

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**DATE 23 JULY 2008**

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

**08/0567/EIS**

**Allens West, Durham Lane, Eaglescliffe, Stockton-on-Tees**

**Outline application for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure.**

**Expiry Date: 5th June 2008**

### **Summary**

This application seeks Outline Planning permission for a mixed-use development at Allens West, Eaglescliffe. The application is in outline with all matters reserved except for access.

The application proposal is, therefore to establish the principle of the development. In view of the scale of the proposal and the location of the development, an Environmental Statement (ES) has been submitted with the application. Also supporting the application is a Planning Statement, Housing Needs Assessment, Employment Needs Assessment, Statement of Community Involvement, Design and Access Statement, Transport Assessment, Energy Impact Statement, Heritage Appraisal and Indicative Masterplan.

The proposal is to develop surplus land at the 45.7 hectare site for a mixed- use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure of the following densities: -

- Up to 10,000 M<sup>2</sup> of B2 industrial and /or B8 warehouse space
- Up to 2,200 M<sup>2</sup> of B1 (c) light industrial space
- Up to 500 Residential dwellings (C3 Use Class)
- Up to 500 M<sup>2</sup> of Community facilities (D1 Use Class)
- Up to 250 M<sup>2</sup> of Retail use (A1 Use Class)
- Up to 5,000 M<sup>2</sup> of Care Home use (C2 Use Class)
- Associated car parking
- Landscaping and infrastructure.

The application is supported by an Indicative Masterplan that provides a layout of the scheme and should not be considered as a final proposed layout of future development of the site.

The main considerations of this application relate to the impact of the proposed development on the locality in terms of residential amenity, vehicular access and traffic impact and highway safety,

flood risk, ecology and nature conservation and whether it satisfies the requirements of National and Regional Guidance and Local Plan Policies.

These matters have been considered in detail and the development as proposed is acceptable in terms of highway safety, does not adversely impact on the neighbouring properties and character of the area, ecological habitat and flooding and is considered to be in line with general planning policies set out in the Development Plan.

The Highways Agency placed a holding direction on the application which prevents the application being favourably determined to enable the Agency to ensure the impact of the development on the Trunk Road was acceptable. Consequently they have now indicated that the direction will be lifted shortly as they are in the process of finalising the conditions they wish to impose on the Travel plan for the development. This results in the recommendation being minded to approve subject to the final comments of the Highway Agency.

## **RECOMMENDATION**

***It is recommended that Members be minded to approve planning application 08/0567/EIS subject to the final comments of the Highway Agency and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following conditions or such other conditions as may be deemed necessary by the Highways Agency:***

### **SECTION 106 AGREEMENT**

#### ***Heads of Terms***

##### ***Education***

***1. A commuted lump sum of £950,000 indexed for the provision of additional school places within the Authority, payment of developer contributions should be made in three equal tranches at commencement of development, the occupation of the 200<sup>th</sup> dwelling and the occupation of the 400<sup>th</sup> dwelling***

##### ***Affordable Housing***

***2. 15% of the residential units shall be affordable and provided in the form of shared ownership and/or shared equity. As part of an application for reserved matters, details shall be submitted for the approval of the Local Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:-***

- i) The delineation of the area or areas of the site upon which the affordable dwellings will be constructed;***
- ii) The type and size of affordable dwellings to be provided;***
- iii) The arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;***
- iv) The phasing of the affordable housing provision in relation to the provision of open market housing on the site;***
- v) Occupancy criteria and nomination rights in relation to identified housing need.***

##### ***Sustainable Transport***

***3. A commuted lump sum of £50,000 for the improvements of bus infrastructure comprising the provision of two new shelters and 4 real time information screens in the proximity of the site to be paid upon commencement of development. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.***

***4. A commuted lump sum of £50,000 by way of a contribution towards improvements of footpaths and cycleways in the vicinity of the site to be paid upon commencement of***

**development. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.**

**5. Submit a Travel Plan for approval by the Council including a proposal to ensure the appointment of a Travel Plan Manager and pay a commuted lump sum of £215,000 to cover the costs associated with the administration of the Travel Plan. The Travel Plan Manager will be responsible for the production and implementation of the approved Travel Plan for a period of 5 years from first occupation and for the establishment of the Allens West Travel Forum who will continue the Travel Plan beyond the initial 5 year funding period.**

**6. A commuted lump sum of £200 per dwelling as a Travel Incentive Payment. To be paid in advance at the commencement of each individual phase. The monies are to be made available to the Travel Plan Manager to be used at their discretion with the objective of promoting sustainable transport to householders**

**7. A commuted lump sum of £25,000 by way of a contribution to undertake works or investigations into alleviation of traffic congestion in Yarm town centre, payable upon commencement of development.**

**8. A commuted lump sum or bond of £250,000 by way of a contribution towards the capital costs of works required to the rail infrastructure in delivering the Tees Valley Metro. The commuted lump sum contribution to be held in an interest-bearing account. Payment to be used for the purposes identified within 15 years of payment being made or otherwise returned together with the interest accrued. If it is resolved that the Tees Valley Metro Scheme is not to be progressed the full contribution and interest are returned immediately to the applicant.**

**9. A commuted sum of £25,000 towards making Allen's West station DDA compliant, payable upon commencement of development.**

**10. A commuted sum of £20,000 towards highways safety works on Durham Lane in the vicinity of the site payable upon commencement of development.**

**11. A commuted sum of £250,000 towards the cost of improving the No 20 Bus route to run pass the site on a half hourly basis at peak times for a period of 5 years from the period of first occupation of a residential property.**

#### **Highways Improvements**

**12. Prior to first occupation of a dwelling, unless otherwise agreed in writing with the Local Planning Authority, at the Council's discretion either:**

- A commuted sum towards the cost of improving the Tesco roundabout junction in accordance with drawing reference 07164/101 unless otherwise agreed in writing with the Local planning Authority. The sum payable shall be calculated based on the estimated cost of the works shared on the basis of the relative % traffic impact of both the application site and the proposed Uray Nook development or;**
- Entry into a S278 Agreement to undertake the works shown on drawing reference 292-012 Rev B unless otherwise agreed in writing with the Local planning Authority and an obligation to have completed the works prior to first occupation of a dwelling, unless otherwise agreed in writing.**

**13. A S278 Agreement shall be entered into detailing**

- The roundabout access providing entry to the site as shown in drawing reference 292/006 Rev D unless otherwise agreed in writing by the Local planning Authority and**

- ***The highway improvement works required to the Elton Interchange as shown in drawing reference 292-013 unless otherwise agreed in writing with the Local Planning Authority.***

***Thereafter the works identified in the S278 Agreement are to be complete prior to first occupation of a dwelling, unless otherwise agreed in writing with the Local planning Authority.***

#### ***Future Maintenance***

***14. A commuted lump sum based on calculation for the maintenance of Public Open Space shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. In the event that the areas of Public Open Space are not adopted details of future maintenance shall be approved by the Council.***

***15. A commuted lump sum based on calculation for the maintenance of trees, street furniture and soft landscaping in the adopted highway shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. In the event that trees furniture and soft landscaping are not adopted details of future maintenance shall be approved by the Council***

#### ***Public Art***

***16. Provision for Public Art either by way of commuted lump sum or provision by the developer to a value of 1% of the total cost of the construction of the buildings within the development shall be payable in a phased programme to be agreed in writing with the Local Planning Authority before development commences. Such total cost to be calculated using, in relation to the cost of construction of residential dwellings, the average construction cost of the residential dwellings; and in respect of non-residential buildings the actual basic construction cost of each such building.***

#### ***Sports Provision***

***17. A commuted lump sum of £300,000 by way of a contribution towards improving the facilities of the adjoining sports field and the provision of off site teen play facilities and to provide an access from the new access road to the sports field. Should the adjoining sports field improvements be unachievable then the monies shall be made available for payment toward sports uses within the vicinity of the site. The lump sum will be payable upon commencement of development and held in an interest bearing account. Any monies not spent within 5 years of payment shall be returned with interest thereon.***

#### ***Listed Building***

***18. Upon commencement of development submit a scheme for approval by the Council of remedial works to ensure the Listed Building Carter Moor Farm is made wind, watertight and secure and thereafter undertake the approved works prior to first occupation of the development.***

#### ***Ecology***

***19.No development shall commence until all details of the Mitigation Strategy for the conservation of Great Crested Newts have been submitted to and approved in writing by the Local Planning Authority in support of the application in the Ecological Impact Assessment and Summary of Proposed Works to Ensure the Favourable Conservation Status of Great Crested Newts to ensure the appropriate and long term management of the ecology areas identified.***

***In the absence of this being resolved onsite, this strategy shall include the necessary control of the adjoining Admiralty Ecology Site, for nature conservation and in particular maintenance and enhancement of habitats for great crested newts. A legal agreement with the Owners of the Admiralty Ecology Site and an appropriate conservation body shall be***

**entered into to manage the habitats on the proposed development site and adjoining areas including the Admiralty Ecology Site, in the long term.**

**Conditions:**

- 01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.**

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>N81:1616-PL101</b>	<b>6 March 2008</b>
<b>N81:1616-PL102</b>	<b>6 March 2008</b>
<b>N81:1616-PL103</b>	<b>6 March 2008</b>
<b>N81:1616-PL105</b>	<b>6 March 2008</b>
<b>N81:1616-PL107</b>	<b>6 March 2008</b>
<b>N81:1616-MP107</b>	<b>6 March 2008</b>
<b>292/006 Rev D</b>	<b>26 June 2008</b>

**Reason: To define the consent.**

- 02. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.**

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

- 03. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.**

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

- 04. Prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of infrastructure, landscaping, public open space, accesses and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme unless otherwise agreed with the Local Planning Authority**

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

- 05. Approval of details of the appearance, layout and scale of the buildings and landscaping of the site shall be in accordance with the details to be submitted to and approved by the Local Planning Authority before the development commences.**

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

- 06. The development shall be implemented in general conformity with the approved Design and Access Statement and Indicative Masterplan submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority. Nothing in this consent shall be construed as authorising the illustrative details submitted with the application other than the means of access for which approval was sought.**

**Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings and landscaping to be submitted are in accordance with the approved Design and Access Statement and to enable the Local Planning Authority to satisfactorily control the development.**

- 07. Within each phase, details of all external finishing materials including roads and footpaths and all hard landscaped areas shall be agreed with the Local Planning Authority before the development is commenced. Thereafter the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**

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

- 08. Within each phase, all means of enclosure and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.**

**Reason: In the interests of the visual amenities of the locality.**

- 09. The total development hereby approved shall not exceed the following maxima:**
- Up to 10,000 M<sup>2</sup> of B2 industrial and /or B8 warehouse space**
  - Up to 2,200 M<sup>2</sup> of B1 (c) light industrial space**
  - Up to 500 Residential dwellings (C3 Use Class)**
  - Up to 500 M<sup>2</sup> of Community facilities (D1 Use Class)**
  - Up to 250 M<sup>2</sup> of Retail use (A1 Use Class)**
  - Up to 5,000 M<sup>2</sup> of Care Home use (C2 Use Class)**
  - Associated car parking**
  - Landscaping and infrastructure.**

**Reason: In order to control the amount of floorspace and in the interests of highway safety.**

- 10. The retail element of the proposal shall be restricted to 250 sq.m gross floor space for the sole use of convenience retailing and no other Use allowed within the A1 Use Class as defined by The Town and Country Planning (Use Classes) Order 2005.**

**Reason: To ensure that there is no impact on the vitality and viability of defined centres.**

- 11. No development shall be commenced until a scheme for the disposal of drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the LPA.**

**Reason: To prevent pollution of the water environment.**

- 12. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage system including**

**attenuation to discharge rates agreed with the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an explanatory statement and confirmation of long term maintenance responsibilities. The scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent the increased risk of flooding.**

- 13. Within each phase development shall not be commenced until details of the lighting columns, light colour and luminance have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

**Reason: To enable the Local Planning Authority to control details of the proposed development.**

- 14. Within each phase, no Development hereby approved shall commence until a Method Statement into environmental remediation measures has been approved by the Local Planning Authority. Thereafter the Method Statement shall be implemented in full to ensure the appropriate remediation of the site. Following completion of the remediation measures, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include any programmes of monitoring and maintenance required which will be carried out in accordance with the requirements of the report.**

**Reason: To ensure the proper restoration of the site**

- 15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: To ensure the proper restoration of the site**

- 16. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.**

**Reason: In the interests of promoting sustainable development**

- 17. Within each phase, no Development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the setting out of the Public Open Space within the site by the developer, as part of the development, and such arrangements shall address and contain the following matters:**

**A) The delineation and siting of the proposed public open space**

**B) The type and nature of the facilities to be provided within the public open space**

- C) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development**
- D) The arrangements the developer shall make for the future maintenance of the Public Open Space**
- E) The open space shall be completed in accordance with the approved scheme and phasing arrangements, including the provision of on-site open space play provision for 4-8 year olds and 8-13 year olds as agreed by the local planning authority.**

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

- 18. Within each phase, no Development shall occur until the design and layout of the road, footpaths and cycleways has been agreed with the Local Planning Authority. Thereafter the roads, footpaths and cycleways shall be implemented as agreed unless otherwise agreed with the Local Planning Authority**

**Reason: To ensure roads, footpaths and cycleways are designed in accordance with good practice and appropriate connectivity is provided for each phase of development**

- 19. Notwithstanding the provisions of classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

**Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.**

- 20. Notwithstanding the submitted plans, a detailed scheme for landscaping and tree and/or shrub planting and grass including planting and construction techniques for pits in hard surfacing and root barriers shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**

- 21. A hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.**



**Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**

- 22. Prior to the dwellings being occupied, facilities for secure and covered cycle parking shall be provided on the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority comprising 40 cycles near Allens West Station and 10 at the bus stop on Durham Lane. Such facilities will be retained for the purposes of parking cycles.**

**Reason: To ensure adequate on site cycle parking facilities are provided**

- 23. Development of any non-domestic properties shall include cycle storage provision in accordance with the local authority standards**

**Reason: To ensure adequate on site cycle parking facilities are provided**

- 24. Development of any non-domestic properties shall provide car parking in accordance with local authority standards. 20% of agreed parking numbers are to be allocated for car share use in locations agreed with the Local Planning Authority**

**Reason: To ensure appropriate car parking requirements and help to promote sustainable transport**

- 25. Prior to commencement of development a scheme for the provision and future maintenance of 30 car parking spaces for the benefit of Allens West station shall be agreed with the Local Planning Authority. This scheme shall be completed prior to any dwellings being occupied.**

**Reason: To ensure appropriate provision of sustainable transport measures.**

- 26. For each phase, no development shall take place until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local planning Authority.**

**Reason: To ensure a satisfactory form of development.**

- 27. Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.**

- 28. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.**

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

- 29. For each phase of development a Road Safety Audit in line with national guidance should be undertaken in order to inform the Highway Authority on the safe operation of the proposed development, and shall be submitted to and agreed by the Local Planning Authority. The findings of the report will be implemented as approved.**

***Reason: In the interests of highway safety.***

- 30. A Dust Action Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to effectively control dust emissions from the site remediation works, This shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel washing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.**

***Reason: In the interests of the occupiers of adjacent and nearby premises***

- 31. No development shall take place until the applicant or successor in title has completed the implementation of a phased programme of archaeological work and building survey in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority. Where important archaeological remains exist provision should be made for their preservation in situ.**

***Reason: The site is of archaeological interest.***

- 32. No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 ) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.**

***Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.***

- 33. No Development shall occur unless in accordance with a Mitigation Strategy first approved in writing by the Local Planning Authority for the conservation of Great Crested Newts on the existing site. The Mitigation Strategy shall include (but not be limited to): phasing; spatial restrictions; conservation and enhancement of existing habitats and the creation of new habitats; confirming surveys; agreement of a management plan and the wording of a precautionary working method statement to be provided to all contractors. The Mitigation Strategy shall provide details to ensure the appropriate and long term management of the ecology areas identified. Thereafter the Mitigation Strategy shall be implemented in full unless otherwise approved by the Local Planning Authority and any habitat creation and enhancement measures shall be fully completed and habitats sufficiently mature to support great crested newts prior to the commencement of Development.**

***Reason: To conserve protected species and their habitat***

**34. The land identified within the Mitigation Strategy for habitat creation and enhancement measures shall solely be used for that purpose.**

**Reason: To conserve protected species and their habitat**

**35. No development shall occur until the wording of a precautionary working method statement to minimise the risk of harm to bats is agreed with the Local Planning Authority which thereafter shall be provided to all contractors working on site.**

**Reason: To conserve protected species and their habitat**

**36. No Lombardy poplar trees shall be pruned or felled without the applicant first having had a bat survey undertaken by an ecologist suitably qualified for this task; and adhering to an appropriate mitigation strategy targeted to addressing the likely impact of the work on bats and their roosts (if necessary in the context of the findings of the bat survey), agreed with the Local Planning Authority.**

**Reason: To conserve protected species and their habitat**

**37. Unless otherwise agreed, all other ecological mitigation measures within the Ecological Impact Assessment and Summary of Proposed Works to Ensure the Favourable Conservation Status of Great Crested Newts should be implemented in full in accordance with the advice and recommendations contained within those documents.**

**Reason: To conserve protected species and their habitat**

**The proposal has been considered against the policies below and it is considered that there are no material considerations that indicate a decision should be otherwise.**

**Policies GP1, EN4, EN28, EN38, HO3, HO8, HO11, IN10, S15, of the adopted Stockton on Tees Local Plan.**

**Informative: Planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences the applicant may need to obtain from Natural England prior to the commencement of works.**

**Informative: Any diversion of Public footpaths will require relevant consent.**

## **BACKGROUND**

1. The application site was first used during the Second World War to recycle materials from crashed aircraft. At this time the site consisted of 92 hectares, of which two thirds was used to bury wreckage which could not be re-used with the remaining third being the buildings within which dismantling and recycling were carried out. This work continued throughout the Second World War and up to 1947. In 1948 the Admiralty took over certain buildings on site for use as storage for ship spares. In 1949 the remainder of the site was taken over by the Admiralty and used by the Royal Navy until 1997 when it was deemed surplus to requirements and it passed into private ownership.

2. The site currently acts as a storage and distribution centre with extensive warehouse and ancillary accommodation. A planning application for the erection of approximately 30,000m<sup>2</sup> of warehousing and offices together with ancillary car parking was granted on the site in 2001 which remained extant until it expired in November 2006 but this has since lapsed.

## THE PROPOSAL

3. This application seeks Outline Planning permission for a mixed-use development at Allens West, Eaglescliffe. The application is in outline with all matters reserved except for access.

4. The site presently comprises a group of commercial buildings, principally used for storage and distribution purposes, set along the northern side of an otherwise vacant site, roughly triangular in shape. The site measures approximately 46 hectares in total. To the northeast is a further site within the applicant's ownership, which is presently open agricultural grassland. To the east is an existing residential estate, which previously formed part of the Durham Lane Industrial Estate. To the south lies a mainly residential area bisected from the application site by the Darlington-Middlesbrough railway line. To the west of the site is the Elementis Chromium Works and to the north is part of the former MoD site, which is now a nature reserve. Carter Moor Farmhouse, a Grade II listed building, lies within the site but is excluded from this submission, being the subject of separate proposals for refurbishment. A site location plan is attached at Appendix 1.

5. Existing buildings are generally of steel portal frame construction constructed from a variety of materials including brick, metal profile sheeting and corrugated steel roof cladding. Approximately 75% of the existing space is currently occupied and the site presently employs some 450 people. The remainder of the site is open, with many areas hard surfaced for historical reasons. Much of this area is currently used for external storage.

6. A high voltage overhead power cable traverses the site from north to south and the commercial buildings are encircled by a service road.

7. Access to the site is currently restricted to entry via a priority junction to the southwest onto Durham Lane, with exit via a four-arm roundabout.

8. This application seeks Outline planning permission for the site (with all matters reserved except for access) for the partial demolition of some existing buildings (approximately 7% of the existing estate which the applicant states are poor quality industrial buildings at the end of their economic life) and redevelopment of surplus land for the following principal land uses, residential, care home, small neighbourhood retail unit, community uses and warehouse and industrial uses as apart of a comprehensive mixed use development.

9. The application is accompanied by a Design and Access Statement including an Indicative Masterplan and proposes the development of up to 500 new homes with an indicative mix of units including 1-2 bedroom flats (50 including 8 affordable) 2, 3 and 4 bedroomed houses (360 including 60 affordable) and 1-2 bedroom sheltered accommodation (50 including 8 affordable). An illustrative site layout is attached at Appendix 2.

10. The proposal at this stage does not set out a detailed design solution for the site as the application is in outline with all matters except means of access, reserved for future consideration. However, in order to address the Local Planning Authority's concerns on the potential form and quality of the development, the Design and Access Statement provides a planning and design framework for development on the site. It is not intended as a prescriptive document but sets out a number of urban design principles that future developers would be expected to meet. A series of Parameter Plans have also been produced showing existing site levels and proposed site levels, proposed land uses plan, proposed building heights, retained trees and retained buildings.

11. The indicative masterplan shows a residential scheme for a mix of dwelling types and includes 15% affordable housing. A sequence of character zones have been set out around the site and defined by a variety of treatments ( a landscape strategy and artist impression are attached as Appendix 3 and 4). Other principles of the Indicative masterplan are:

- Separation of the employment area and new residential development by visual and acoustic screening
- Provision of two new nature reserves
- Mixed use elements at the entrance areas through to 'Village Green', 'Boulevard' and 'Country Lane' character areas
- Pedestrian and cycle permeability throughout the layout
- Eastern mixed use boundary designed to provide a continuous frontage with concealed car parking
- Mixed use area to include a small convenience store and possibly a doctors or dental surgery to provide local health cover
- Provision for elderly people (residential care home and bungalows for use of the elderly)
- Carter Moor Farm – the Listed Building is retained as a building surrounded by green open space and a backdrop of mature trees
- A park and ride facility is proposed as close as possible to Allens West station and also close to existing bus stops. Secure cycle storage is also proposed for inclusion in the park and ride facility
- Public open space areas provided and located for safety, security and accessibility, particularly by walking and cycling
- Existing trees will give opportunities for more informal landscaping clusters around a mature back-drop.
- Landscaped areas within the rest of the site to link together to form a new accessible landscape strategy
- Mixed uses to provide activity along Durham lane and provide a local resource to the existing and proposed residential areas.
- The gateway entrance area will include mixed uses to provide activity along Durham Lane.

12. It is proposed to retain most of the existing commercial uses that are currently in situ, although two buildings with a combined floorspace of 3,200m sq. will be demolished. These existing buildings that remain will be accessed via a new roundabout junction at the northern end of the site frontage to Durham Lane. It is proposed that all of the new residential development, plus the proposed care home, convenience retail and community facilities, will be accessed via the existing site access roundabout on Durham Lane, which will form both an access and egress from the site. In addition to the roundabout access via Durham lane, the proposed residential development would retain emergency access only to the rear of the site, via Uray Nook Road.

13. The site lies in very close proximity to Allens West railway station, to the southeast of the site, adjacent to Durham lane. The proposed redevelopment of the site would include a park and ride facility for the station, for some 30 cars.

14. The application is accompanied by a Transport Assessment in order to satisfy the Council that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network.

15. Noise and vibration from Road and Railway sources have been investigated to assess the existing noise environment and the mitigation measures that will be required in a residential scheme.

16. The application is accompanied by a Flood Risk Assessment, which confirms that the site is at low risk of flooding from existing watercourses. Furthermore the report confirms that Allens West is not a significant risk of flooding from existing drains, either on site or from public sewers on Durham Lane.

17. A baseline assessment of the ecology of the site and its surrounds has been undertaken which concluded that there are no adverse impacts, directly or indirectly upon the land directly to the north of the site identified in the Local Plan as a site of Nature Conservation Importance (SNCI). This site is of local importance for its wildlife and habitat. Habitats within the site are generally of a restricted nature due to past management regimes and species of interest include the great crested newt and bats have been recorded on site. The report confirms that the design of the development seeks to avoid significant ecological impact through the retention of habitats and where this is unavoidable and impacts are anticipated, a package of mitigation, compensation and enhancement measures have been provided.

18. An archaeological assessment has also been undertaken which recommends the recording of ridge and furrow patterns by a planning condition.

19. A preliminary heritage and appraisal and impact assessment of the farmhouse at Carter Moor (a Grade II Listed Building) has been undertaken and considers that by preserving the immediate setting, paying particular importance to the land immediately to the south, the proposed redevelopment will not seriously erode or detract from the setting of the listed building. The farmhouse is excluded from the red line boundary and therefore from the application itself however an obligation is proposed to repair the listed building to protect it from further deterioration thereby preserving and securing its architectural interest.

20. The adopted Local Plan identifies the Health and Safety Executive (HSE) consultation zone associated with the operations carried out at Elementis Chromium works. There will be no development within any of the zones around the Control of Major Accident Hazard Regulations (COMAH) site apart from a small area of employment land which falls within Zone 3. Under the regulations, this is an acceptable use in such a location.

21. In terms of site contamination, the site has been the subject of a full ground investigation. This identifies the extent of contamination on the site and confirms that following remediation there are no encumbrances to prevent its development for the proposed use. Moreover, there are no proposed uses that may give rise to future contamination as part of this proposal.

22. An Employment Needs Report which accompanies the application concludes that there is an oversupply of vacant space available at very low rents across Stockton as a whole. Therefore the applicant's proposal for a housing-led mixed use development poses no direct threat to employment provision in Stockton since the applicant seeks to safeguard the existing employment on the site as well as provide new employment development.

23. Contributions have been sought to fund school places should they be required as a result of the development. Other contributions include improvements to public transport infrastructure; improvements to footpaths and cycleways; submission of a Travel plan and appointment of a travel plan co-ordinator and travel incentive payments; capital costs of works required to rail infrastructure in delivering the Tees Valley Metro; maintenance of Public Open Space; improvements to the facilities of the adjoining sports fields; provision of ecology sites and their management; works to Listed Building and maintenance of trees in the adopted highway. A contribution towards the provision of public art has also been sought to enhance the public realm.

## **THE ENVIRONMENTAL IMPACT ASSESSMENT**

24. An Environmental Impact Assessment (EIA) has been prepared on behalf of the applicant to accompany the outline application. The Environmental Statement has regard to the following environmental considerations to identify and the means by which significant adverse effects will be remedied;

- The presence of wildlife habitats and nature conservation interest, including one of the largest populations of Great Crested Newts in the Tees Valley.
- The landscape and visual impact of the development.
- Air quality due to site irradiation and pollution from vehicular traffic.
- Surface drainage and ground water pollution due to past land uses.
- The potential impact on archaeological and cultural heritage and in particular, the Grade II listed Carter Moor Farmhouse, and existing important military buildings and medieval ridge and furrow fields at Carter Moor and Red Roofs.
- Noise during construction and development, and from the development sites and additional traffic flow.
- The potential transport impact of the development on the highway network including impact on the safe operation of the level crossing at Allens West.
- Any other environment risks or hazards associated with the development.

The findings of the ES are summarised as follows:

#### Transport Assessment

25. The purpose of the Transport Assessment is to quantify the impact on the local and trunk road networks of the proposed mixed-use development at Allens West.

26. The Transport Assessment covers the following topics: Location and existing site uses, Proposed development within the site, Data collection, Trip generation, Trip distribution, Public Consultation, Traffic Forecasting, Sustainability, and Highway Safety.

27. It is proposed that all of the new residential development (including the proposed care home, convenience retail and community facilities) will be accessed via the existing roundabout on Durham Lane, which will form both an access and egress from the site. In addition to the roundabout access via Durham Lane, the residential development would retain emergency access to the rear of the site, via Urray Nook Road.

28 The Masterplan proposals include a new site access junction to Durham Lane to serve the northern half of the site. Revisions to the arrangement of the southern site access are also proposed, namely the closure of the existing priority entrance junction and the restoration of all moves” at the existing site access roundabout.

29. A programme of data collection was undertaken at existing site access and off-site junctions, which also served to quantify the traffic generation of the current site. Forecast traffic flows have been derived for the trunk road junction and the local road network for an assumed planning consent year of 2009 and a forecast year of 2019.

30. Development traffic flows have been identified and assigned to the local road network on the basis of 2001 Census data, by journey purpose, for the purposes of undertaking capacity assessments of key local junctions. The results of the capacity assessments undertaken indicate that most of the local road network is capable of accommodating development trips at both 2009 and 2019.

31. The TA has examined the sustainability of the site and has concluded that the site is well located to encourage the use of alternative modes of travel to the private car, in accordance with local and national policy. A significant level of contribution will be provided towards the delivery of numerous local schemes aimed at encouraging sustainable travel. The TA proposes to maximise the use of sustainable modes of travel via a Travel Plan. This will be co-ordinated and managed by specialists The Workplace Travel Plan Company.

32. It is considered that there are no transportation reasons why the proposed redevelopment of Allens West should not proceed, and that there are indeed numerous transport benefits to be gained from the promotion of this site for the level and type of redevelopment proposed.

#### Ground Investigation and Technical Constraints

33. Thorough investigations have been undertaken to assess the site's ground conditions and its suitability for the proposed mixed use development. Whilst some contamination has been identified in the soils remediation can occur and the levels are not sufficient to prohibit development. Areas where elevated levels of carbon dioxide gas have been identified will require buildings to be protected by a gas management system.

34. Following monitoring of the groundwater, some chemicals and hydrocarbons have been identified. Discussions with the Environment Agency have confirmed that these are not an inhibition to development.

35. A full radiological investigation has been undertaken. Some areas of slightly elevated radioactivity were detected within the site. The majority of these areas are considered attributable to tarmac or concrete and there are only a few hotspots that require remediation. Following remediation in accordance with the statutory authorities there will be no impact upon the proposed development.

#### Archaeology

36. There is little evidence of any early activity on the site, although aerial photography has identified two areas of possible medieval ridge and furrow within the development area. Map evidence shows that the site remained as open fields until the Second World War. At some point during the Second World War (pre 1943) the site was developed, by the ministry of defence, as an aircraft recycling facility, many of the existing buildings on the site were constructed at this time. The site is considered to have a low potential to contain buried archaeological remains relating to any period before the Second World War as the various activities involved in the aircraft recycling process are believed to have substantially disturbed the site.

37. The site does, however, contain buildings relating to the aircraft recycling facility. A further programme of archaeological investigation in the form of a photographic survey of those buildings believed to relate to the aircraft recycling facility and a topographic survey of any surviving ridge and furrow may be required depending on the exact nature of the development.

#### Landscape and Visual Assessment

38. The planning application is 'outline' so there are no detailed designs for the buildings and landscape; however an indicative masterplan has been prepared. This indicative design has been superimposed onto photographs from key viewpoints to help give a better understanding of how the development might look. These photomontages have been analysed to conclude whether the development will be acceptable in this setting.



39. There are close range views into the site along Durham Lane and the landscape from these viewpoints will be noticeably changed. However, the existing setting does not contribute to an attractive road corridor and there is the opportunity to improve this approach into Eaglescliffe through the design of a high quality frontage on to Durham Lane. It will be important to retain and integrate existing trees and woodland in the design proposals to achieve this objective.

40. The study has concluded that the scale and character of the development is appropriate for the site location and will associate well with the existing adjacent built form to the South and West.

#### Noise and Vibration Study

41. The main potential source of vibration is the railway, which forms the southern boundary of the site. Any potential vibration can be mitigated by using a buffer zone as proposed on the indicative masterplan.

42. With regard to noise, the worst affected area was found to be the eastern site area closest to Durham Lane and the southern site area closest to the railway. Although the noise readings were raised in these areas there are mitigation measures that can be used in order to overcome the noise issue.

43. The proposed mitigation measures will ensure that the noise levels experienced at the properties will fall within the targets of PPG 24.

#### Drainage/ Flood Risk Assessment

44. The site is at low risk of flooding from existing watercourses. Furthermore it not at significant risk of flooding from existing drains, either on site or from the public sewers in Durham Lane. Furthermore, the proposal will reduce the surface water run-off to below existing levels so there will be a net benefit to the flood risk of the surrounding area as a result of the application.

#### Air Quality

45. The assessment of the site shows a negligible increase in the air pollution as a result of the proposed development. The additional air pollution generated by the scheme is significantly within government acceptable limits and the development scheme should be acceptable to the planning authority on these grounds. It is not suggested, therefore, to undertake any mitigation measures in relation to air pollution, and following the assessment procedures no further air quality studies are required.

#### Ecology & Conservation

46. Species of interest identified as using or residing within the site include great crested newts and bats (both of which are fully protected) and a number of Priority UK Biodiversity Action Plan (UKBAP) or Tees Valley Biodiversity Action Plan species (LBAP), including dingy skipper and skylark. Both great crested newts and dingy skipper have also been recorded on the adjacent Elementis Ecology Site SNCI.

47. The design of the development has sought to avoid significant ecological impact through retention of habitats of nature conservation value. Where unavoidable impacts are anticipated, a significant package of mitigation, compensation and enhancement measures have been proposed which have sought to avoid or offset losses and retain and create habitats for those species identified. These measures include the creation of a reserve area for great crested newts containing water bodies, grassland and scrub habitats, grassland creation and management within the open habitat mosaic focused at maintaining the current population of dingy skipper habitat, and

the design of structural landscaping within the development which has paid particular attention to creating habitats targeted for action within the UKBAP and LBAP.

48. A thorough landscape and nature conservation management strategy will be implemented as part of the development with potential for the ecology area to be handed over to interested nature conservation organisations for management.

#### Service Infrastructure

49. Based on the current information, confirmation has been received from all the relevant statutory utility providers that water, gas, electricity, drainage and telecommunications can all be made available in order to facilitate development.

### **CONSULTATIONS**

50. It should be noted that the applicant has undertaken consultation in accordance with the adopted Statement of Community Involvement. This involved a range of activities including; meeting with local stakeholders and residents, a public exhibition held in an exhibition trailer at the nearby Orchard Shopping Parade, a newsletter delivered to nearby households, a dedicated website, a questionnaire, media briefings and meetings with key groups and individuals.

51. Local residents/businesses have been individually notified of the application and it has also been advertised on site and in the local press. The following Consultations were notified and any comments received are set out below: -

#### 52. The Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

#### 53. The Environment Agency

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted conditions covering drainage are imposed.

#### 54. Preston Parish Council

Members felt they had to comment that they believed there was no real need for a further care home in the area - particularly one which was so outside the normal range of easy access.

#### 55. Urban Design

#### General Summary

Urban design has no objection to this application, as detailed in the comments below. The application can be supported as appropriate sustainable initiatives and mitigation measures are provided.

#### Highways Comments

#### Access

The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006', and to that end I comment as follows:-

The application is for a mixed-use site and an indicative masterplan has been provided which outlines the different land uses within the site. The site is currently used for industrial purposes with warehouse floorspace totalling just over 40,000m<sup>2</sup> and office floorspace totalling 5,000m<sup>2</sup>. Approximately 450 employees work on the site.

The proposed development will add 400 houses, 50 flats and 50 sheltered accommodation units to the site. In addition it is proposed that more office and warehousing floorspace is provided alongside a care home, convenience retail and community facilities (Doctor's / Dentist's).

It is proposed for the commercial developments to be accessed from a new northern roundabout on Durham Lane adjacent to Carter Moor Farm and approximately 130 metres south of the Durham Lane / Cleasby Way junction. The residential development, the care home, retail and community facilities will be accessed from the existing Durham Lane / Chaldrons Way roundabout which is to be improved to allow vehicles to gain access to the site. The access proposals are shown on drawing 292/006-RevD and are acceptable. Full consideration of the layout including car parking will be undertaken with a reserved matters application.

The access proposals are acceptable and include for new pedestrian crossing facilities at the northern roundabout, a cycleway on the east side of Durham Lane to link in with Cleasby Way and the extension of the 30mph speed limit and associated street lighting to a point 90 metres north of Cleasby Way. These additional improvements will need to form part of the section 278 agreement for the new development access.

#### Traffic Impact

Traffic surveys have been undertaken and are acceptable. The impact on the road network has been assessed for the proposed development traffic pre Travel Plan and is therefore robust. As a result, mitigation is proposed, to be developed via a section 278-agreement and Grampian condition, at two existing junctions as follows.

#### A66 / Durham Lane Dumbbell Interchange

Widening is proposed on the Yarm Back Lane and the Darlington Road approaches to the northern roundabout and on the Durham Lane approach to the southern roundabout as shown on the Phil Jones Associates drawing number 292-013. It has been demonstrated in the TA that these improvements mitigate against the Allens West development traffic.

#### A67 / Durham Lane / Tesco's Roundabout

Widening is proposed on the A67 Uray Nook Road western approach and on the Durham Lane approach to this roundabout as shown on the Phil Jones Associates drawing number 292-012-RevB. It has been demonstrated in the TA that these improvements mitigate against the development traffic.

As well as the above, an additional improvement scheme has been developed by BSP Consulting for the A67 / Durham Lane / Tesco's Roundabout, which provides additional mitigation, should the Land at Uray Nook Road commercial development (08/0241/out) also be given planning permission. This improvement provides additional widening on both the A67 Uray Nook Road western approach and on the Durham Lane approach but also widening on the A67 Uray Nook Road eastern approach. This improvement is shown on BSP consulting drawing number 07164/101.

The developer is also to provide £20k towards a traffic management study to investigate existing congestion problems in Yarm.

The Transport Assessment predicts person trips across all modes both before and after the Travel Plan and the sustainable transport enhancements have been brought into place. The effect of the travel plan is a modal shift of 13% of trips from the car to other modes which is achievable when

considering the Travel Plan and sustainable transport initiatives proposed. The vehicle trips predicted to the development both pre and post Travel Plan are as follows and provides a good base from which to monitor the Travel Plan.

	<b>AM Peak</b>	<b>PM Peak</b>
<b>Before Travel Plan</b>	150 arrivals; 322 departures	311 arrivals; 247 departures
<b>After Travel Plan</b>	131 arrivals; 281 departures	270 arrivals; 216 departures

The vehicle trip distribution and assignment is acceptable having been based on both 2001 Census data and the results of a public consultation exercise with local residents.

#### Sustainable Transport Measures

The existing sustainable transport infrastructure, enhanced by the following improvements, will encourage the use of alternative forms of transport to the private car and will be adequate to meet the needs of the development.

#### Public transport

The TA has correctly identified that the bus service provision past the site is poor with only one bus an hour (service 20) serving Middlesbrough, Stockton and Durham Tees Valley Airport. However, in order to encourage the use of public transport, the developer is proposing to fund the re-instatement of bus service 20 to half hourly at a cost of £250,000 over 3 years and proposing to provide £50,000 to fund the improvement of the bus stops on Durham Lane with the provision of bus shelters and real time information.

#### Cycling/Pedestrian Facilities

Cycling and pedestrian enhancements are proposed as part of the development to include improvements to the existing footways on the Durham Lane site frontage and also a new cycle / pedestrian linkage to the west of the site out onto Urlay Nook Road. The developer is also providing £50k to fund new cycle / pedestrian improvements which will include a new cycle / pedestrian route on the east side of Durham Lane to link the Allens West site and Kingsmead Housing Estate to Cleasby Way and Eaglescliffe Industrial Estate. Additional cycle parking will be also be provided at Allens West railway station.

#### Rail

The TA has correctly identified the adjacent Allens West rail station as being within easy walking distance of the proposed site and full pedestrian connectivity will be provided to it. A park and ride facility is also proposed for the station, accommodating 30 car parking spaces as well as additional cycle parking facilities. The developer is also proposing to provide £250,000 funding for enhancements to Allens West station as part of the Tees Valley Metro improvements and also a contribution of £25k towards making the station DDA compliant.

#### Road Safety

Road safety has been adequately assessed in the TA and has identified an existing road safety problem on Durham Lane, north of the site. SBC currently have safety enhancements proposed for this road and in order to mitigate the effect of the additional development traffic on this route,

the developer is proposing to provide a £20k contribution towards these road safety improvements. The new roundabout proposed on Durham Lane as well as the extension of the 30mph speed limit and the associated street lighting to a point north of Cleasby Way will also provide safety improvements.

#### Travel plan

A Travel Plan has been provided for the development which is predicting a 13% modal shift away from the private car. This is achievable when considering the Travel Plan itself as well as the sustainable transport enhancements detailed above. The Travel Plan and the ongoing management of it should be conditioned within the planning permission.

#### Conclusion

The Transport Assessment and Travel Plan for the Allens West site have demonstrated that sufficient road improvements and sustainable transport enhancements are proposed to fully mitigate against the impact of the development. This is not only through road junction improvements at the A66 / Durham Lane Interchange and the A67 / Durham Lane / Tesco roundabout but also through Travel Plan initiatives and proposals to improve the bus, rail, cycling and pedestrian infrastructure. A full summary of the financial contributions that the developer has committed to are listed below. These are in addition to the costs for funding the section 278 improvements at the development accesses and at the A66 / Durham Lane Interchange and the A67 / Durham Lane / Tesco roundabout.

- £250,000 towards the Tees Valley Metro.
- £25,000 to make Allens West railway station DDA compliant.
- £215,000 towards the appointment of a Travel Plan Manager and the ongoing management of the Travel Plan.
- £200 per dwelling for personal travel planning.
- £250,000 for the reinstatement of bus service 20 to run half hourly past the site.
- £50,000 towards public transport and the improvements of bus stop facilities on Durham Lane.
- £50,000 towards cycling / walking. This to include the funding of a new cycling / pedestrian link on the east side of Durham Lane.
- £20,000 towards road safety measures on Durham Lane.
- £20,000 towards a traffic management study of Yarm by Stockton Borough Council.

#### Landscape & Visual Comments

No additional comments to my memo dated 14 April 2008 which I have copied below for ease of reference.

The site is largely dominated by the visually striking rows of Lombardy Poplars. These trees provide a distinctive landmark and contribute towards the character of the area and are legally protected under the Tree Preservation Order legislation.

The applicant states that these trees are to be retained as far as possible and the conceptual design process appears to have responded to these constraints. A gradual long-term replacement and management programme should be implemented to ensure longevity.

At the initial stage of the development, replacement mature trees would be expected at the outset to compensate for the removals and to enhance those remaining.

Equally, full tree protection details will be required in accordance with BS5837 Trees in Relation to Construction 2005.

Whilst the open space areas illustrated within the indicative masterplan do not meet the council's criteria in respect of area available and usability, I suggest that a way forward would be to secure free and casual usage of the existing playing fields for the residents and for the wider community, which are located directly to the north of the main site.

The submitted masterplan is indicative at this stage; however the design development will need to both establish and ensure that the following elements of the scheme are provided sufficient space to be successfully implemented and maintained:

- Road corridor landscaping – the existing frontage to the site will require appealing and appropriate landscaping to provide a strong buffer alongside the entire length of Durham Lane.
- Entrance into the development
- Mature tree boulevards within the site – space to be created by ensuring buildings are set back sufficiently to achieve. Tree species selection should reflect those present and should accord with the scale of the site and the built forms.
- Attractive and practical design of the open spaces – tree groups and specimens should link these spaces together and provide a strong cohesive pattern within the site.
- Retention, management and enhancement of the existing trees
- Boundary screen planting – should include species native to the locality.

Additional comments are as follows:

- Pedestrian linkages both within the site and with adjoining areas will require strengthening in order to provide a safe and attractive means of circulation. In particular the route for pedestrians from the main development to areas to the north (existing playing fields) where pedestrians are crossing the main entrance into the site for heavy goods vehicles. In addition the crossing of Durham Lane.
- The open space areas should incorporate play equipment which caters for wide age ranges (particularly 8-16 year olds).
- Generally due to the limited usable open space areas available within the site, the use and flexibility of these spaces should be maximised to cater for both informal and formal recreation.
- Whilst it would appear that public access is to be prevented into the area in the far south west corner of the site, realistically this will be difficult to enforce. Surely a better solution would be to control the access and to provide guidance and interpretation boards.

I have no objection in principle to the application in terms of landscape and visual grounds, however the concepts as described within the supporting statements of the application in respect of existing trees, replanting and general landscaping principles should form the basis of any subsequent reserved matters application.

#### Built Environment Comments

No comments.

#### 56. Natural England

Thank you for consulting Natural England on the above proposal. Your letter was received by this office on 12 March 2008 with supporting documentation including the Environmental Statement dated March 2008 including the *Ecological Impact Assessment* dated January 2008, author Faulks Perry Culley and Rech; with additional supporting documentation entitled *Summary of Proposed*

*Mitigation Works to ensure the Favourable Conservation Status of Great Crested Newts* dated April 2008, author Faulks Perry Culley and Rech, received on 29 April 2008. The latter information was received direct from the applicant; and we understand that this information has been reviewed by you and is part of the current planning application.

Natural England's advice is provided in the light of both the Environmental Statement and the further information provided to us direct from the applicant. It will be important for conditions and legal agreements to be used as necessary to secure the measures proposed, including those, which do not appear in the original Environmental Statement.

Natural England advises that the continued appropriate management of the Elementis Ecology site adjacent to the proposed development site and between the two areas proposed for habitat creation and enhancement as part of the protected species mitigation scheme will be essential to the success of the proposed scheme of mitigation for great crested newts. The following advice is provided in the context that a legal agreement (for example a S106 agreement) will be entered into between the developer, the owners of the Elementis Ecology site and an appropriate local conservation body as part of planning permission for the proposed development, to secure the appropriate management of this area for great crested newts (and other protected and BAP species) in the long term.

If appropriate management of the habitat creation areas and Elementis Ecology site cannot be secured by legal agreement as part of the planning permission, we consider it unlikely that the favourable conservation status of the great crested newt population will be maintained in the location under the proposed scheme of mitigation. The design of the development would therefore need to be changed to accommodate the existing great crested newt population on the proposed development site itself. The following advice is provided under the assumption that agreement will be reached to secure the Elementis Ecology site as an integral part of the scheme of habitat creation and enhancement; and agreement reached with a local conservation body for the management of the Elementis Ecology site and habitat creation areas, with the aim of maintaining the favourable conservation status of great crested newts on and around the proposed development site.

Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions (with reasons):

- No development shall take place unless in accordance with the mitigation for protected species as detailed within the *Ecological Impact Assessment* (January 2008) and *Summary of Proposed Mitigation Works to Ensure the Favourable Conservation Status of Great Crested Newts* (April 2008) including, but not restricted to, adherence to timing and spatial restrictions; creation of new habitat; provision of mitigation in advance (including development of a phasing plan to ensure that new habitats are sufficiently mature before use); undertaking confirming surveys; development of a habitat management plan for habitats both within the proposed development site and outside of it where these habitats are important to the scheme of mitigation (to include the Elementis Ecology site), implemented under a legal agreement with an appropriate local conservation body.
- With specific respect to great crested newts, we advise a robust condition which ensures that the habitat creation and enhancement measures specified within the *Summary of Proposed Mitigation Works to Ensure the Favourable Conservation Status of Great Crested Newts* (April 2008) will be implemented in full. We advise that the condition must require agreement to be reached with the owners of the Elementis Ecology site and a local conservation body to secure the proposed measures and to the satisfaction of the local planning authority. Additional information about the detail of the proposed mitigation (including consideration of alternatives to permanent great crested newt fencing and the location of culverts for movement of great crested newts between key areas); and legal agreement between the developer and the parties described above, should be provided as

part of a Reserved Matters application. Natural England would be happy to provide our advice on a draft condition to ensure that these measures are secured.

- To address the likelihood of great crested newts being present (including hibernating) on existing developed and derelict areas of the proposed development site, a precautionary working method statement should be produced by the applicant and provided to contractors to minimise the risk of harm to great crested newts during the work.
- To address the unlikely event of bats being present in the buildings at the time of works, it would be advisable for a precautionary working method statement to be produced by the applicant and provided to contractors to minimise the risk of harm to bats during the work.

Reason: To conserve protected species and their habitat.

The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* and the amended Conservation (Natural Habitats &c.) Regulations.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

An Informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.

The issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. The later decision on a licence application (if required) is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

As great crested newts and bats are European Protected Species, Natural England would further advise that, subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its/their natural range (as defined in Regulation 44 of the Habitat Regulations).

Other considerations

Bats

Natural England understands that the Lombardy poplar which has been identified as having the potential to support roosting bats will not be affected by the development. If this tree will be affected, bat surveys will be required in the active season to determine any impacts on bats and their roosts and inform an appropriately targeted scheme of mitigation. This information should be provided to the local planning authority prior to determination of the planning application.

Habitats and Species of Principal Importance

Natural England notes that the proposal is likely to impact upon Species of Principal Importance, as listed in Government Circular 06/2005, and their habitats. Natural England advises that the proposals to mitigate impacts on these species set out within the *Ecological Impact Assessment* (January 2008) should be secured in full by planning condition or legal agreement, as appropriate.

#### 57. Tees Valley Wildlife Trust

Tees Valley Wildlife Trust objects to this application on the grounds that it will have an adverse impact on a species protected by law and UK biodiversity priority species.



We feel that the mitigation proposals offered in the application represent the minimum amount of conservation effort that might be required of a developer, but that this is insufficient to protect the "metapopulation" of great crested newts.

We also believe that mitigation should give consideration to the following.

1. Wildlife Trust records show that in the early 1990's great crested newts were widely distributed in ponds across the western part of the Stockton Borough between Thornaby and Darlington. The number of ponds supporting the species has progressively declined over the last 15 years as a result of urban development and lack of site management.

Since this development will further decrease the area of land and pond network available to great crested newts, we would like the developer to support a scheme that would repair other newt habitat and create new ponds in the area around the development site. The Wildlife Trust's experience of amphibian conservation is that it is not sufficient to translocate animals to a single location, but that the future of the species is dependent on a wider network of suitable habitat.

2. We are concerned that the proposal for a conservation area within the development for replacement ponds and other wildlife habitats is not supported with sufficient information on how the area will be managed and its success monitored. We would like to see more details on site management and, most importantly, how the cost / commitments of this will be provided for in the long term.

Previous "mitigation" schemes for great crested newts have failed when after a few years, the translocated animals have disappeared through lack of appropriate management or through pressures exerted by the new development. By this stage there is no accountable body to ensure the intention of "no net loss" of populations is achieved. For this reason both the above points need to be addressed by the developer.

#### 58. Tees Archaeology

The application includes an archaeological assessment which has identified several areas of medieval ridge and furrow and a World War II depot. It suggests that these remains are of local importance and should be recorded prior to development. I agree with this proposal.

I therefore recommend that a full programme of archaeological works are made a condition of the planning consent.

#### 59. Longnewton Parish Council

The Parish Council has the following comments to make on the above application: -

The proposed emergency access/exit to Long Newton Lane should be specified to be used for that purpose only; it should not become more permanent for regular use if congestion in the area is greater than anticipated. The Parish Council would request this be a condition if consent is granted. The Council would also be interested to know under what circumstances it is anticipated this access/exit would be used.

The results of the questionnaire supported the fact that the proposed development will have virtually no impact on exacerbating the current traffic problems faced on Durham Lane. Given the proposed number of houses and the proposed industrial estate (although no figures are given as to how many jobs are to be provided) the Parish Council fail to see how the extra vehicles, both private and commercial will not have an effect on traffic flows not only on Durham Lane but also on Yarm High Street. Local residents who took part in the survey may not use Durham Lane or travel

through Yarm at peak times. Both Durham Lane and Yarm High Street are well known bottle necks especially at peak times.

Children from Long Newton have always attended Eggescliffe School as the preferred option for their secondary education. The Council understands there are plans to improve the school facilities and also reduce capacity. The provision of an extra 500 houses may put pressure on the school which could push children of Long Newton residents to schools further a field which in turn would increase car journeys across the borough.

If planning consent is approved a planning condition that all traffic movement be monitored onto and out of the site and the whole infrastructure reviewed on a regular basis as the Council feel that the current infrastructure around this site may struggle to cope.

#### 60. Highways Agency

Confirms that the Highways Agency are unlikely to object to the above application. I appreciate that the HA has placed a TR110 Holding Direction on the planning application, however this will be lifted when the TR110 conditions in relation to the travel plan are finalised and submitted for the proposed development.

#### 61. Environmental Health Unit

I have no objection in principle to the development; however, I do have concerns regarding the following environmental issues and would recommend conditions covering site remediation and construction hours.

I am concerned about the short-term environmental impact on the surrounding dwellings during construction, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site.

Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

I will recommend working hours on site to be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday working.

#### 62. North East Assembly

Thank you for the opportunity to comment on the above planning application. The North East Assembly's (NEA) Development Board will consider this on 22 May 2008. This letter is an officer response prior to member consideration, in order to meet the 4 April 2008 deadline. Should there be any changes following member consideration, an amended response will be forwarded to you thereafter. A copy of the draft report to Development Board is also enclosed for information.

The NEA considers supports development in this site is consistent with the objectives of RPG1 policies DP1 and the locational strategy and RSS further proposed changes 3, 5, 7.

In terms of housing supply, the development proposal seeks to construct 500 new dwellings. The residual provision shows that Stockton-on-Tees has an oversupply of 2,312 dwellings. This is equivalent to approximately a further 1 year supply of housing development above the level planned for at RPG1 (policy H2) and RSS further proposed changes policy 30 anticipated rates of annual average house building. Whilst there is a significant oversupply of dwellings, the NEA considers that the development of 500 dwellings is consistent with the government's change in

direction in relation to housing supply and the national housing growth agenda. The NEA therefore considers that the provision for 500 houses in this location to be acceptable.

The planning application provides for a mix of dwelling types and includes 15% affordable housing. The local authority should be satisfied that the range of housing types to be provided adequately meet the assessed needs of all sectors of the community, in order to be consistent with RSS further proposed changes policy 32.

The supporting statement does not state the density of the residential development. RPG1 policy H6 directs that development plans take account of local character, market conditions and good design in formulating development proposals. RSS further proposed changes policy 30 direct local development frameworks to provide for an average density of 30-50 dwellings per hectare. The local authority should be satisfied that the development proposal is consistent with regional planning policy.

The development contains an element of retail uses. Whilst the site is not located within a city centre location, it is considered that due to the scale of the development and the nature of the development proposal, the development of retail uses is genuinely ancillary to the wider development proposal. The NEA therefore considers that the development of retail uses to complement the wider development proposals does not present an issue of conflict with regional planning policy.

The environmental impact assessment has been completed which proposes a series of mitigation measures. This approach meets a number of objectives of RPG1 policies ENV1, ENV5, ENV6 and RSS further proposed changes policies 2, 35, 38a.

### 63. Network Rail

Please find below comments from Network Rail in relation to the planning application for a mixed development at Allens West, Durham Lane, Eaglescliffe (08/0567/EIS).

With reference to the protection of the railway, NR has no objection in principle to the development, but below are some requirements which must be met. In addition there are two areas of particular concern. These are the impact of the development on the level crossings both at Allens West station and at Urlay Nook, and the impact of the development on the station facilities at Allens West station itself.

In relation to the level crossings we note the projected traffic levels on Durham Road and over the Allens West LC. Given the projected levels we do not envisage any particular problems in relation to this crossing. As regards Urlay Nook we do not wish to see any further increase of traffic here and would request that no vehicular traffic be permitted to exit onto Urlay Nook from the development site (save perhaps for emergency vehicles only if necessary). It would be better for such an exit to be at a minimum of 50 metres from the level crossing itself.

With regard to the impact on station facilities Allens West is an unstaffed halt with minimal accommodation. The proposal to provide a 30-space car park is welcome, although it would more ideally be located closer to the station. However we understand that the preferred site is on land outwith the applicant's control, in an "open" area to which there may be policy objections, and would have to have an access at least 50m from the level crossing, which may not be acceptable in highway terms. Accordingly we are content to support the concept of a car park as indicated on the plans. However given the difference in levels and the need to cross a redundant siding, plus the need to provide a sturdy fence along the back of the platform to prevent a situation whereby people try to cross the railway lines to gain access/egress from trains to/from the proposed car park we would have to be carefully involved in the design and implementation of such a facility. The question should also be asked as to who will own and maintain such a facility? As regards

cost it is difficult to estimate as much would also depend on the level of lighting, whether CCTV was to be provided (I suspect not at this stage) and additional fencing/barriers as required. I am unable to provide a likely cost at this stage but can provide further detail once the question of procurement and ownership has been established.

In addition we feel that there is justification in seeking additional funding towards station improvements. Principal amongst these is the need to make the station DDA compliant. At present access is by means of approach ramps which are below modern railway standards. To be compliant the standard should be a gradient of 1:20 with landings every 6m if necessary. Given the relatively short distances here we do not think this represents a major engineering problem and could be achieved for a cost of £25k.

In terms of asset protection the following should be taken into account:

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

- All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
- All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur.
- Security of the railway boundary will require to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.
- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

- Method statements may require to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

- Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land. The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.
- Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.
- Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular boundary fencing, soundproofing, and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the provision of the proposed car park link to the station and improvements to the station access I assume a S.106 agreement will be entered into. For the other matters we would be pleased if an informative could be attached to the decision notice.

#### 64. CE Electric UK

Standard mains records shown and reference to planting requirements within close proximity to overhead lines.

#### 65. The Ramblers Association

I've now received an enlarged map of the Carter Moor Farm area. I should like to confirm my understanding of the position with regard to FP Eggescliffe 05. At present the path leaves Durham Lane and enters the curtilage of Carter Moor Farm at say point A and runs north alongside the western side of the roadside boundary, passes through the southern boundary of the recreation ground (say point B), turns west and continues on its way. The developer wants to divert the path between points A and B so that it now runs on the eastern side of the boundary i.e. on the western verge of Durham Lane. The developer

proposes to provide a made up way along the verge to the southeast corner of the recreation ground where access through the roadside boundary would be provided to connect with point B. The type of access from Durham Lane to the recreation ground should have regard to the needs for people with mobility problems as required by statute. A self-closing hand or kissing gate would meet the less restrictive option criterion.

#### 66. Spatial Planning

The proposal would regenerate a brownfield site and accords with Policy 3 - *The Sequential Approach to Development* in the latest draft of the emerging Regional Spatial Strategy for the North East.

#### 67. One North East

The following comments reflect the view of One NorthEast acting in its role as statutory consultee. As such they are provided only in accordance with the provisions of the above regulations and relate to the effects that the proposals are considered to have upon the Regional Development Agency's strategic regional investment or employment policies.

The application seeks planning permission for mixed use development at Allens West, Durham Lane, Eaglescliffe. The outline application proposes up to 10,000 sq m of general industrial and storage or distribution (B2, B8), up to 2,200 sq m of light industry (B1), up to 500 residential dwellings (C3), up to 500 sq m of community facilities (D2), up to 250 sq m of retail use (A1) and up to 5,000 sq m of care home use (C2).

The application site contains existing employment buildings and associated hard standing areas. It is understood that the site is designated as an area of 'white land' contained within the development limits.

The Design and Access Statement, submitted as part of the application, states that the proposal site is situated within 4.8 km of Durham Tees Valley Airport. As you are aware, 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.

Whilst the Agency has no objections to the application, in assessing the application the Agency would encourage the Local Planning Authority, to consider the potential impacts upon the established regeneration objectives at the airport.

The Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, if minded to approve, the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of the site, e.g. BREEAM, Building for Life.

In line with Government objectives<sup>1</sup> to generate 10% of electricity from renewable energy sources by 2010 the application details regarding the provision of renewable energy measures within the scheme should also be provided.

#### 68. Egglecliffe and Eaglescliffe Council

That this Council can see *some* merit in development of a mixed site although there are serious concerns about various aspects of the proposals.

- a) 500 dwellings is considered to be too intensive
- b) This is not a sustainable location – there is insufficient public transport with just *one* bus per hour – not the six per hour which is claimed. It is recommended that the Highway’s Agency be advised of this as they have commented in their letter of 14.1.08, that bus frequency is “good, with 6 buses per hour” which is totally wrong. The Developers would need to provide subsidised bus services which would need to continue for several years.
- c) The proposed dwellings on the western area of the site would be too far from Durham Lane to make this area feasible for dwellings. These dwellings would be even more remote from schools, shops etc.
- d) It should be noted that the public right of way shown on the plan is incorrect – this should be on the side of Carter Moor Farm, not this Council’s recreation ground.
- e) Given this Council’s local knowledge, this development would certainly have an impact on Durham Lane traffic which is frequently prone to tailbacks at peak times all the way into Yarm or the other side of Eaglescliffe on the A135.
- f) The proposed roundabout for the industrial part is considered a good idea.
- g) The proposed public open space does not appear to be adequate for a development of this size.
- h) It is felt that this indicative plan is extremely vague and this Council would prefer to see more detail included.
- i) It is doubtful whether doctors or dentists would wish to open facilities at this location given that the current trend is for larger, more comprehensive health centres providing more varied services.

#### 69. Tees Valley Joint Strategy Unit

I have considered the application in relation to the emerging Regional Spatial Strategy for the North East, ‘saved’ policies in the Tees Valley Structure Plan, and other relevant sub-regional strategies and programmes.

Existing Regional Planning Guidance for the North East (RPG1) became the statutory Regional Spatial Strategy (RSS) in September 2004. It will be replaced when the revised RSS is adopted by the Secretary of State. RPG1 sets out a number of principles relevant to consideration of this application:

- Direct the majority of new development to the built up areas of the Tyne, Wear, and Tees conurbations
- Give priority to the re-use of previously-developed land and buildings, and ensuring that land is only allocated for development to meet identified and justified needs
- Recognise the role of new housing provision in the regeneration of the region
- Ensure that the provision of new housing does not result in, or exacerbate, problems of low demand and abandonment

The revised RSS (on which the Secretary of State has recently consulted on Further Proposed Changes) sets out a locational strategy for the Tees Valley City Region that seeks to:

- Give priority to the regeneration of the Stockton-Middlesbrough Initiative, and the River Tees corridor between Stockton, Middlesbrough and Redcar
- Develop housing that supports economic growth strategies in sustainable locations, mainly on previously developed land in areas where it does not undermine existing housing markets, particularly housing market restructuring areas
- Support housing market renewal programmes

Saved policy STRAT1 in the adopted Tees Valley Structure Plan seeks to locate the majority of future development within urban areas, with preference given to previously developed sites, particularly along the River Tees corridor or public transport corridors on the edge of the Teesside conurbation.

The Tees Valley local authorities, along with Tees Valley Living and Tees Valley Regeneration, have recently submitted a case for Growth Point status to central Government. While a decision on this is still awaited, Allens West has been identified in the Growth Point bid as a potential housing site.

The proposed development accords with a number of national, regional and sub-regional guidelines and policies on planning and sustainable development, particularly concerning the use of previously developed land and the creation of mixed-use developments which can also help reduce the need to travel. The application site is within the limits to development as defined in the adopted Tees Valley Structure Plan, and is situated on the edge of the Teesside conurbation. There is potential for the site to be well served by public transport, particularly the proposed Metro system along the existing rail line at Allens West.

The Borough Council should be satisfied that the housing element of the proposal will contribute positively to the housing market in Stockton and the wider Tees Valley, and in particular that it will not have an adverse effect on regeneration proposals elsewhere or the ability to create sustainable residential communities on sites where development is already underway.

It is noted that the application site does present a number of nature conservation issues, particularly the presence of a protected species that will need to be resolved. The Borough Council should be satisfied that the proposed development will not cause a significant loss of biodiversity and that suitable mitigation or compensatory measures can be put in place.

#### 70. Councillor John Fletcher

Describes the current public transport provision along Durham Lane and notes that the more westerly part of the application site would be nearly 1 kilometre from the bus stops on Durham Lane and Allen's West Station and even further from the nearest shops and schools. Without a bus service into the application site this would not be sustainable. One possible solution on current bus timetables is to open to pedestrians the gate into the application site at its west end, next to Urlay Nook Crossing.

The application site is in the catchment area of Egglecliffe School, which is full to capacity. No doubt SBC Education will negotiate the sums to be paid by the developer if the development results in the need for more school places than exist.

I have not seen the detail of the traffic assessments. Durham Lane North of the application site is sinuous and SBC engineers over the years have spent a lot of time trying to make it safer. In the other direction, at busy times, traffic jams tail back from Yarm almost to Allen's West Crossing. No one has found a solution to this. The delays occasioned by Yarm town centre are exacerbated by the need for vehicular traffic between the west and east sides of Egglecliffe to go via the A67/A135 junction close to Yarm Bridge.

There is a suggestion that the developer would provide a park and ride facility for Allen's West Station. I would regard this as planning gain, as there is no parking at this station at present.

The arguments for having a retail shop on the application site appear to run contrary to any argument that shops are sufficiently close to cut down on car use.

The suggestion for a GP branch surgery needs to be checked out with the PCT.



A diversion of the public right of way would involve the parish Council and its lessees.

Is it possible to obtain any cast-iron guarantees about Carter Moor Farmhouse?

Further comments received 8 July 2008 - While I have no particular objection to the proposed changes at the *Tesco* roundabout, I do not think that they will remove entirely the exacerbation of peak-time traffic problems which must inevitably flow from more commercial traffic to & from Urray Nook &/or the mixed traffic to & from Allen's W. In my experience, tailbacks from this roundabout along the NW & N limbs occur because the tailback from the *Cleveland Bay* junction extends back across this roundabout. That tailback in turn is caused by the slow progress of traffic along Yarm High Street & the fact that the left-turn lane at the *Cleveland Bay* is not long enough to filter off more than a handful of vehicles at a time

71. Councillor Alan Lewis

My observations are the same as those of Councillor John Fletcher.

72. Sport England

Sport England has considered the application in the light of Sport England's Land Use Planning Policy Statement *Planning Policies for Sport* (a copy of which was sent to your Council in the autumn of 1999). The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to ensure the sport and recreational needs of local communities are met.

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation sets out in paragraph 23 that:

"Local Authorities should ensure that provision is made for local sports and recreation facilities (both either through an increase in number of facilities or through improvements through existing facilities) where planning permission is granted for new developments (especially housing). Planning applications should be used where appropriate to seek increased provision of open spaces and local sports and recreational facilities and the enhancement of existing facilities"

The need to address sport and recreation provision as identified in PPG17 is re-iterated in Sport England's Interim Policy Statement Document 2005 "Planning for Sport and Active Recreation: Objectives and Opportunities". Planning Policy Objective 8 states that:

"To promote the use of planning obligations as a way of securing the provision of new or enhanced places of sport and a contribution towards their future maintenance to meet the needs arising from new development"

In an e-mail to Sport England dated 17th June, the applicant by way of Heads of Terms to an S.106 Agreement, has committed to a planning contribution to off-site sport and recreational facilities to the value of £300,000.

This is lower than the figure suggested in my letter of objection dated 1st April 2008. However in light of work with the Council on potential targets for investment, and the fact that this planning contribution is to be offered in full at the commencement, I am satisfied that the applicants planning contribution will meet the sport and recreational needs that arise from their development.

In light of the above I can confirm that Sport England wishes to withdraw its objection to this application, subject to the final signed version reflecting para. 17 of the Heads of Terms.

I would be grateful if you would advise me of the outcome of the application by sending me a copy of the decision notice, and the final signed version of the Section 106 Agreement. If you would like any further information or advice please contact me at the address overleaf.

The comments and issues raised in this letter are made without prejudice to any subsequent Lottery application.

73. Local residents and occupiers have been individually notified of the application. The application has also been advertised on site and in the local press. A number of representations have been received from the following addresses:

Objection

5, 7, 11, 14 Grainger Close  
5, 8, 22, 35, 45 Royal George Drive  
1, 3, 5, 17, 18, 41, 43, 46, 47, 50, 51, 55 Chaldron Way  
71 Emsworth Drive  
24, 5 Thornfield Close  
12 Pease Court  
11, 12, 17 Talisman Close  
43 Greenfield Drive  
5 Newbiggin Close  
15, 17 Trevithick Close  
6 Locomotion Court  
8, 12 Whitfield Close  
42 Meadowfield Drive  
The Orchard, Windlestone, Urlay Nook Road  
3 Meadow End  
30 Coatham Vale  
1 Durham Lane  
35 Emsworth Drive  
6 Carriage Walk  
77 Leonard Ropner Drive  
23 Debruse Avenue  
80 Mayfield Crescent  
3 The Green, Kirklevington  
58 Grassholme Way  
27 Black Diamond Way  
18 Springfield Close

Comment

England & Lyle, Morton House, Darlington.  
InBond Ltd, Durham Lane  
2, 10 Locomotion Court  
34 Chaldron Way  
Tetley Tea Ltd, Durham Lane Industrial Estate

74. The representations include 53 letters/emails objecting to the proposal and 1 letter in general support and 5 letters/emails offering general comments. The objections and comments received can be summarised as follows:

Objection Issues

Highways

- Increased traffic congestion caused by an increase in number of cars in and out of Yarm on an already very busy and grid locked road at peak times. The current local road system cannot withstand any increase in traffic.
- Increased air pollution created from fumes of additional traffic,
- The assessments only relate to the volume of traffic through the A66 junctions and not the traffic on Durham Lane to Yarm route.
- The current application south of Elementis Chromium could also cause increased traffic congestion on Durham Lane.
- The proposed warehousing on the development would increase HGV traffic.
- The conclusion of the traffic survey quoted from the developer states the impact on Durham Lane would be minimal, this is extremely optimistic. Durham Lane is a single carriageway country lane and at peak times the queues are up to 100 cars long at the roundabout at the end.
- Increased number of road accidents caused by additional traffic.
- There is only one access in and out of the proposed development on the plans, which is insufficient. This will mix the HGV and domestic traffic.
- Construction and service vehicles will also cause an increase in traffic.
- Durham Lane is unsafe for pedestrians, especially children, to cross at peak times.
- There are no suggestions to increase public transport to and from the development within the plans.

### Character & Appearance

- The scale of the development is too large for the site and would be visually detrimental to the landscape of the area.
- The area is already over developed and inappropriate for this proposal.
- The development would make the area an undesirable place to live.
- Loss of open space and mature trees. The trees on this site screen the industry and pylons and are a habitat to birds and other wildlife as well as increasing the visual amenity of the area. Some of the Tree Preservation Order trees are not shown on the plans and are going to be cut down and built on.
- The proposal will change the character of Eaglescliffe/Yarm and is not in keeping with the area.
- The proposal is over development on the site and will make the area in to another large housing estate. Yarm is a small village surrounded by the river with no room for expansion.
- The development will have an extremely detrimental impact on the High Street in Yarm.
- This land surrounding Yarm and Eaglescliffe should be preserved and maintained. There is a preserved nature reserve in the area, which will be damaged or lost due to this development.
- The area is primarily residential and the industrial use proposed would be inappropriate and cause discontent.

### Impact on Neighbours

- A height of 12-15 m next to the main road is too high and would have an impact on the privacy of the residents at Kingsmead.
- Increased noise pollution and disturbance from additional traffic and the Tetley Tea factory on Durham Lane Industrial Estate.
- Increased light pollution from the development.
- The land is contaminated with radioactive waste from the occupation of the Ministry of Defence and this could be disturbed from the development. There does not appear to be any works carried out to quantify the extent of radioactive contamination. This could cause a serious health risk to all local residents.
- Noise and disruption caused by the building of this site.

## Other Matters

- The development will cause an increase in crime and anti social behaviour in the area.
- Increased demand on public services, for example police, fire and healthcare provisions from the new development.
- Increased environmental impacts, for example increased use of landfill sites created by additional waste from development.
- Devaluation of the value of neighbouring properties.
- There is presently a high security caravan storage facility on this site, which is not included on the plans. The concern is where these caravans will be stored.
- There are already shops in the local area. The increase in shops will have a major affect on the shops at Orchard Estate, which could lead to closure and dereliction.
- There appears to be no consideration for the extra demand on schools in the area. The local primary schools are at full capacity and children already travel from Ingleby Barwick to Eaglescliffe and Conyers Secondary Schools. It is also planned to relocate Eaglescliffe School to the Allens West site with a reduction of 150 places. There is also currently a shortage of nursery care in the area.
- The residents of wider Eaglescliffe should be consulted, as this new development will affect them.
- There is already warehousing provision at the airport and currently an application in for warehousing/industrial usage south of Elementis Chromium. There is enough warehouse space in the area.
- The introduction of another nursing home cannot be justified against the current government targets to reduce the number of elderly people admitted into long-term care.
- It is suggested in the development proposals that there is a shortfall in housing in Stockton, which is incorrect. There are empty, unsold houses in Ingleby Barwick and in close proximity, therefore adding more is not necessary and would create an overload.
- There are not enough housing facilities to accommodate for the residents. There are no community facilities included in this development, which could reduce anti social behaviour and crime incidents.
- This development is a profit-making scheme for the developer, which is not meeting a demand.
- The housing on the site cannot be realistically affordable, which is the case for many new housing developments in the area.
- There are great crested newts breeding ponds on the site and associated land is also used by amphibians after the breeding season.

## Support

- The development has the potential to increase the diversity of uses, which would soften the existing character of unattractive industrial buildings on the site.

## Comments

- The development will decrease unemployment in the area.
- A separate entrance for HGV's to industrial estate should be implemented to prevent traffic mixing and a second exit on to Urray Nook Road created from the development.
- Carter Moor Farmhouse should be restored as it is currently in disrepair.
- The two playing fields after the football field and the public footpath should be brought back in to use and maintained.
- Sheltered accommodation and housing association would be more suitable in this development.
- A cycle lane for Durham Lane should be implemented from Allens West into Yarm and also to Hartburn and Stockton.

- Power lines would be better put underground on the site if this were possible.
- Increased public transport, i.e. buses from the development.
- Implement a 30 mph speed limit before the playing fields and a pedestrian crossing on Durham Lane from development to Kingsmead to increase pedestrian safety.
- There doesn't appear to be sufficient employee and visitor car parking. The current external car park on the site is being developed and will be lost, which is presently used as a holding location for haulage vehicles.
- InBond Ltd has a long lease over No 9 shed and is concerned in regards to its demolition.
- InBond is unsure as to what areas will be available for customers outside storage requirements.
- Tetley Tea Ltd have set out their movements in terms of vehicular traffic and would like this to be taken in to consideration.

## **PLANNING POLICY**

75. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan 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).

76. In respect of housing, the Tees Valley Structure Plan reflects national and regional guidance. The strategy adopted in the Tees Valley Structure Plan is one of sustainable urban growth with the majority of new development taking place on previously developed land within urban areas or along public transport corridors on the edge of the main built-up areas. The Structure Plan also supports the need for increased residential densities and the provision of affordable housing as appropriate.

77. **Planning Policy Statement 1:** Delivering Sustainable Communities lists design as one of the fundamental ways of delivering sustainable development and states that planning authorities should prepare robust policies on design and access. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its present defining characteristics.

78. **Planning Policy Statement 3:** Housing seeks to secure mixed communities with developments incorporating both affordable housing and appropriate levels of housing. Requires housing to be responsive to local need and designed to a constantly high standard responding to local distinctiveness and reflect wider environmental and sustainability considerations.

79. **Planning Policy Guidance Note 4:** Industrial, Commercial Development and Small Firms seeks to encourage continued economic development in a way which is compatible with its stated environmental objectives and gives guidance on a range of issues relating to industrial, commercial and small firms development.

80. **Planning Policy Statement 6:** Town Centres advises local authorities to plan positively for the growth and development of existing centres, by focusing development therein. In addition, PPS6 sets out a number of other material considerations, which may be taken into account in assessing new proposals including physical regeneration, employment, economic growth and social inclusion.

81. **Planning Policy Guidance Note 13:** Transport seeks to integrate planning and transport by reducing the reliance on the motor car, encouraging the use of more sustainable transport choices, reduce the need to travel, and promote accessibility to jobs, shopping, leisure facilities and services by public transport, cycling and walking.

82. **Planning Policy Guidance Note 17:** Planning for Open Space, Sport and Recreation seeks to ensure that provision is made for local sports and recreation facilities (both either through an increase in number of facilities or through improvements through existing facilities) where planning permission is granted for new developments (especially housing).

83. **Planning Policy Statement 23:** Planning and Pollution Control advises on the role of the Local Planning Authority in terms of development and the quality of land, air and water.

84. **Planning Policy Statement 25:** Development and Flood Risk seeks to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

85. Regard also has to be given to Regional Spatial Strategy for the North East (RPG1) which sets out a number of principles for the location of new development, including, adopting a sequential approach to site allocation to give priority to the reuse of previously developed land; improving the balance between people, jobs and facilities to reduce the need to travel, and protecting and enhancing the environment.

86. Submission Draft Regional Spatial Strategy for the North East (RSS), which is at the consultation, stage and will ultimately replace RPG1. Policies in RSS1 provide a regional spatial strategy within which local authority development plans and local transport plans can be prepared. It sets out a number of policies and principles including: concentrating the majority of new development in the Tees Valley conurbation – particularly within the core areas- and the main settlements; reducing the need to travel, particularly by private car, by focussing development in urban areas that have good access to public transport, and for cyclists and pedestrians; promoting development that is sympathetic to its surroundings; identifying strategic gaps to maintain the separate identity of settlements in the Tees Valley by preventing them from coalescing and by preventing urban sprawl.

#### **Policy GP1**

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 EN4**

Development which is likely to have an adverse effect upon sites of nature conservation importance will only be permitted if: -

- (i) There is no alternative available site or practicable approach; and
- (ii) Any impact on the sites nature conservation value is kept to a minimum.

Where development is permitted the council will consider the use of conditions and/or planning obligations or provide appropriate compensatory measures.

#### **Policy EN28**

Development which if likely to detract from the setting of a listed building will not be permitted.

**Policy EN38**

Residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

**Policy HO3**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

**Policy HO8**

Proposals for the development of Class C2 Uses (Residential Institutions) will normally be permitted provided that:

- (i.) The property is located within a mainly residential area within easy reach of public transport, shopping and other community facilities; and
- (ii.) the design of the development compliments its surroundings and can provide an attractive outlook with secure and sheltered sitting areas; and
- (iii.) the development will have no adverse effect upon neighbouring properties; and
- (iv.) adequate access and space for parking and servicing can be accommodated within the site without causing undue disturbance.

**Policy HO11**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

**Policy IN10**

Planning permission will be granted for the use for other purposes of proposed or existing industrial land or buildings if it can be demonstrated:

- (i) Suitable other sites and buildings for businesses or industrial purposes are available both in the short-term and satisfy long term requirements over the planning period in the immediate locality and the wider area or;
- (ii) Existing use, applicable, of the premises for business or industrial purposes produces unacceptable traffic or environmental problems which would be significantly alleviated by the proposed use or;
- (iii) The premises are no longer capable of providing acceptable standards of accommodation for business or industrial purposes.

**Policy TR15**

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 parking will normally be required to

accord with standards set out in the Stockton on Tees Borough Council Design Guide and Specification No. 1.

### **Policy S15**

Planning permission will be granted for new development or limited extensions for small scale retail use outside the centres listed in Policy S1 provided that:

- (i) The proposal is within defined settlement limits;
- (ii) The facilities intended to serve local needs only, being of a scale appropriate to the locality and being within walking distance of residential areas;
- (iii) The proposal would not give rise to any adverse effect on the amenity of neighbouring properties on account of the area;
- (iv) The proposal would not adversely undermine the vitality and viability of any village shop or retail centre as listed in Policy S1.

Within major new residential and employment developments, where no similar facilities exist within reasonable walking distance, developers would be expected to provide an element of convenience retail development at a scale to be agreed by negotiation.

**Supplementary Planning Document 3: Parking Provision for New Developments** sets out the Council's standards for parking standards associated with new development.

**Supplementary Planning Guidance 4 (SPG 4)** is concerned with high-density development. The SPG develops the themes set out in it to ensure that flats are built in appropriate locations, are well designed, and add value to the housing stock of the Borough. The guide does not seek to put a blanket ban on flats being built, nor encourage an 'anything goes' policy, but gives guidance to developers about what the Council expects them to produce, as well as to inform the public how and why decisions are made.

### **MATERIAL PLANNING CONSIDERATIONS**

87. The main considerations of this application relate to whether it satisfies the requirements of National and Regional Guidance and Local Plan Policies, the impact of the proposed development on the locality in terms of residential amenity, flood risk, ecology and nature conservation and vehicular access and traffic impact and highway safety.

#### **National and Regional Guidance and Local Plan Policies**

88. National Planning Policy guidance seeks to encourage the efficient re-use of previously developed land within existing urban areas in addition to reducing the need to travel and reinforcing the local economy and community.

89. Planning Policy Statement 3: Housing (PPS3), suggests that development should be at a density of at least 30 dwellings per hectare (dph) net in order to make the most efficient use of the available land. The proposal involves the re-use of existing brownfield land for housing to provide a mix of dwellings including affordable housing. The proposal to develop 500 dwellings falls within the middle of the density range of 30-50 dph and fully accords with national policy which encourages the reuse of previously developed land. Furthermore RSS further proposed changes policies 2, 3, 12 advocate the use of previously developed land. Policy 32 of the RSS further proposed changes, states that in Tees Valley, 70% of housing development should be located on previously developed land. Therefore it is considered that development proposal is consistent with the objectives of policies 2, 3, 12 and 31 of the RSS further proposed changes.

90. In accordance with regional planning policy, the majority of new development should be concentrated within the conurbations. Development in this location is therefore consistent with the regional locational strategy.



91. The site is located within the development limits. Policy HO3 of the local plan indicates that residential development within the limits of development is acceptable provided it meets a number of criteria.

92. The supporting statement states that a mix of housing types, styles and sizes will be provided, comprising of a range of flats, houses and sheltered accommodation. The proportion of affordable housing proposed as part of the development is at 15%. The proposed proportion of the affordable housing is consistent with the levels proposed in the council's adopted supplementary planning document 6 in relation to planning obligations, which requires that applications include a 15% affordable housing target.

93. The indicative layout has been designed to ensure that adequate distances are met and designed to negate any overlooking and it is considered that the site could satisfactorily accommodate a residential scheme of the type and nature proposed.

94. It is considered that residential development would be compatible with neighbouring uses and subject to careful layout and design in latter stages, would not have an undue adverse impact on the amenity of adjacent land uses. In this respect the development accords with Local Plan policies GP1 and HO3.

95. The applicant has investigated the likely noise impact of surrounding uses on the proposed residential development. The Environmental Health Manager has considered the proposal and raises no objection on this matter. It is considered that the proposal does not conflict with STLP policies GP1 and HO3 in this respect.

96. In terms of the provision of apartments SPG 4 sets out the Council's sequential criteria based approach to assessing an appropriate location for apartments. In terms of location the proposed development is within the limits to development, on previously developed land and within close proximity to a railway station/ bus services and nearby school and thus accords with the guidance and the general principles set out in the guidance.

97. In terms of the provision of a residential care home. Policy HO8 sets out criteria for the provision of special needs housing and seeks care homes within residential areas within easy reach of public transport, shopping and other community facilities. It is considered that the proposal accords with Policy HO8.

98. The development proposal includes an element of retail uses. The applicant seeks to construct a small-scale convenience store (250m<sup>2</sup>). In the context of PPS6, the retail units are classed as town centre uses, which is also reflected in regional planning policy (RPG1 policy TC1 and RSS further proposed changes policy 25. Whilst the site is not located within a town centre location, it is considered that due to the scale and the nature of the development, the development of a retail use is ancillary to the wider development proposal. It is therefore considered that the development of retail uses to complement the wider development proposals does not present an issue of conflict with national or regional planning policy.

99. Alteration No 1 of the Local Plan includes Policy S15, which is relevant to this site states "*Planning permission will be granted for new development for small scale retail use outside the Centres provided that the facility is intended to serve local needs only, being of a scale appropriate to the locality and being within walking distance of residential areas and the proposal would not adversely undermine the vitality and viability of any retail centre*". The proposal is considered to be small scale and ancillary to the main development will also serve the local needs of the community.

100. The application site is not specifically allocated for employment purposes; however it has been identified that as the site is an existing employment location the local Authority will seek to

retain the site as such. Policy IN10 permits the release of existing industrial land and buildings if it can be demonstrated that suitable other sites and buildings are available both in the short term and to satisfy the long term requirements over the plan period in the immediate locality and the wider area. Given the provision of suitable employment land available elsewhere in the Borough alongside the proposal provides for and upgrades a range of employment uses on an existing industrial estate, it is considered that support can be given for the use of part of this industrial site for residential development. This approach is consistent with the objectives of RPG1 policy EL3 and RSS further proposed changes 12. These policies advocate the renewal and modernising of existing employment areas.

101. The site is considered to be a sustainable brownfield site giving access to public transport infrastructure and the selection of a variety of house types and sizes and tenure should ensure a sustainable community is developed. The proposed scheme incorporates a number of sustainable features including a Sustainable Urban Drainage Scheme designed to control the amount of rainwater held by the site, which reduces the sites risk of flooding.

#### Flood risk, Ecology and Nature Conservation

102. A flood risk and drainage report accompanies the application. The site avoids a flood risk area and the report concludes that the site is at low risk of flooding from existing watercourses and there would be a net benefit in terms of the surface water discharge from the site. The Environment Agency has no objection to the proposal subject to appropriate controlling conditions.

103. An Ecological Review of the site has been carried out and confirms that the habitats within the site are “generally of restricted value due to past land use or current management regimes. However some features of nature conservation interests are present, including a number of fire ponds, plantation woodland and an area supporting the mosaic of habitats”. There are two fully protected species on site, Great Crested Newts and Bats. Other species present include a Dinky Skipper and Sky lark. The report concludes that there are no adverse impacts which cannot be mitigated against and two new ecology areas have been identified and protected and managed for the future. It is intended that a range of mitigation measures including landscape planting and compensatory ponds should be put in place. Natural England has examined the proposal and advises that the proposal is unlikely to have an adverse effect on protected species subject to the imposition of conditions to provide the control sought by Natural England. In summary the conditions prohibit any development until a fully detailed mitigation strategy has been agreed; prohibit development until an appropriate management strategy including that for the adjoining Admiralty Ecology Park has been agreed; prohibit development until new habitat creation/enhancement areas are fully completed; ensure the new ecology areas are used solely for that purpose; prohibit development until a working methods statements is agreed to minimise risk of harm to bats; prohibit the pruning/removal of Lombardy Poplar Trees without approval.

#### Other Matters

104. The applicant has indicated that they will enter into a Section 106 Agreement to provide a financial contribution for the additional school places should they be required which is acceptable to the Planning and Policy Officer in Education.

105. A commuted lump sum of £300,000 by way of contribution is to be provided towards improving facilities of adjoining sports fields and the provision of off site teen play facilities. The developer will provide an access from the new access road to the sports field. Should the adjoining sports field improvements not be achievable then the monies will be put towards alternative sports use within the vicinity of the site and this is acceptable to Sport England.

106. The archaeological report accompanying the application concluded that there was little evidence of any early activity on the site but has identified several areas of medieval ridge and

furrow and a World War II depot. It suggests that these remains are of local importance and should be recorded prior to development. Tees Archaeology agrees with this proposal and recommends that a full programme of archaeological works are made a condition of the planning consent.

107. In terms of the impact upon the Carter Moor Grade II Listed Building, a stand off zone has been created around the listed building and the building and land is specifically excluded from the submission boundary. The proposed improvements works will secure the long-term future of the listed building and therefore the proposal is considered to be acceptable and in accordance with Policy EN28.

108. The adopted Local plan identifies the Health and Safety Executive (HSE) consultation zone associated with the operations carried out at Elementis Chromium works. There will be no development within any of the zones around the Control of Major Accident Hazard Regulations (COMAH) site apart from a small area of employment land which falls within Zone 3. Under the regulations, this is an acceptable use in such a location and there are no objections from the HSE. It is considered that the proposal is acceptable and in accordance with Policy EN38.

109. An Energy Impact Assessment (EIA) accompanies the application and proposes development of residential dwellings to be Level 3 of the Code for Sustainable Homes. The applicant states that this proposal is achievable and fully accords with the requirements of PPS1: Planning and Climate Change. The accompanying EIA sets out a number of options to reduce energy consumption for both the construction phase and the operation of the development including a number of energy efficiency measures including maximising the solar gain and natural day lighting in homes; high standards of insulation; high efficiency boilers; the use of heat exchange technology and CFC free insulation materials. In order to fully reflect the objectives of regional planning policy, the development proposals should have embedded within them a minimum of 10 percent of their energy from renewable energy sources. It is proposed to secure this through a planning condition.

110. In terms of site contamination, a full ground investigation has been undertaken and submitted as part of the planning submission. Planning conditions can be attached to any permission granted requiring remediation works and to implement any engineering measures to facilitate development of the site based upon those findings. The Environment Agency and Environmental Health has no objection to the proposal subject to appropriate controlling conditions. Accordingly the proposal does not conflict with Planning Guidance in respect of contaminated land.

#### Means of Access, Parking and Traffic Issues

111. The application is accompanied by a Transport Assessment in order to satisfy the Council that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network.

112. The level and detailed parking arrangements will be considered at the reserved matters stage and it is considered that the site can satisfactorily accommodate the level of development proposed.

113. The Head of Technical Services has assessed the proposal and concludes the following: -

#### Trip Generation

114. The Transport Assessment predicts person trips across all modes both before and after the Travel Plan and the sustainable transport enhancements have been brought into place. The effect of the travel plan is a modal shift of 13% of trips from the car to other modes which is achievable when considering the Travel Plan and sustainable transport initiatives proposed.

## Development Access

115. It is proposed for the commercial developments to be accessed from a new northern roundabout on Durham Lane adjacent to Carter Moor Farm and approximately 130 metres south of the Durham Lane / Cleasby Way junction. The residential development, the care home, retail and community facilities will be accessed from the existing Durham Lane / Chaldrons Way roundabout which is to be improved to allow vehicles to gain access to the site.

116. The access proposals are acceptable and include for new pedestrian crossing facilities at the northern roundabout, a cycleway on the east side of Durham Lane to link in with Cleasby Way and the extension of the 30mph speed limit and associated street lighting to a point 90 metres north of Cleasby Way. These additional improvements will need to form part of the section 278 agreement for the new development access.

## Traffic Impact

117. The impact on the road network has been assessed for the proposed development traffic pre Travel Plan and is therefore robust. As a result, mitigation is proposed, to be developed via a section 278 agreement, at two existing junctions as follows.

### A66 / Durham Lane Dumbbell Interchange

118. Widening is proposed on the Yarm Back Lane and the Darlington Road approaches to the northern roundabout and also on the Durham Lane approach to the southern roundabout as shown on the Phil Jones Associates drawing number 292-013. It has been demonstrated in the TA that these improvements mitigate against the Allens West development traffic.

### A67 / Durham Lane / Tesco's Roundabout

119. Widening is proposed on the A67 Urray Nook Road western approach and on the Durham Lane approach to this roundabout as shown on the Phil Jones Associates drawing number 292-012-RevB. It has been demonstrated in the TA that these improvements mitigate against the development traffic.

120. As well as the above, an additional improvement scheme has been developed by BSP Consulting for the A67 / Durham Lane / Tesco's Roundabout, which provides additional mitigation, should the Land at Urray Nook Road commercial development (08/0241/OUT) also be given planning permission. This improvement provides additional widening on both the A67 Urray Nook Road western approach and on the Durham Lane approach but also widening on the A67 Urray Nook Road eastern approach. This improvement is shown on BSP consulting drawing number 07164/101.

121. The developer is also to provide £20k towards a traffic management study to investigate existing congestion problems in Yarm.

## Sustainable Transport

122. The existing sustainable transport infrastructure, enhanced by the following improvements, will encourage the use of alternative forms of transport to the private car and will be adequate to meet the needs of the development.

## Public Transport

123. The TA has correctly identified that the bus service provision past the site is poor with only one bus an hour (service 20) serving Middlesbrough, Stockton and Durham Tees Valley Airport. However, in order to encourage the use of public transport, the developer is proposing to fund the re-instatement of bus service 20 to half hourly at a cost of £250,000 over 3 years and proposing to provide £50,000 to fund the improvement of the bus stops on Durham Lane with the provision of bus shelters and real time information.

## Cycling and Pedestrian

124. Cycling and pedestrian enhancements are proposed as part of the development to include improvements to the existing footways on the Durham Lane site frontage and also a new cycle / pedestrian linkage to the west of the site out onto Urray Nook Road. The developer is also providing £50k to fund new cycle / pedestrian improvements which will include a new cycle / pedestrian route on the east side of Durham Lane to link the Allens West site and Kingsmead Housing Estate to Cleasby Way and Eaglescliffe Industrial Estate. Additional cycle parking will be also be provided at Allens West railway station.

#### Rail

125. The TA has correctly identified the adjacent Allens West rail station as being within easy walking distance of the proposed site and full pedestrian connectivity will be provided to it. A park and ride facility is also proposed for the station, accommodating 30 car parking spaces as well as additional cycle parking facilities. The developer is also proposing to provide £250,000 funding for enhancements to Allens West station as part of the Tees Valley Metro improvements and also a contribution of £25k towards making the station DDA compliant.

#### Road Safety

126. Road safety has been adequately assessed in the TA and has identified an existing road safety problem on Durham Lane, north of the site. SBC currently have safety enhancements proposed for this road and in order to mitigate the effect of the additional development traffic on this route, the developer is proposing to provide a £20k contribution towards these road safety improvements. The new roundabout proposed on Durham Lane as well as the extension of the 30mph speed limit and the associated street lighting to a point north of Cleasby Way will also provide safety improvements.

#### Travel Plan

127. A Travel Plan has been provided for the development which is predicting a 13% modal shift away from the private car. This is achievable when considering the Travel Plan itself as well as the sustainable transport enhancements detailed above. The Travel Plan and the ongoing management of it should be conditioned within the planning permission.

#### Conclusion

128. The Transport Assessment and Travel Plan for the Allens West site have demonstrated that sufficient road improvements and sustainable transport enhancements are proposed to fully mitigate against the impact of the development. This is not only through road junction improvements at the A66 / Durham Lane Interchange and the A67 / Durham Lane / Tesco roundabout but also through Travel Plan initiatives and proposals to improve the bus, rail, cycling and pedestrian infrastructure. A full summary of the financial contributions that the developer has committed to are listed below. These are in addition to the costs for funding the section 278 improvements at the development accesses and at the A66 / Durham Lane Interchange and the A67 / Durham Lane / Tesco roundabout.

- £250,000 towards the Tees Valley Metro.
- £25,000 to make Allens West railway station DDA compliant.
- £215,000 towards the appointment of a Travel Plan Manager and the ongoing management of the Travel Plan.
- £200 per dwelling for personal travel planning.
- £250,000 for the reinstatement of bus service 20 to run half hourly past the site.
- £50,000 towards public transport and the improvements of bus stop facilities on Durham Lane.

