

DELEGATED

AGENDA NO 4  
PLANNING COMMITTEE

DATE 15<sup>th</sup> October 2008

REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES

08/0241/OUT

Land At Urlay Nook Road, Eaglescliffe, Stockton On Tees  
Revised Outline application for industrial estate comprising the erection of B2  
and B8 use class units and associated means of access.

Expiry Date: 1 May 2008

UPDATE REPORT

This report updates the report for agenda item. It sets out further representations received, corrected information, clarification and two conditions relating to nature conservation and approved documents. Contrary to the comment in the main report, the remaining conditions have not been finalised.

**RECOMMENDATION**

***That subject to the lifting of the objection from the Environment Agency in respect of protected species, that planning application 08/0241/OUT be approved, subject to conditions and the Unilateral Undertaking which reflects the Heads of Terms as set out in the update report, and conditions – those to be finalised, and as set out in the main report and the update report.***

PUBLICITY

Three further letters of representations have been received objecting and commenting upon the proposal on the following grounds:

- Building an industrial estate would force the objector to move house.
- The target dates for determination have changed numerous times
- There are plenty of industrial estates in the area that are not fully utilised, why do we need more? Where is the proof?
- Massive negative impact they will have on the whole environment – roads but also schools, medical services, dentists, hospitals, police in Eaglescliffe.
- The local authority can only do so much to improve the bottleneck in Yarm because the bridge is too narrow and there is a limit as to their ability to improve traffic flow.

RESPONSES RECEIVED

Ramblers Association

The DAS [Design and Access Statement] at 2.7 notes that "There is an existing public right of way (PROW N° 7) which runs along the southern and western boundaries of the site, which will be retained and protected.

An inset on the site plan shows how the developer intends to treat FP 07 where it runs along the western boundary of the site. It will be at the foot of a new bund. We ask that the council specify the requirement for drainage channels to prevent the path from being waterlogged from drainage from the surface of the slope which is about 8 m long.

The position of Eggescliffe 07 where it runs near the A167 is defined in places by the remains of a wooden fence presumably erected when the A67 was diverted to its present route. The path is shown on the Definitive Map to run immediately to the north of the boundary which puts it in places on the top edge of an embankment and north of a strip of now mature trees again presumably planted when the A67 was diverted. As such the path is protected from road traffic noise. This amenity must be preserved as the circular route along FP 07 and the old A167 through Urray Nook (little traffic) is a pleasant route for exercise, recreation and dog walking especially for the nearby newish residential estates.

This is where the council should seek a planning obligation from the developer to improve the path so that it will once more be pleasant to use by the public.

We would also ask the council to check that the site layout plan accurately represents the line of the path near the site's southern boundary.

#### Urban Design Manager

The Urban Design Manager has confirmed that notwithstanding previous advice that the proposed improvements to the existing Tesco roundabout is shown on Drawing No. 07164/101 Scheme B.

A copy of Drawing No. 07164/101 Scheme B is attached at Appendix 1.

And that recycling facilities should be mentioned specifically within the condition regarding refuse management.

#### Long Newton Parish Council

##### *Omitted Comments*

"The Highways Agency states (previous application 07/2437/OUT) that the greatest additional impact of the proposal would be at Long Newton Interchange, which would equate to 1 additional vehicle per minute at the system, over an 8 hour day this would equate to a minimum of 480 vehicles passing through the village each day. The new interchange will be able to cope with this increase but the country lanes and village will not. "

- **The response of the Environment Agency in respect of protected species is awaited.**

## **RECOMMENDED AMENDED AND ADDITIONAL CONDITIONS**

### **Approved Documents**

The development hereby approved shall be carried out in accordance with the following approved plans; unless otherwise agreed in writing with the Local Planning Authority:-

Drawing No. 3002/03 - Location Plan

Drawing No. 3002/01G – Site Layout Plan

Drawing No. PWP/10070380/203 – Rev B – Topographical Survey

Drawing No. PWP10070380/204 – Rev B Topographical Survey

### **Condition in respect of Great Crested Newts**

No development shall take place unless in accordance with the mitigation detailed within the protected species report Ecological Appraisal and Protected Species Surveys A Report for West Raynham Developments Ltd dated July 2008, author Clear Ecology; and for great crested newts Mitigation Proposals for High Great Crested Newt Population (CONFIDENTIAL) dated August 2008, author Clear Ecology and Urlay Nook GCN Mitigation Proposals - Tabular Summarisation of Proposed Habitat Dynamics dated September 2008, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation and compensatory habitats in advance; undertaking confirming surveys as stated and adherence to precautionary working methods.

- An appropriate and detailed scheme of habitat conservation, enhancement and creation informed by the recommendations of the documents referenced above, to be produced and agreed by the Local Planning Authority as Reserved Matters, or prior to determination of a full planning application.
- An appropriate and detailed habitat management plan and commitment for its delivery informed by the recommendations of the documents referenced above, to be produced and agreed by the Local Planning Authority as reserved matters or prior to determination of a full planning application.

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

### **FURTHER AMENDMENT TO CONDITIONS RECOMMENDED**

Amendment to recommended approved document condition to remove reference to highway improvement scheme is proposed, as the detail and timing of those works are secured by legal agreement:

### **Revised Heads of Terms**

The Owner covenants with the Council to pay the following Contributions prior to commencement of the Development:

- a) To the Council the sum of £12,000.00 in respect of low floor bus stops and shelters on Urlay Nook Road.  
This Contribution is to facilitate access to the Development by public transport, enable convenient use of public transport and encourage

more sustainable travel to and from the Application Site, in accordance with the Council's Local Plan and LTP2.

- b) To the Council the sum of £5,000.00 in respect of implementing TRO's for various weight restrictions.  
This Contribution is towards the implementation of TROs to introduce weighting restrictions on local roads, as proposed by SBC, to ensure HGVs use major routes, alleviating congestion and unsuitable use of local roads, in conjunction with the opening of the proposed Long Newton Interchange.
- c) To the Council the sum of £1,100.00 in respect of signing and lining traffic calming scheme at the A67/Urley Nook Road Priority Junction.  
This Contribution is to implement the proposed scheme as shown on Drawing 07164/03 RevA and approved by SBC, to warn drivers of the need to reduce speed on the approach to the A67/Urley Nook Road priority junction (part of a route to/from the development).
- d) To Darlington Borough Council the sum of £20,000.00 in respect of a contribution towards the A67 improvement works.  
This Contribution is towards highway improvement works on the A67, in accordance with TTHC drawing no: M05016-A-033 RevA and M05016-A-034 RevA, approved by DBC.
- e) To the Council the sum of £1,510.00 in respect of a contribution towards the A67 improvement works.  
This Contribution is towards resurfacing works in conjunction with those referred to in d) above in so far as they relate to that part of the A67 which is within the boundary of the Council.

4.2 The Owner covenants with the Council to enter into an agreement pursuant to section 278 of the Highways Act 1980 in the form, or substantially in the form, of the agreement annexed to this Deed as Appendix 3, within six months from the date of this Deed to commit to pay to the Council the costs of the Highway Works, such works to be apportioned between the Owner and the owner of the Allens West Development on the basis of the relative percentage of traffic impact of each development as determined by the Council and agreed with each respective owner.

4.3 The Owner covenants with the Council not to occupy or permit to be occupied any part of the Development until the Highway Works are completed

4.4 The Council covenants with the Owner, subject to the Highway Works not requiring or involving any diversion or other works to the utility or other services, or being delayed by any other factor beyond the Council's control, and subject to the Owner and the owner of the Allens West Development adhering to the terms of the s278 agreement, to complete the Highway Works within 12 months of receipt of notification of Commencement of the Development or completion of the s278 agreement whichever is the later

## **CLARIFICATION**

### **Network Rail**

Confirmation has been received from the applicant in email correspondence that there is no objection to the development from Network Rail provided that signage associated with the development would not restrict visibility at the level crossing.

### **CE Electric**

No objections and has forwarded mains records for the area.

### **Spatial Planning Manager**

The Spatial Planning Manager has made further clarification in respect of the comments set out in the main report.

That the policies of the Tees Valley Structure Plan are those that are saved, and that until planning documents [referring to the Local Development Framework] have been examined by a Planning Inspector and found sound, they cannot be afforded any weight in the determining planning applications, and that the de-allocation of the site was a recommendation accepted by Cabinet.

The SPM then goes on to explain that the Council cannot oppose the principle of development at this site. The site is formally allocated within the adopted development plan and whilst there is some evidence to suggest that the site should not be taken forwards, it is considered that this position *has not yet been fully tested through the plan preparation process*.

## **Erratum**

Paragraph 111 of main report incorrectly refers to a recently approved Allens West Development. It should be noted that the legal agreement in respect of Allens West has not been secured and although Members were minded to grant planning permission, and a decision notice has not been issued.

## **MATERIAL CONSIDERATIONS**

### **Policy Matters**

Councillor Fletcher raises the matter of de-allocation of the site. Paragraphs 29 to 37 refer to the policy position, as clarified by the information in those comments given above.

### **Director of Development and Neighbourhood Services**

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### **Financial Implications**

As report

### **Environmental Implications**

As report

### **Human Rights Implications**

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

**Community Safety Implications**

None

**Background Papers**

As main report.

**Ward and Ward Councillors**

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|-------------------------|--------------------------------|
| <b>Ward</b>             | <b>Eaglescliffe</b>            |
| <b>Ward Councillors</b> | <b>Councillor A L Lewis</b>    |
|                         | <b>Councillor J A Fletcher</b> |
|                         | <b>Councillor Mrs M Rigg</b>   |