the playing field. In view of this, it is considered that provided that the use of external areas are controlled, and individual units are sufficiently insulated and vented, it is unlikely that the proposed uses would have an adverse impact on the amenity of the occupiers of adjacent non-residential uses.
80. The nearest residential properties are located some 200 metres distant. Inevitably there will be some noise and disturbance arising from vehicular traffic, and given that the existing use on the site is agriculture, general comings and goings will result in noise and disturbance beyond that currently experienced. However, the Environmental Health Officer has not raised any concerns in this respect.
81. Many residents have raised concerns in respect of loss of view. However, this is not a material planning consideration in this instance. It should be acknowledged that an increase in traffic would add to pollutants however, again there are no concerns from the Council's Environmental Health Officer in this respect. Lighting would be required within the new development and this would be visible from surrounding properties. Those lights can be angled and shrouded to ensure that they do not shine directly towards neighbouring properties, and this could be secured by planning condition.
82. Outdoor operations associated with industrial uses can be detectable over long distances. However, however, residential amenity can be safeguarded to a greater extent by the judicious use of planning conditions. It can be concluded that subject to conditions limiting outdoor operations that the proposal not have an adverse impact on the amenity of the occupants of neighbouring properties.

Landscape and Visual Impact

83. As set out above the site is a mix of agricultural and under used scrubland. It is visible in views particularly to the north, west and east. A tree belt partially restricts views to the south. Although the proposed plan shows some internal planting and tree belts to the east and west, in order to avoid these predicted visual impacts, the landscape officer advises a landscape buffer comprising

mounding up to 2m in height (1:4 gradient) and 16m in width with native trees and shrub planting would be necessary on 3 sides (east/south and west).

84. As acknowledged by local residents, this is an important gateway to Eaglescliffe with a semi-rural character. It is critical therefore that appropriate the boundary treatments and levels within the site are secured. The current proposed layout does not confirm that the existing tree belt along the southern boundary of the site will be retained and as proposed, the development would be clearly visible along the road A67. It is considered therefore that the proposal would have an unacceptable adverse impact on landscape and visual amenity.

Nature Conservation

85. The site is existing farmland and under used scrub, with hedgerows, trees and other vegetation in varying states of maturity. Local residents and Tees Valley Wildlife Trust have commented on the loss of wildlife and note various species including Greta Crested Newts. The application is not accompanied by any information relating to species and habitats and therefore an assessment of the likely impacts of the development in this respect cannot be made. Planning permission should therefore be refused on that ground.

Highways and Access Considerations

86. In this respect the position of the Highways Agency and the Council's Highway Engineer are set out in paragraphs 56 and 57, and 36 to 47 respectively. Clearly there are no objections in principle to this scale of development; however further information is required to enable a complete assessment of the proposal. The comments of Darlington Borough Council are also awaited in this respect. Given the insufficiency of the information received and that assessments are incomplete, the proposal is considered to be unacceptable, and this warrants a reason for refusal in this instance.

Public Rights of Way

87. Although the submitted documentation confirms that Public Right of Way No 7 would be protected, the submitted drawings are not clear. It is considered that the precautionary approach should be taken, and this lack of clear information and it is considered that this is sufficient to warrant refusal of planning permission on that ground.

Flood Risk

88. The Environment Agency has accepted the Flood Risk Assessment but to enable a full assessment further information is required in respect of final allowable surface water discharge. Sufficient information has not been provided to enable assessment of the impact on surface water drainage and therefore the proposal is objectionable in this respect.

Other Matters – Update Report

89. Matters relating to the impact of the development on the development at Durham Tees Valley Airport, bird management, and the response of the Health and Safety Executive as well as any other information coming to light will be reported in an update report.

CONCLUSION

90. It is considered that the principle of development of this site for general industry and storage and distribution has been established in the Stockton on Tees Local Plan. Whilst there is some evidence to suggest that the site should not be taken forwards it is considered that this is not an overwhelming reason to override the adopted Local Plan at this stage.
91. There are outstanding requirements for information and clarification, which, given time may well be resolved. A request to the applicant to withdraw the application to allow sufficient time to resolve these outstanding issues has, however, been declined.
92. In the circumstances and in order to make a timely decision, it is considered prudent to refuse planning permission on the grounds that insufficient information has been provided respect of highways, parking and access arrangements, nature conservation interests, drainage, public rights of way, lack of Section 106 agreements to secure highway works, and the unacceptable adverse impact on landscape and visual amenity.

HUMAN RIGHTS IMPLICATIONS

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

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Financial Implications

As report

Environmental Implications

As Report

Legal Implications

As report

Community Safety Implications

As Reported

Background Papers

Adopted Stockton on Tees Local Plan (June 1997)

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note13: Transport

WARD AND WARD COUNCILLORS

**Ward
Ward Councillor**

**Eaglescliffe
Councillor A L Lewis**

Ward
Ward Councillor **Eaglescliffe**
 Councillor J. A. Fletcher

Ward
Ward Councillor **Eaglescliffe**
 Councillor Mrs M. Rigg