

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 30th April 2008

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

08/0241/OUT

Land At Urlay Nook Road, Eaglescliffe, Stockton On Tees

Revised Outline application for industrial estate comprising the erection of B2 and B8 use class units and associated means of access.

Expiry Date: 1 May 2008

Summary

This application for outline planning permission seeks approval for access arrangements, layout and scale of the development for industrial development comprising B2 (General Industrial) and B8 (Storage and Distribution) on land at Urlay Nook Road, with appearance, and landscaping reserved for future consideration. The applicant has sought to address the previous reasons for refusal by supplementing the current submission with information in respect of a travel plan framework, nature conservation, market assessment, public rights of way, transport assessment, and a draft legal agreement in respect of weight restrictions, public transport and highway improvements.

Planning permission was refused in 2007 (07/2437/OUT) for an outline for B2 and B8 uses on this site for reasons, which related, in the main to lack of information upon which to base a decision, no objection was raised to the principle of development. In the meantime planning permission (08/0241/FUL) for the erection of a storage unit, landscaping and access have been approved on land to the north of the site.

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.

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.

Forty four (44) letters of representation have been received from local residents, objecting to the proposal primarily on the grounds of its likely traffic implications, visual impact, impact on the amenity of the occupants of neighbouring properties, impact on health, loss of flora and fauna, health and safety matters, the availability of alternative sites, noise, air and light pollution, odours, vibration, lack of appropriately skilled workforce, impact on recreation, drainage, economic devaluation of property, risk of fire, storage of dangerous substances, litter and vandalism.

Councillor John Fletcher has commented on the proposal in respect of the need for the development and highway matters.

Whilst matters relating to highway safety, landscape, nature conservation, flood risk, drainage are unresolved, and responses from some consultees are awaited, it is however expected that the presently unresolved matters can be satisfactorily addressed within the time available to determine the application. In light of this, and as conditions can be imposed to control development together with the legal agreement regarding highway matters, it is recommended that that planning permission be granted.

RECOMMENDATION

Planning application 08/0241/OUT be *APPROVED* subject to satisfactory response from the Head of Technical Services in respect of highway safety and landscape, Northumbrian Water, Highways Agency, the Environment Agency, Natural England, securing a legal agreement reflecting the Heads of Terms set out below and conditions relating to time limits, approved documents, reserved matters (appearance and landscape including hard and soft landscape masterplan), drainage, cycle storage, Sustainable Travel Plan, renewable energy and energy efficiency measures, outside storage and operations, timely provision of access and parking, temporary parking area, restriction of uses, removal of permitted development rights, and any other matters arising.

HEADS OF TERMS

- To the Council (SBC) the sum of £12,000.00 in respect of low floor bus stops and shelters on Urlay Nook Road. This Contribution is to facilitate access to the Development by public transport, enable convenient use of public transport and encourage more sustainable travel to and from the site, in accordance with the Council's Local Plan and LTP2.
- To the Council (SBC) the sum of £5,000.00 in respect of implementing Traffic Regulation Orders (TRO) for various weight restrictions. This Contribution is towards the implementation of TROs to introduce weighting restrictions on local roads, as proposed by SBC, to ensure HGVs use major routes, alleviating congestion and unsuitable use of local roads, in conjunction with the opening of the proposed Long Newton Interchange.
- To the Council the sum of £1,100.00 in respect of signing and lining traffic calming scheme at the A67/Urlay Nook Road Priority Junction. This Contribution is to implement the proposed scheme as shown on Drawing 07164/03 Rev A and approved by SBC, to warn drivers of the need to reduce speed on the approach to the A67/Urlay Nook Road priority junction (part of a route to/from the development).
- To Darlington Borough Council (DBC) the sum of £20,000.00 in respect of a contribution towards the A67 improvement works. This Contribution is towards highway improvement works on the A67, in accordance with TTHC drawing no: M05016-A-033 Rev A and M05016-A-034 Rev A, approved by DBC.
- And any other matters which may arise from the Head of Technical Services

BACKGROUND

1. Planning permission (reference number 07/2437/OUT) was refused in 2007 for an outline application for B2 and B8 uses on this site for reasons, which related, in the main to lack of information upon which to base a decision, no objection was raised to the principle of development. (Copy of decision notice attached)
2. The applicant has sought to address the previous reasons for refusal by supplementing the current submission with information comprising and in respect of a travel plan framework, nature conservation, market assessment, public rights of way, transport assessment, and negotiating a legal agreement in respect of weight restrictions, public transport and highway improvements.
3. Planning permission (reference number 08/0124/FUL) was granted on 10th April 2008 for erection of a storage warehouse and ancillary parking on land opposite Elementis Chromium and to the north and beyond the application site.

SITE AND SURROUNDINGS

4. The application site comprises 17.85 hectares of fairly level farmland and scrub between the A67 to the south and Urray 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.
5. 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 built recently at Hunter Green. To the south is the road A67. To the west are open fields.
6. The site is crossed by hedges and trees of varying maturity and bounded to the south by a substantial tree belt.
7. 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.

THE PROPOSAL

8. 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, Ecological Survey and Great Crested Newt Mitigation Strategy, Market Assessment Report, Travel Plan Framework, and Transport Assessment, Flood Risk Assessment, Drainage Strategy and Tree Survey.
9. 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.
10. The general appearance of the buildings are not detailed but the application 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.

11. Access to the wider highway network is via a new access in the eastern wing of the site onto Uraly 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 two new bus stops within the site.
12. 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.
13. 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.
14. The applicant envisages the creation of 500 jobs.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below:-

Head of Technical Services

Engineers

15. The revised Transport Statement B resolves all issues raised in relation to the previous application 07/2437/OUT.
16. Full details of cycle storage, including location and means of enclosure, should be submitted to and agreed in writing by the LPA, prior to development commencing.
17. The table on drawing no. 3002/1D shows car parking in accordance with SPD3, however these spaces should be distributed within the site according to the standard for each building. The car park adjacent to units 22-26 shows 66no. spaces however there should be 85no. according to the table.

Landscape & Visual Comments

18. Further to our pre planning enquiry meetings and site visits and having consulted the submitted information I make the following comments:
19. I am still very concerned that this development will be very visible when viewed from the south and west along the A67. The submitted sections on dwg 3002/04B show a view on section x-x from the west and this demonstrates that the proposed unit no 20 will be very visible.
20. No sections are provided for the views from the south toward units 15 - 19 and these should be provided, as these are very important views. I would like to see sections showing the views from the south of units 15, 16 and 17-19 and a section through to the balancing pond.

21. The view from the east section Y-Y is acceptable as the tree belt and mounding is sufficient to mask views of the development.
22. However due to our concerns over screening issues we raise an objection to this application.
23. A landscape master plan should be produced similar to those submitted for the Wynyard business parks laying out the basic landscape character of the development with formal tree avenues along the main roads and seating areas near the balancing pond for example and sketch details of the estate entrance.
24. There are some existing mature trees and areas of scrub woodland within the site but these do not have a high amenity value and their habitat value can be reproduced

Environmental Health Unit

25. No objection in principle to the development, but recommends conditions in respect of mitigation measures for noise disturbance from plant, noise disturbance from access and egress, possible land contamination, nuisance from paint spraying, waste oil and use of solvents.

Egglecliffe And Eaglescliffe Council

26. Original comments are still valid for this application. In addition, concern has been expressed at the adverse visual impact this development would have from the A67 and the Hunters Green residential estate.
27. The developers plan centres around the No 20 bus service. This is an hourly service only and would be insufficient if serving an industrial estate with over 500 employees. In addition, the No 20 is not guaranteed to continue once the A66 Long Newton Interchange is operational. Should this service be withdrawn at any time the whole basis of the travel plan would collapse. This would leave any employees using public transport with a good half hour walk from Yarm Road or Allen's West railway station.
28. It is this Council's opinion that the developer is simply paying lip service to the public transport issue and that should be required to provide for a subsidised service if the application is to be considered for approval.
29. Furthermore, my council would strongly recommend that no decision be taken on this application until the plans for Allen's West have been submitted as a formal planning application because these are both large development application sites and together would impact severely on this Parish.

Councillor J Fletcher

30. I do not feel that this development is needed, as there are plenty of other employment land available in the Borough and in Eaglescliffe in particular (Durham Lane Industrial Park, Allen's West). In assessing the employment land available at Allen's West, I do not think that we can take cognisance of the proposals for mixed development there, as (as far as I am aware) a formal planning application has not been made and there is no guarantee that such would be approved.
31. However, I note that on the previous application for S Urray Nook Farm, you advised that there was no objection in principle to the development, because for this purpose the Local

Plan was still in force and the deletion of the site as employment land has not become legally final and conclusive.

32. Is paragraph 3.31 of the Market Assessment Report (that SBC have agreed that the Site will not be de-allocated as employment land) correct? If so, as the de-allocation was a decision approved by Council, when was the reversal of it taken by Members?
33. I cannot see in anything I have read any comment on the effect on the western junction of the A67 and Urray Nook Road (W of the railway overbridge) of the new junction which is authorised to be inserted just east of the railway bridge to serve the DTVA South Side development.
34. The section of the Arriva Service 20 bus route serving Urray Nook Road and Long Newton Lane is subsidised through SBC and is liable to change when Long Newton can be served by a different route following the opening of the grade-separated junction on the A66.
35. The following comments are for the sake of accuracy and are unlikely to affect the outcome of the application:
36. Para 3.2.7 of the Travel Plan Framework and Para's 4.1.7 of 8.10 of the Transport Assessment Revision B are incorrect insofar as bus service 20 does not serve Eaglescliffe Station.
37. Para 8.8 of the Transport Assessment Revision B is incorrect insofar as bus service 20 does not connect with other services on Durham Lane Eaglescliffe because the other services operate at different times of the day/week.
38. The bus route plan at Fig 2 of the Transport Assessment Revision B and Travel Plan Framework are incorrect insofar as:
 - Bus service 20 journeys which serve Eaglescliffe, Yarm, Long Newton and DTVA do not operate via Elton Village.
 - Bus Service 20 does not go south of Yarm Town Hall
 - Bus service 7a does not go around the loops of side streets on both sides of Durham Lane, Eaglescliffe.

Long Newton Parish Council

39. The Council strongly oppose this application.
40. The 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.
41. The statement cites that 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 at this statement proposing the route to and from the site via the A66 will be along Long Newton Lane and through the village. The residents and the 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 also visitors/deliveries to the site. The A67 Yarm/Eglescliffe area is a bottleneck 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 hold ups. This will have serious traffic implications, as the quickest route to the main highways will be via the Long Newton Lane and Long Newton Village, from a safety aspect this is not acceptable residents do not want extra traffic through the village. The Highways Agency states (previous application 07/2437/OUT) that the greatest impact of the proposal would be at the Long Newton Interchange, which would equate to 1 additional extra vehicle per minute at the system, over an 8 hour day this would equate to a minimum of 480 extra vehicles passing through the village each day. The new interchange will be able to cope with this increase but the country lanes and villages will not.

42. 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 Road has extremely poor sightlines, the property on the corner having planning restrictions on planting allowed in its garden because of this.
43. There is a problem at present with vehicles speeding through the village both the Police and Stockton Borough Council are involved in attempting to curb this, vehicles from this site may exacerbate this.
44. The development is also nearly identical to the one proposed at the 20 hectare site at Durham Tees Valley Airport which is much better located, has better infrastructure and should not involve traffic accessing the site directly through a residential area. It is also similar to the potential development at Allen's West and the potential expansion of Eaglescliffe Industrial Estate, this would mean four large industrial estates and the associated traffic in the area.
45. The Council also feel that there should be the availability of sufficient brown field sites within the Borough for a site of this nature, the proposal at the Airport of 20 hectares is within a very short distance, has a rail halt, and should be enough provision for industrial use as well as the proposed commercial freight activity.
46. The additional bus stops for employees only work if there are buses to serve the estate, currently the no 20 service runs one bus an hour (none on Sundays and after 6.30pm) The Travel Framework states that it is not considered necessary to provide any additional improvement to this service, how is it envisaged that employees/visitors will access the site by public transport given the current infrequent service? To access rail links via public transport from the site is completely impractical. A Travel Plan Framework will only be successful if there is frequent reliable public transport and also the full agreement of employees to manage travel and to actually partake of such a scheme.

Elton Parish Council

47. Concern is felt by Councillors regarding the potential for increased traffic affecting the parish of Elton, especially in view of the expansion at Durham Tees Valley Airport. In particular they are concerned that insufficient attention has been given in the transport assessment to the use of Long Newton Lane as a route to avoid congestion at the Durham Lane/A67 roundabout and at the Durham Lane/A66 roundabouts at peak times. At both of these points existing traffic is regularly delayed for more than 10 minutes. We would like you to give careful consideration to the use of traffic calming measures on Long Newton Lane to discourage its use as a rat run.
48. We would like you to give careful consideration to the impact of increased traffic due to the development of this area and implement the appropriate control measures.

Aislaby And Newsham Parish Council

49. No response received.

Northumbrian Water Limited

50. Response awaited.

Northern Gas Networks

51. No objections and provides mains records for the area.

NEDL

52. No objections and includes mains records for the area.

Network Rail

53. In relation to the revised plans for the above planning application we have no further comments to add to those previously submitted. You will be aware of correspondence shown on the web site between ourselves and the applicant's agent with regard to the level crossing and that, subject to our comments with regard to additional signage associated with the proposal, there will be no adverse effect on the operation of the crossing.

Tees Archaeology

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

Stockton Police Station - Eddie Lincoln

55. No response received

Darlington Borough Council

56. To date, the formal comments of Darlington Borough Council, as neighbouring authority have not been received.

Spatial Plans Manager

57. No response received.

One North East

58. The application is a resubmission of an application refused on 1 November 2007. As stated in response to the consultation on the original application, it is noted that the application site is allocated for general industrial or storage and distribution (use classes B2 and B8) within the Stockton Borough Council Adopted Local Plan 1997. It is understood that this allocation has been saved.

59. It is understood that the Local Planning Authority is currently in the process of undertaking an Employment Land Review. In the context of the acknowledged oversupply of general employment land in the North East, as outlined in the Secretary of State's further proposed changes to the Regional Spatial Strategy (RSS) View: Shaping the Region, the Agency

supports Stockton Borough Council in undertaking an evidence based appraisal of employment land to inform the Local Development Framework production process, and is supportive of the Local Authority in prioritising the sites which should come forward for development in order to progress the economic development of the Tees Valley Area.

60. The Design and Access Statement, submitted as part of the application, states that the proposal site is situated within 3 miles of Durham Tees Valley Airport. As stated in response to the original application One NorthEast and Tees Valley Regeneration are working with Peel Holdings Plc to realise the further expansion of Durham Tees Valley Airport, one of Tees Valley Regeneration and the Agency's five strategic regeneration sites in Tees Valley, via a Joint Venture.
61. Whilst, One NorthEast has no objections to the application, as stated in response to the consultation on the original application the Agency would urge the Local Planning Authority, if minded to approve, to be satisfied that the proposed development would have no adverse impacts upon established regeneration objectives at the airport.

North East Assembly

Proposed Development

62. The application is a revised outline planning application for an industrial estate comprising the erection of B2 and B8 use class units and associated means of access.

Conformity appraisal

63. Under section 38 (3) of the Planning and Compulsory Purchase Act (2004), the RSS is part of the statutory development plan. Under the plan-led system, this means that the determination of planning applications will be made in accordance with the RSS and other development plan documents, unless material considerations indicate otherwise. It is necessary to appraise the conformity of the planning application with both the RPG1 and the Secretary of State's further proposed changes to RSS (February 2008).

Development in this location

64. The location of this proposed development of employment uses is an allocated employment site, the development of which would be consistent with the provision made for this in the Stockton-on-Tees Local Plan. However, in terms of consistency with policy DP1 of RPG1, the site is greenfield and would represent a westward extension of the existing built-up area of Stockton-on-Tees. Therefore, it would not be considered as the most appropriate location for such a development since those sites within urban areas, particularly those, which are previously developed land, are afforded greater priority in RPG1 and the further proposed changes to RSS. However, in assessing the suitability of such a development in this location, it is important to consider the proximity of other related uses; including the police training centre that would be immediately adjacent to the new development, and the Elementis Chrome complex to the north of Urray Nook Road. These developments currently provide employment in the area, and as a result of this proposal it is likely that there would be a greater range of employment opportunities and greater potential for viable public transport services to and from the site.

Employment land

65. Policy EL2 of RPG1 requires local authorities to undertake a rigorous assessment of the amount of employment land required in order to provide sufficient flexibility and choice to potential investors. This policy states that where new greenfield sites are required, their

provision does not lead to the economic disadvantage of brownfield sites. Therefore, the local planning authority should be satisfied that there would not be any sequentially preferable sites that could accommodate this form and scale of development in the immediate area. Policy 18 of further proposed changes to RSS makes provision for 255 hectares of general employment land in Stockton-on-Tees, which reflects the scale of existing allocations and land availability. The development of the site would be consistent with the RSS objective of providing a range of sites and premises, if the local planning authority is satisfied that this site forms part of the employment land portfolio.

66. Policy EL3 of RPG1 identifies a key objective of regional planning policy as facilitating the renewal and modernising of existing employment areas. Although this site may not be a regional priority or have a major impact on the physical regeneration of the immediate area or the wider Tees Valley city region, the nature of the location and the type of development proposed would help to ensure that there is a good range of sites and premises to provide opportunities for sustainable economic development in Stockton-on-Tees and the wider Tees Valley area.
67. Policy 18 of the further proposed changes to RSS contains a presumption in favour of upgrading existing employment sites in advance of allocating new sites, particularly where this would be in advance of allocating new sites on greenfield land. In addition, the further proposed changes to RSS identifies the need to protect employment land from existing uses, where these are an essential part of the long-term employment land and premises portfolio. In this case, the local authority should be satisfied that there is a need for development of the scale and nature proposed in this location, and that the development of this site will deliver sufficient benefits in order to achieve other regeneration objectives.

Energy

68. RPG1 policies EN1 and EN7 encourage the incorporation of renewable energy and energy efficiency measures within new development. Policy 39 of the further proposed changes to RSS goes a step further, by requiring the incorporation of embedded renewable energy in major new development. The NEA would therefore support the inclusion of these measures, to reflect the objectives of RPG1 policies EN1 and EN7, and RSS further proposed changes policies 39 and 40. RSS further proposed changes policy 39 also places the requirement on new development to meet the Energy Efficiency Best Practice Standard and achieve BREEAM 'very good' or 'excellent' rating. The development proposal would better reflect the objectives of regional planning policy if these measures were incorporated into the scheme.

SUDS and Flooding

69. RSS further proposed changes policy 37 requires that, in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25. It will be necessary to ensure that the Environment Agency is satisfied that these requirements have been met to ensure general conformity with the objectives of this policy.

Conclusion

70. The proposed development of land at Urray Nook Road is not considered to be a priority for development given the location of the site and the fact that this is greenfield land. However, this represents part of the existing portfolio of sites allocated for employment uses in the Tees Valley. The proposals are for B2 and B8 uses, which are less easily accommodated within and around city and town centres or as part of mixed-use developments. Therefore, the principle of the development is considered to be in general conformity with RPG1 and further proposed changes to RSS.

71. The proposals would better reflect the requirements of regional policies if the concerns raised by the NEA about the need for embedded renewable energy and energy efficiency measures are taken into account. It would also be necessary for the drainage and flood risk measures to be put in place are to the satisfaction of the Environment Agency.

Natural England

72. Insufficient information and provides information in respect of consultations.

National Grid

73. No response received

Highways Agency

74. No response received.

Durham And Tees Valley Airport

75. Durham Tees Valley Airport has no objection to the above proposal subject to the relevant crane legislation regarding working in close proximity to airports. The developer should consult document BS Code of Practice for safe use of cranes BS 7121 Part 1 paragraph 9.3.3.

76. At least one month before the commencing of work the developer must contact DTVA with a written request to operate a crane within the vicinity of the airport.

Tees Valley Regeneration

77. No response received.

Tees Valley Wildlife Trust

78. No response received.

Travel Plan Officer

79. No response received.

Rights of Way Officer

80. No response received.

The Environment Agency

81. Response awaited.

Health and Safety Executive

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

PUBLICITY

83. The application has been publicised by means of site notice, press notice and individual letters to the occupiers of neighbouring properties.
84. Forty four (44) letters of representation have been received from local residents of Egglestone Drive, Middleton Close, Langdon Way, Grassholme Way, Cotherstone Close, Manor Gate, Ettersgill Close, Coatham Vale, Mickleton Close, by e-mail, Urlay Nook Road, Lartington Way, Springfield Close, and some by e-mail (addresses unknown), commenting and objecting to the proposal on the following grounds
- The principle and need for the development, given the availability of alternative sites in the Borough.
 - The impact of extra traffic on local roads, affecting Yarm, Eaglescliffe, Elton and Long Newton.
 - Impact of the proposed volume of traffic in terms of noise, disturbance and air pollution.
 - Impact on road safety and particularly school children in Eaglescliffe.
 - Detrimental impact on the amenity of the occupants of neighbouring residential properties in Yarm, Eaglescliffe, Elton and Long Newton.
 - Detrimental impact on the amenity of the occupants of properties in Hunters Green in terms of loss of views and outlook, noise and air pollution, impacts on human health and vibration.
 - Economic devaluation of property.
 - Loss of flora, fauna and wildlife habitats.
 - Flood risk and drainage
 - Health and Safety matters
 - Impact on recreation and rights of way
 - Likelihood of vandalism and anti-social behaviour

PLANNING POLICY

85. 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 Regional Spatial Strategy, Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
86. The following planning policies are considered to be relevant to the consideration of this application:-
87. **National Planning Policies and Guidance**
- Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 9: Biodiversity and Geological Conservation
 - Planning Policy Statement 23: Planning and Pollution Control
 - Planning Policy Statement 24: Planning and Noise
 - Planning Policy Statement 25: Development and Flood Risk
 - Planning Policy Guidance Note 13: Transport
88. **Regional Planning Guidance**

DP1 The Sequential Approach to Development
EL2 Reassessment of Current Employment Land Allocations
EL3 Renewal and Modernising of Existing Employment Areas
EN1 Energy
EN7 Renewable Energy

89. **Regional Spatial Strategy**

Policy 18 Employment Land Portfolio
Policy 37 Flood Risk
Policy 39 Sustainable Energy Use
Policy 40 Renewable Energy Generation

Adopted Stockton on Tees Local Plan (June 1997)

Policy GP1

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

- a. The external appearance of the development and its relationship with the surrounding area;
- b. The effect on the amenities of the occupiers of nearby properties;
- c. The provision of satisfactory access and parking arrangements;
- d. The contribution of existing trees and landscape features;
- e. The need for a high standard of landscaping;
- f. The desire to reduce opportunities for crime;
- g. The intention to make development as accessible as possible to everyone;
- h. The quality, character and sensitivity of existing landscapes and buildings;
- i. The effect upon wildlife habitats;
- j. The effect upon the public rights of way network.

Policy IN2

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

- (o.) Urlay Nook, Eaglescliffe

Policy TR15

92. 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.

Policy TR5

93. Development which is likely to attract significant flows of traffic will be required to include provision for the safe passage of cyclists onto and within the site, and to any existing or proposed cycle routes adjoining the site.

Policy EN32b

94. The Council will seek to protect and enhance the quality of surface/ground water by: -

- Restricting development on unsuitable land unless it can be demonstrated that the development will not lead to the pollution of water;

- Preventing development which would damage surface and groundwater resources and their uses
- Resisting development which would damage historic watercourses or compromise surface water and ground water quality; and
- Support initiatives that would lead to improvements in surface or ground water quality.

MATERIAL PLANNING CONSIDERATIONS

95. The material planning considerations are planning policy and the principle of development and the previous planning decision, the likely impact on residential amenity and occupiers of neighbouring premises, impact on the regeneration of Durham Tees Valley Airport, landscape and visual impact, highway safety and access considerations, nature conservation interests public rights of way, drainage and flood risk, renewable energy, and in light of these considerations, the extent to which the development as proposed addresses the previous reasons for refusal.

Planning Policy and the Principle of Development

96. As set out in paragraph 7 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.
97. 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.
98. Paragraph 3.14 [of the Local Plan] 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.
99. Although the Spatial Planning Manager has not commented on the proposal, her comments in respect of the previous submission and assessment of the status of the site in terms of Policy IN2 should be taken into consideration. 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. It should be noted that Council support for the de-allocation of the site has not been rescinded, but the status allocated by the Local Plan, in the absence of any further information is afforded the greater weight.

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

100. 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.

101. 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. The Environmental Health Officer recommends a condition, which would set time limits to control noise from access and egress. However, given the location of development in respect of the neighbouring properties and likely enforcement difficulties, it is not considered appropriate to attach condition(s) in this respect.
102. 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.
103. Any impacts or structural damage allegedly arising from vehicular traffic generated by this development would be a civil matter.
104. Outdoor operations associated with industrial uses can be detectable over long distances. 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 will not have an adverse impact on the amenity of the occupants of neighbouring properties.

Impact on the regeneration of the Durham Tees Valley Airport

105. The applicant's agent has submitted a Market Assessment to address previous concerns in respect of the Durham Tees Valley Airport (DTVA). This assessment sets out planning policy context, the recent planning history of the Durham Tees Valley Airport, comments upon the location of Urray Nook and adjacent Eaglescliffe developments. Following consultations with DTVA, Tees Valley Regeneration, One North East, English Partnerships, and the Council's Business Development Team, the report concludes that the details of the development at DVTA for a wider spectrum B1, B2 and B8 are as yet unfinalised, so it is not possible to evaluate the products (in terms of B2 and B8), of the same size, and the same tenure or be provided in the same availability timescale.
106. Further to which, there would appear to be no evidence that could support an argument that there may be an adverse impact generated by the Urray nook proposals, and there is evidence from many airports in the UK including others owned by Peel Holdings (Liverpool and Doncaster) of private sector development sitting alongside airport based development.
107. In light of this general assessment, and taking account of the fact that there have been no outright objections to the proposal from those involved in the regeneration of the airport, it is concluded that there are no sustainable objections to the proposal in this respect.
108. It is therefore considered that the view is taken that the proposal would not prejudice the development initiatives at Durham Tees Valley Airport.

Landscape and Visual Impact

109. 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).
110. 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. In response to the Landscape Officer's concerns in respect of views along the A67, the applicant has submitted sections for Units 15 to 19. The requirement for a landscape masterplan can be satisfied by condition.
111. At the time of drafting the report, a final assessment and comment of the Landscape Officer is awaited, which will be set out in an update report.

Highway Safety and Access Considerations

112. In this respect the comments of Council's Highway Engineer are set out in paragraph 14 to 16. Clearly there are no objections in principle to this scale of development. The applicant has provided further information in respect of parking spaces to address residual concerns and matters relating to cycle storage (although some detail for consideration has been provided).
113. Concerns in respect of the location and means of enclosure generally can be addressed and secured by condition. The preparations in respect of a legal agreement securing those matters as set out in the Heads of Terms above are well advanced and should not interfere with the timely determination of this application.
114. Although the formal comments of Darlington Borough Council (DBC) and the Highways Agency which would complete the assessment of the proposal in highway terms are still awaited, given that DBC have been actively involved in discussions with SBC and the applicant and that the Highways Agency did not object to the previous application, it is considered unlikely that fundamental objections would be raised at this stage. However, any matters arising and a final assessment will be set out in an update report.
115. Objector's comments in respect of the Travel Plan Framework are noted. In the light of a lack of response from the Council's Travel Plan Officer, a precautionary approach is recommended and a condition to require the provision of a Green Travel Plan allowing for review and update is recommended.

Nature Conservation

116. The site is existing farmland and under used scrub, with hedgerows, trees and other vegetation in varying states of maturity. Local residents have commented on the loss of wildlife and note various species including Great Crested Newts. In response to the previous reasons for refusal in this respect, the application is accompanied by a mitigation strategy for Great Crested Newts and an Ecological Survey. At the time of drafting, Natural England is yet to respond, and any further response, information and assessment will be set out as part of an Update Report.

Public Rights of Way

117. Although the submitted documentation confirms that in the long term, the route of Public Right of Way No 7 would be protected. A section of the right of way along the western boundary of the site may require a temporary diversion to allow for construction of the screening bund, and this is dealt with under separate legislation.

Flood Risk

118. The Environment Agency has not responded, however, in commenting in respect of the previous application it accepted the finding and conclusions of the Flood Risk Assessment but required information in respect of final allowable surface water discharge and surface water drainage. It is unlikely that irresolvable issues would arise, and any response would be set out in an update report.

Renewable Energy

119. The comments of North East Assembly in this respect are noted, and measures can be secured by condition.

CONCLUSION AND RECOMMENDATION

120. 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, and this view reinforced in consideration and assessment of the previous planning application.
121. There are outstanding responses, which may well generate a further need for information and clarification, however, it is considered that these are likely to be resolved within the statutory determination period.
122. It is recommended that Planning application 08/0241/OUT be approved subject to satisfactory response from the Head of Technical Services in respect of highway safety and landscape, Northumbrian Water, Highways Agency, the Environment Agency, Natural England, securing a legal agreement reflecting the Heads of Terms set out below and conditions relating to time limits, approved documents, reserved matters (appearance and landscape including hard and soft landscape masterplan), drainage, cycle storage, Sustainable Travel Plan, renewable energy and energy efficiency measures, outside storage and operations, timely provision of access and parking, temporary parking area, restriction of uses, removal of permitted development rights, and any other matters arising.

Corporate Director of Development and Neighbourhood Services
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Financial Implications

None

Environmental Implications

See report

Community Safety Implications

N/A

Background Papers

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Statement 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk
Planning Policy Guidance Note 13: Transport
Regional Planning Guidance
Regional Spatial Strategy
Adopted Stockton on Tees Local Plan (June 1997)
Planning Application Numbers 08/0124/FUL, 07/2934/OUT, 08/0241/OUT

Human Rights Implications

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

WARD AND WARD COUNCILLORS

Ward	Eaglescliffe
Ward Councillor	Councillor A L Lewis
Ward	Eaglescliffe
Ward Councillor	Councillor J. A. Fletcher
Ward	Eaglescliffe
Ward Councillor	Councillor Mrs M. Rigg