

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**16 DECEMBER 2009**

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

**09/2385/FUL**

**British Polythene Industrial Plc, Yarm Road, Stockton-on-Tees  
Redevelopment of the former Visqueen factory, Yarm Road, Stockton on Tees, including  
provision of 474 dwellings with associated landscaping and infrastructure work**

**Expiry Date: 29 December 2009**

#### **SUMMARY**

Planning permission is sought for the erection of 474 dwellings on the former Visqueen site at Yarm Road, Stockton on Tees.

Supporting the application are a Planning Statement, Design and Access Statement, Statement of Community Involvement, Transport Assessment, Residential Travel Plan Framework, Flood Risk Assessment, Geo Environmental Appraisal, Noise and Vibration Assessment, Air Quality Assessment, Archaeological Assessment, Tree Assessment and Ecological and Habitat Survey.

The proposal is to develop the 16 hectare site for residential development which will primarily be a mix of 2 and 2.5 storey houses but will also include 2 blocks of apartments on Yarm Road. It is proposed that the scheme would proceed on a phased basis with the older industrial buildings on the site demolished first to facilitate the creation of an access way into the site. An existing warehouse building will remain on site and in use for storage and distribution during the first stages of the development thereby continuing to provide employment for a small workforce in the short term. Its relationship with the new housing will be controlled to prevent any houses around the warehouse from being occupied until the warehouse building is demolished.

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, contamination, ecology and nature conservation and vehicular access and traffic impact and highway safety.

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

#### **RECOMMENDATION**

***RECOMMENDED that the application 09/2385/FUL be APPROVED subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or***

**such other terms to be negotiated and agreed by the Head of Planning and the following conditions or such other conditions as may be deemed necessary by the Highways Agency:**

**In the event of the legal agreement having not been signed, or there still being outstanding matters on the 23 December 2009 that the application be refused.**

## **SECTION 106 AGREEMENT**

### **Heads of Terms**

#### **Education**

**£530,000 payable as follows:**

**£50,000 payable on occupation of the 50<sup>th</sup> dwelling;**

**£100,000 payable on occupation of the 150<sup>th</sup> dwelling;**

**£100,000 payable on occupation of the 250<sup>th</sup> dwelling;**

**£100,000 payable on occupation of the 350<sup>th</sup> dwelling;**

**£100,000 payable on occupation of the 450<sup>th</sup> dwelling;**

**£80,000 payable on occupation of the final dwelling.**

#### **On and off-site play contribution**

**£170,000 payable on occupation of the 300<sup>th</sup> dwelling;**

**The above sum to be payable only upon the Developer not wishing to make acceptable provision for on-site play facilities itself.**

**In the event of the Developer making a determination not to make acceptable provision on site the above sums to be paid by the Developer may be expended by SBC for either on-site or off-site play provision.**

#### **Off site contribution for sports facilities**

**£346,000 payable on occupation of the 350<sup>th</sup> dwelling of the Development.**

#### **Affordable housing**

**10% (47) of the total dwellings to be constructed on the site will be affordable housing units. Of the 10% affordable housing – 8% to be provided in the form of socially rented dwellings and 2% intermediate tenure (the form of tenure to be agreed with the Local Planning Authority prior the commencement of the development).**

**SBC will work with the Developer with regard to the potential for additional affordable housing units on the site and were 'additionality' has been mutually agreed, support an application for National Affordable Housing Programme (grant) monies made by the Develop to the Homes and Communities Agency (for the additional affordable housing units).**

#### **Highway contribution**

##### **Section 278 Highways Act 1980**

**The Developer will enter into a S278 Highways Act Agreement for off-site highway works to improve the two accesses into the site notated as Junctions 1 and 2 on the plan attached to these Heads of Terms**

##### **Section 106 Contribution**

**The Developer will enter into a S278 Highways Act Agreement for off-site highway works to the A66/Yarm Road (North) junction (Junction 3 on the plan attached). The estimated cost for these works is £154 000 excluding any necessary service diversion costs, and the**

**developer will pay £120 000 (78%) towards this cost as well as 78% of the overall service diversion costs.**

**This contribution will be paid upon SBC entering into a works agreement with a contractor to carry out such works.**

**In the alternative, if SBC determine not to carry out such works then this contribution shall be payable to SBC upon occupation of the 100th dwelling and shall be treated as an additional contribution to the education contribution.**

**It is agreed that there are no improvements required to Junction 4 (Hartburn Lane/Yarm Road) on the plan attached, therefore a further £30,000 contribution to be paid towards service diversions and any surplus shall be added to the education contribution which will be paid as set out above.**

**£10,000 to be payable for any traffic signal alterations at Junction 5 on the plan attached or towards any further alterations and/or improvements to Yarm Road payable upon SBC entering into an appropriate works contract for such works.**

**In the event that such works are not implemented then the sum shall be payable to SBC by the Developer upon occupation of the final dwelling in the Development and shall be treated as an additional contribution to the education contribution.**

**The Developer shall pay £60,000 in respect of a contribution to the Riverside Route works payable by the Developer on occupation of the 50<sup>th</sup> dwelling.**

**The Developer shall pay £40,000 in respect of the provision of new bus shelters including real time displays for existing bus stops on Yarm Road.**

#### **Green travel plan**

**The Developer will agree with SBC the details of a site wide green travel plan (to be annexed to the S106 planning obligation) and will enter into an obligation to implement it and to pay all sums agreed under its terms.**

#### **Street trees in the adopted highway**

**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**

#### **Unexpended balances**

**In the event that any sums paid by the Developer to SBC set out in paragraphs 1-5 above remain unexpended at the expiry of 5 years from the dates they are paid, such unexpended sums shall be repaid to the Developer together with any accrued interest.**

#### **Conditions:**

**01 The development hereby approved shall be 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>
001 REV C	23 September 2009
101	23 September 2009
102	23 September 2009
103	23 September 2009
104	23 September 2009
105	23 September 2009
106	23 September 2009

107	23 September 2009
108	23 September 2009
110	23 September 2009
112	23 September 2009
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118	23 September 2009
119	23 September 2009
121	23 September 2009
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135	23 September 2009
136	23 September 2009
138	23 September 2009
139	23 September 2009
140	23 September 2009
150	23 September 2009
151	23 September 2009
152	23 September 2009
153	23 September 2009
154	23 September 2009
155	23 September 2009
156	23 September 2009
109 REV A	4 December 2009
111 REV A	4 December 2009
114 REV A	4 December 2009
123	4 December 2009
06 REV C	4 December 2009
157 REV A	4 December 2009
158	4 December 2009
05 REV T	4 December 2009
130 REV A	4 December 2009
131 REV A	4 December 2009
132 REV A	4 December 2009
133 REV A	4 December 2009
11 REV A	4 December 2009
09A	4 December 2009
10A	4 December 2009

**Reason: To define the consent.**

**02. Prior to the occupation of the first dwelling of the development an agreement under section 278 of the Highways Act 1980 shall be entered into for offsite highway works to improve the two accesses into the site**

**Reason in the interest of highway safety and the free flow of traffic**

**03. Prior to commencement a phased programme for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include for the demolition of the existing industrial building by the end of June 2015 or such other period as may be agreed and the written consent of the Local Planning Authority obtained.**

***In order that the Local Planning Authority retains control over the development to prevent incompatible uses adversely affecting the amenities of the occupiers of this residential development***

***04. Before development commences a scheme for the provision of affordable housing shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the agreed scheme. The scheme shall include:-***

- 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.***

***To ensure the appropriate provision of affordable housing to meet local housing needs in accordance with policy 30 of the Regional Spatial Strategy***

***05. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:***

***1) A preliminary risk assessment which has identified:***

***All previous uses***

***Potential contaminants associated with those uses***

***A conceptual model of the site indicating sources, pathways and receptors***

***Potentially unacceptable risks arising from contamination at the site.***

***2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.***

***3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.***

***4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.***

***Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.***

***Reason: The proposed development lies above the Sherwood Sandstone principal aquifer. A Geoenvironmental Appraisal Report (reference: 9644/1) has been reviewed. This report is sufficient to meet part 1) of the above condition. The report also describes a clay layer that will offer some protection to the underlying Sherwood Sandstone. Further assessment of areas yet to be investigated is required, including sampling and testing of the shallow groundwater.***

**06. 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 remediation strategy detailing how this unsuspected contamination shall be dealt with.**

**Reason: The development is taking place on land that is affected by contamination. Sites of this nature are difficult to fully characterise therefore further assessment is required if any further contamination is discovered during development.**

**07. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.**

**Reason: There are a number of infilled clay pits on site. There may be additional deep structures reducing the level of protection given to the Sherwood Sandstone principal aquifer. Piling may also create preferential pathways to the Sherwood Sandstone.**

**08. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected, changes of gradient levels on roads and footpaths within the development and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.**

**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 of the area, the living conditions of nearby residents or integrity of existing natural features and habitats.**

**09. The detailed design and materials of the pumping station shall be agreed with the Local planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.**

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

**10. Details of all external finishing materials and gradient changes including roads and footpaths shall be agreed with the Local Planning Authority before the development is commenced.**

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

**11. 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.**

**12. Notwithstanding the submitted plans all means of enclosure and street furniture associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure 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.**

**13. No construction/building works shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 8.00am and 1.00pm on Saturdays. No Sunday working and Bank Holidays.**

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

**14. Development shall not be commenced until the Local Planning Authority has approved in writing the details of the lighting columns, lighting and colour and luminance, including the arrangements for the parking courts. Such means of lighting as agreed shall be erected before the development hereby approved is occupied.**

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

**15. The development shall secure at least 10% of its energy supply from renewable energy or low carbon sources, unless otherwise agreed in writing by the Local Planning Authority. No development shall take place until an energy strategy has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented in complete accordance with the details of the scheme unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure a sustainable form of development which secures energy from renewable sources.**

**16. No development shall commence on site until full details of hard surfacing materials for the provision of car parking both within and without residential curtilages within the site have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.**

**Reason: To ensure a satisfactory form of development for surface water disposal and to comply with Policy GP1 of the Stockton on Tees Local Plan.**

**17. No development shall take place until details of the means and location for the storage and disposal of refuse for each unit has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of visual amenity and operational requirements of the Local Planning Authority.**

**18. No development shall commence until a detailed scheme for landscaping and tree and/or shrub planting and grass has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities, layout contouring, drainage and surfacing of all open space**

**areas. The works shall be completed in accordance with a phasing scheme to be agreed in writing with the Local Planning Authority. Should any trees or plants, excluding those within privately owned domestic gardens, within a period of five years from the date of planting die, be removed, become seriously damaged or diseased, these 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.**

**19. No development shall be occupied until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas, other than privately owned domestic gardens, has been submitted to and approved by the Local Planning Authority. Soft landscape maintenance shall be detailed for the initial 5 year establishment period. A long-term management plan for all landscape and public realm areas for a period of 20 years should be submitted to and approved in writing with the Local Planning Authority. The landscape management plan shall be carried out as approved, 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.**

**20. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective within a period of five years from the date of planting must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.**

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

**21. 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.**

**22. Development shall not 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 type and nature of the facilities to be provided within the Public Open Space**
- B) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development**



**The arrangements the developer shall make for the future maintenance of the Public Open Space**

**The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed under part B) above.**

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

**23. No development shall commence until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of visual amenity.**

**24. A Construction Management 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**

**25. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.**

**Reason: The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows.**

**23. Development shall not commence until a detailed scheme for the supply of potable water for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.**

**Reason: The water supply system is at capacity.**

**24. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.**

**Reason: To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.**

**25. Before the use commences the mitigation scheme referred to in section 6 of the Wardell Armstrong Report [reference NT10447 report number 003] shall be implemented in full to protect dwellings from the impact of road traffic noise.**

**Reason: In the interests of the occupiers of the premises**

**26. The detailed design and materials of the garden sheds shall be agreed with the Local Planning Authority before the development is commenced and shall be constructed in accordance with the approved details to the reasonable satisfaction of the Local Planning Authority.**

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

**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.**

**A general toolbox talk and site wildlife protocol will be created and delivered by an appropriately experienced ecologist prior to works commencing;  
A list of species to be sown and planted will be drawn up and agreed with the authority ecologist to provide replacement nesting and foraging opportunities for local wildlife displaced by this development;  
Demolition of buildings and clearance of vegetation and trees will not take place from March to August to avoid the bird breeding season unless an appropriately qualified ecologist has deemed the structure/vegetation free from occupied nests; and  
The Japanese Knotweed Management Plan will be adhered to in full.**

**It is noted that the Council will consider the Title Transfer of the POS in perpetuity for areas which are of general benefit to the development. Should the developer wish to seek Title Transfer of the POS to the Council then the developer will be required to clearly identify all areas that are proposed for transfer. Failure to do so shall mean that no land within the development shall be agreed for Title Transfer by the Council. On agreement by the Council for Title Transfer of land the Developer shall enter into separate discussions with the Council to agree a commuted lump sum figure to pay for the on going maintenance of the POS and any facilities contained within its boundaries.**

**The Council will not normally accept Title Transfer of small parcels of ground or areas that are awkwardly shaped or located which will be too costly to maintain. These should where appropriate be incorporated into the gardens or curtilage of adjacent properties. The open space shall be completed in accordance with the approved scheme and phasing arrangements as agreed.**

**It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and measuring that may be required so as to mitigate the effect of the obstruction to the general public**

**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, HO3 and HO11 of the adopted Stockton on Tees Local Plan.**

## **BACKGROUND**

1. The southern part of the site is occupied by the former Visqueen works, later taken over by BPI. Manufacturing has now ceased on the site and the buildings are redundant. The exception is a

relatively modern warehouse, which is likely to remain in use for the next few years. The remainder of the site to the north includes the site of a former clay pit, which is now vacant.

## **SITE AND SURROUNDINGS**

2. The site comprises approximately 16.21 hectares and is located north of the intersection of Yarm Road and the A66. The site is contained by rail and road routes on three sides. The surrounding area to the west and south is industrial and commercial and to the north residential. A site location plan is attached at Appendix 1.

3. The principle frontage of the site is on the western boundary along Yarm Road, from where the site is entered. An informal strip of ornamental tree planting and grassland around 15 metres wide separates the existing development from Yarm Road. North of the site entrance Yarm Road starts to rise towards the bridge over the railway line and here the green area widens with trees and shrubs of variable size.

4. Land facing the site on the opposite side of Yarm Road is presently occupied by industrial and commercial buildings. The south side of the site is bounded by an access road serving offices on the south side. The road is presently not adopted but is intended to be upgraded to adoptable standards to serve the new development.

5. The long south eastern boundary runs alongside the A66 dual carriageway. The northern part of the site is separated from the road by earth mounding and planted with trees.

6. The north western boundary is a railway line. The site is separated from the lines by 10-15 metres and is around 2.5 metres above the railway line. On the opposite side of the line are the rear gardens of a recent housing development, the remainder by a playing field.

## **PROPOSAL**

7. The application seeks full planning permission for the erection of 474 dwellings.

8. The proposal is to develop the 16 hectare site for residential development which will primarily be a mix of 2 and 2.5 storey houses but will also include two 3/4 storey apartment blocks on Yarm Road. It is proposed that the scheme would proceed on a phased basis with the older industrial buildings on the site demolished first to facilitate the creation of an access way into the site. An existing warehouse building will remain on site and in use for storage and distribution during the first stages of the development thereby continuing to provide employment for a small workforce in the short term. Its relationship with the new housing will be controlled to prevent any houses around the warehouse from being occupied until the warehouse building is demolished.

9. The design comprises a mix of units, providing a broad range of accommodation from 2,3 4 and 5 bedroom units (a detailed site layout plan is attached at Appendix 2 and a sample of the elevational treatment is shown in Appendix 3). The dwelling units comprise 25 no. 2 bedroom apartments; 42 no. 2 bedroom dwellings; 210 no. 3 bedroom dwellings and 197 no. 4/5 bedroom dwellings.

10. The primary access is from Yarm Road which leads directly to a junction where movement divides to the two ends of a loop road with a third minor access road going south to connect with the existing access road on the southern boundary. Within the body of the site a road hierarchy is established between the main loop road and less formal streets.

11. The main open space is positioned within the loop providing an opportunity for a 'Village Green' and its position allows it to be a focal point in the early phases of the development (the phasing of

the development allows for the existing warehouse to remain active for the initial stages of development).

12. The western (Yarm Road frontage) and southern boundaries provide the principal public frontages of the site where a contemporary design to the units has been taken. The retained band of trees on Yarm Road provides a green buffer.

13. The boundary of the site adjacent to the A66 corridor is provided with a landscape buffer that largely screens the houses from traffic on the A66 and vice versa.

14. The proposed scheme follows a layout that has been designed with traffic-calmed routes through the area with a hierarchy of roads stepping down from the primary roads to subsidiary roads, which are narrower and less formal designed to indicate to users that they are now entering private space where vehicle speeds are calmed and the inter-connected routes define the housing blocks within the development.

15. Trees identify the main street and give it a distinctive character and existing trees provide opportunities for more informal landscaping clusters around a mature back-drop. Landscaped areas within the rest of the site link together to form an accessible landscape strategy with a 'Village green' as a focal point.

16. 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.

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

18. The application is accompanied by a Flood Risk Assessment, which confirms that the site is at low risk of flooding.

19. An assessment of the ecology of the site has been undertaken and a report accompanies the application covering base line ecology, bats, nesting birds, deer management and invasive weeds with mitigation measures provided.

20. The site will be subject to a reclamation scheme and the application is accompanied by a Geoenvironmental appraisal.

21. An archaeological assessment has also been undertaken which concluded that part of the site of the Stockton and Darlington Railway ran along the northern and western boundaries of the site but concludes that there is no indication of any feature of archaeological interest and nothing can be identified of physical remains of the original line. However due to the site railway connection it might be considered appropriate to memorialise this in some way. A condition for the provision of public art is recommended to enhance the public realm.

22. Contributions have been sought to fund school places should they be required as a result of the development; improvement to highway infrastructure including junction and signal improvements and travel plan initiatives. A contribution towards sports provision and on site play equipment and open space maintenance has also been sought. 10% affordable housing units are provided on site.

## **CONSULTATIONS**

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

## 23. Acting Head of Technical Services

### General Summary

The application is acceptable subject to the imposition of appropriate conditions and the applicant entering into a S106 Agreement and S278 agreement to fund the necessary highway infrastructure.

### Highways Comments

A Transport Assessment has been prepared to support the Planning Application. It demonstrates how much traffic will be generated and how it will be distributed across the local and strategic road network. The impact of the additional traffic has been assessed at junctions within the study area and suitable mitigation suggested.

The proposed main access to the site is a traffic signal controlled junction. This should be introduced via a S278 agreement with the Highway Authority. A pedestrian phase will help pedestrians to access bus stops on the west side of Yarm Road. There are education facilities and convenience stores that can be accessed without the need to cross A135 Yarm Road. As part of the S278 agreement traffic signal bus priority measures are necessary in line with the Council's current Bus Major Scheme.

The TA has identified that the southbound approach to the A66/Yarm Road Interchange needs widening to accommodate the additional traffic. Additional trips on the local network also affect Riverside Roundabout, these are considered material and a contribution to the improvement scheme is necessary. Bus shelter improvements for Yarm Road have also been identified to encourage the use of public transport. Appropriate contributions are set out in the Heads of Terms of the S106 agreement.

Highway safety on the existing highway network has been considered in the TA and it is not expected that the proposed development and associated highway works will have an adverse affect on highway safety.

Road Safety Audits for the proposed junction arrangements have also been undertaken and are acceptable in principle subject to minor amendments.

A Residential Travel Plan Framework has been submitted in support of this development that is acceptable. If this application is approved, a full Travel Plan must be conditioned so that ongoing monitoring can be undertaken. The Travel Plan framework includes measures such as the introduction of a Travel Plan Coordinator, a marketing and promoting strategy as well as initiatives to promote sustainable transport modes.

The overall site layout follows the principles of the Government guidance 'Manual for Streets' and moves away from a traditional housing development. The key principles include providing appropriate on street car parking areas as well as the provision of build outs, varying surface treatments and highway trees. Appropriate incurtilage parking for the development is also provided and the layout attempts to provide an environment that encourages lower traffic speeds.

The development has been subject to a Stage 1 Road Safety Audit, areas of concern highlighted in the report have been resolved and it is considered that the internal layout of the development should not have any adverse affects on highway safety.

The development is therefore supported in highway terms subject to the appropriate mitigation as outlined in the Heads of Terms, the developer entering into a S278 agreement for the provision of

traffic signals in order for the development to be accessed and appropriate conditions on the following:

It will be necessary for all materials for surfacing and proposed gradient changes to be agreed prior to commencement of development;  
All works should be carried out within the site and details of site compounds and temporary car parking should be submitted for approval;  
Wheel washing facilities should be provided on site to ensure that no mud and debris is carried onto the highway, details of this should be submitted prior to commencement of development;  
The full residential Travel Plan should be conditioned if the development is approved to ensure that ongoing monitoring of targets is undertaken.

#### Landscape & Visual Comments

As noted above the overall site layout follows the principles of 'Manual for Streets' and includes a varied streetscape with highway trees. To ensure the success of the scheme it is essential that the scheme has a high quality public realm with careful detailing of changes of levels, particularly on the raised highway crossings and juxtaposition of materials to ensure a variety of visual experiences in a design that is structurally sound. The principle of how the public realm is to be built out is illustrated on Drawing No 17-P-00-19-A. Notwithstanding the suggested materials noted on this illustrative drawing it is essential that full working drawings are prepared to demonstrate the construction of the hard surfaces, enclosures, furniture and sundries and detailed. To this end it is suggested that the appropriate conditions is placed on the following:

Landscaping – Hardworks;  
Existing and Proposed Levels;  
Enclosure;  
Street Furniture  
Scheme for Illumination;  
Landscaping – Softworks;  
Tree Assessment;  
Retention of Existing Trees, Shrubs and Hedges;  
Tree Protection;  
Location of Site Works;  
Maintenance- Softworks;  
Maintenance- Softworks;  
On Site Public Open Space.

It is essential to the success of the scheme that the trees on the highway are planted. Without these trees the scheme would fail to achieve its objectives of producing a 'sense of place'. The provision of the trees and any surrounding guards or grills in the highway will be subject to adoption under S38 of the Highway Act and as such will be subject to inspection and maintenance charges. Any other planting and street furniture on the highway which is deemed not necessary for the function of the highway e.g. shrub planting, trip rails and bollards will also be subject to future maintenance charges. The level of charges for Street Trees is set out in SPD36 Planning Obligations Appendix F and typical maintenance charges associated with shrub planting in the highway will be calculated on the formula set out in Appendix E. Typically maintenance charges associated with metal street furniture is 50% of their actual installation cost (subject to agreement of design construction of the original unit). These works must, therefore, be subject to the imposition of a S106 Agreement.

It is also noted that the developer in meetings held during the determination period has made reference to the provision from this application towards Public Art on this site. This art is likely to reflect the industrial and cultural history of Stockton. It is my understanding that the provision of

Public Art will be conditioned. Any public art on adopted highway land is likely to be subject to maintenance contributions and a safety audit.

#### Built Environment Comments

The scale and massing of the proposals is acceptable. It is encouraging to note that the important prominent frontage buildings have a reasonable degree of detail to reflect their importance as 'gateway' buildings. The importance of the streetscape in providing a 'sense of place' is achievable with the layout proposals providing high quality materials are utilised in the surface finishes. Appropriate conditions concerning public realm are noted in the above landscape and visual notes

#### 24. Environmental Health Unit

No objection in principle to the development subject to conditions on noise mitigation, construction times and dust management plan.

#### 25. The Environment Agency

Having reviewed this information, we are now in a position to withdraw our previous objection subject to the inclusion of the conditions we requested in our letter of 27 October 2009.

The proposal is to discharge surface water to NWL sewers and then ultimately the River Tees. As a result, we are in no position to agree discharges, attenuation or storage requirements, as this must be approved by NWL.

The FRA states that the existing drainage rates to the sewer will not influence any permitted discharge from the new development, and NWL have agreed a discharge of 500 l/s (which discharges to the River Tees) however have requested the developer consult with us. The FRA goes on to calculate Greenfield runoff rates from the site. These rates appear to be substantially less than the 500 l/s agreed with NWL.

While the River Tees is likely to be able to accommodate this discharge without any risk of flooding, we would query why the discharge should not be reduced. While Greenfield rates may not be appropriate due to the existing development, a rate based upon the existing impermeable area, or the existing drainage rates would be more appropriate.

Due to flood risk downstream on the River Tees, we should where possible reduce the discharge rates wherever possible. While as a one-off this volume of discharge may be acceptable, taking into account all other sewers discharging onto the Tees, we would hope for some reduction.

We would also like to offer the following information:

The development would result in domestic dwellings being located within 150 metres of the Stockton Butchers Slaughtering Company Ltd, an abattoir that lies just to the West across Yarm Road. The abattoir is designated as a Part A Industrial process under the Environmental Permitting Regulations and is regulated by the Environment Agency.

The site was issued with an EP permit in 2006, formerly, regarding nuisance/air issues it was regulated by Stockton Borough Council Environmental Health and was the source of foul odour releases which resulted in 100s of complaints from the existing nearby housing and businesses. In June 2006 when we began regulating the facility many odour complaints continued to be received. However, to address the problem we have applied high regulatory effort at the installation over the last 2 years and significant improvements have been made and consequently the number of complaints have reduced year by year.

The Air Quality report which accompanies the application states, in Section 5.4, that no recent complaints being received by the local authority. This is because any odour complaints have been directed to the Environment Agency, which now regulates the Abattoir.

This is an ongoing issue which is being closely monitored by the Agency and despite the recent improvements there remains potential for foul odours to be released on occasions should control measures fail - particularly in warm weather, which as proven in the past can significantly effect the lives of nearby residents. A large new residential development close by to the east may receive such odours when SW and W winds are commonly prevailing.

#### 26. Highways Agency

Following our recent discussions and based upon the tight timescales we are all working to, the best position and response that the Highways Agency can provide in light of your report deadline of 4th December is a minded to approve subject to appropriate conditions to be agreed.

As you are aware there are a couple of outstanding points to be agreed between HA/Stockton highways and SAJ Consultants working on behalf of the applicant in relation to the travel plan. The other outstanding issue relates to the Safety Audits which we can hopefully accept in due course.

It is likely that these issues will be overcome in the forthcoming week and I can formally respond to the application with a no objections subject to conditions

I trust that this is sufficient information for your committee report in anticipation of the 16th December committee

#### 27. Northern Gas Networks

No objection and standards mains record shown

#### 28. Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the proposed development and recommend conditions covering drainage and water supply. In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely: - Soakaway, Watercourse and finally Sewer. If sewer is the only option the developer should contact New Development Team at NWL, Leat House, Pattinson Road, Washington, NE38 8LB to arrange for a Developer Enquiry to ascertain allowable discharge points & rates. Please also note that the proposed pumping station location is not agreed with NWL. It is important that Northumbrian Water is informed of the local planning authority's decision on this application

#### 29. Network Rail

No objection in principle to the development, however due to its close proximity to the operational railway; we would request that the following points are taken into account if granting the application, including drainage and monitoring; operational use of cranes and other plant; excavations and works compounds; security of railway boundary; boundary treatment; approval prior to works commencing on site; construction and future maintenance; tree planting and new lighting requirements.

#### 30. Natural England



Thank you for consulting Natural England on the above proposal. Your letter was received by this office on 12<sup>TH</sup> October 2009 with the supporting documentation entitled '*An Extended Phase 1 and Protected Species Survey of the Former Visqueen Site, Stockton on Tees*', September 09, E3 Ecology Ltd, '*Bat and Bird Risk Assessment Surveys Visqueen Site*', June 2009, Naturally Wild Consultants Ltd '*Roe Deer Management Plan*' and '*Japanese Knotweed Management Plan*' August 2009, Shelter Woodland.

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):

**Trees and Grasslands** - It is recommended that a list of species to be sown and planted is drawn up and agreed with the authority ecologist with the ultimate purpose of providing replacement nesting and foraging opportunities for local wildlife displaced by this development. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

**Bats and Nesting Birds** - It should be a condition of planning that a general toolbox talk and site wildlife protocol be created and delivered by an appropriately experienced ecologist prior to works commencing. This will ensure that all visitors, contractors and other site staff are fully aware of the laws protecting bats from harm, and how to reduce the risk of harming bats during construction works. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

**Demolition of buildings and clearance of vegetation and trees** should take place from September to January to avoid the bird breeding season unless an appropriately qualified ecologist has deemed the structure/vegetation free from occupied nests. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

**Japanese Knotweed** - Due to the potential harm to native species, Japanese Knotweed is listed on Schedule 9 and subject to section 14 of the Wildlife and Countryside Act 1981, which makes it an offence to plant, or cause this species to grow, in the wild. Both the Police and local authorities have enforcement functions for the 1981 Act. Any Japanese knotweed contaminated soil or plant material that needs to be disposed of is likely to be classified as 'controlled waste' under the Environmental Protection Act 1990 and has to be disposed of at licensed sites or by burning on site. Advice on managing controlled waste and the use of pesticides near water can be obtained from the Environment Agency on their customer services line; 08708 506 506.

The survey work located some of this species across the site. It is important that the spread of Japanese Knotweed in the wild is controlled at the earliest opportunity to avoid a negative effect on local biodiversity. Therefore Natural England would request that the Japanese Knotweed Management Plan is adhered to in full. Natural England request the Local Planning Authority that a condition be attached to planning permission (if granted) to this effect.

**Reason:** To conserve protected species and local wildlife 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*.

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.

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).

### 31. Tees Archaeology

Thank you for the copy of the report prepared by The Brigantia Archaeological Practice.

The report identifies a 'path' at the north-west corner of the site. I would argue that this is almost certainly the remains of the original track bed of the Stockton and Darlington Railway (the 1825 line used to run alongside Yarm Road before it was shifted to its current position to the west in the 1850s).

As far as I can tell the proposed housing does not appear to have a direct impact on the feature and I have no objection in principle to the development. As mentioned in my previous comments (04/11/2009 – via the planning portal) this would be an excellent opportunity to interpret the remains of the railway in this area and I would be happy to assist with this.

### 32. 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.

Sport England is a recommended consultee on developments which include 300 or more residential units, and we use this opportunity to consider whether the proposal will make provision for the sport and recreational needs of its residents.

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"

The Planning Statement submitted with the application recognises this principle and suggests that sporting needs in this area may be better met off site than on-site. Accordingly “formal sports provision” features in the suggested Heads of Terms for Section 106 contributions.

While Sport England welcomes this recognition from the applicant, the ‘devil in the detail’ is agreeing the size of the planning contribution to local sports facilities.

The “Planning Contributions Kit Bag” which can be found within the “Planning a Sports Facility” section of our website provides guidance and tools to assist in determining the appropriate level of provision/contributions. The Sports Facilities Calculator (SFC) is a planning tool which helps to estimate the amount of demand for key community sports facilities that is created by a given population. The SFC has been created by Sport England to help local planning authorities quantify how much additional demand for the key community sports facilities (swimming pools and sports halls), is generated by populations of new growth, development and regeneration areas.

The development is proposing 481 units, and the average occupancy rate in Stockton is a little over 2.4. Using these two figures, the future population of the development can be assumed to be 1,154. If this population had the same demographic and participation levels as the remainder of Stockton, the SFC tells us that it would generate a demand for pools, sports halls and indoor bowls to the tune of £346,000.

That is not to say that £346,000 must be spent on pools, halls or indoor bowls in Stockton. Rather the point is that a development of this scale should be making this scale of investment in the local sporting infrastructure. If however there is a local SPD (which has been adopted by the Council) governing planning contributions to sport, Sport England accepts that this document should take precedence.

Sport England accepts that decisions on local priorities for the use of such planning contributions are best agreed locally between the planning authority and the developer. We would suggest however that the recent draft PPG17 Local Needs Assessment undertaken by the Council offers a robust way of identifying such priorities.

Sport England has no objection to this application subject to the signing of a Section 106 Agreement which secures investment into the local sporting infrastructure which is proportionate with the scale of development.

Sport England monitors the amount of new investment secured for sport and I would be grateful if you could send us copies of both the decision notice on this application, and the final Section 106 Agreement.

### 33. One North East

It is considered that the proposed development falls within Criterion A of the Agency’s notification criteria, which were sent to local authorities in October 2005, namely:

A. Residential schemes for 150 or more dwellings or sites over 5ha. Or a group of individual sites whose proximity to one another and combination of development would contribute to a scheme of this size and scale.

As you are aware One North East is responsible for the development, delivery and review of the Regional Economic Strategy (RES) on behalf of North East England. The RES sets out how greater and sustainable economic prosperity will be delivered to all of the people of the North East over the period to 2016.

The following comments reflect the view of One North East acting in its role as a 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 full planning permission for the redevelopment of a site to the south of Stockton town centre. The site is triangular in nature, bordered by the A66, Yam Road and a railway line. In total the site amounts to over 16 ha. in size and is currently partly occupied by the Visqueen Factory, which announced its closure in 2008. The buildings on the site are now redundant with the exception of a recently added warehouse. It is understood that the warehouse is to remain operational for a few years. If planning approval is granted, the development will be delivered in a phased manner with the closure of the warehouse facility before the completion of the final phase.

One North East views the proposal as offering an effective re-use of the site. The proposed mix of house types with an emphasis on larger units is in line with the regional and local strategy for housing market restructuring in the area. Furthermore, the Agency welcomes the provision of affordable housing units within the proposal.

Whilst the scheme would result in the loss of land used for employment purposes, the Agency recognises that the site is not allocated as employment land in the Stockton on Tees Local Plan (June 1997) and the opportunity for redevelopment has emerged as a result of the closure of the Visqueen plant. Furthermore, it is understood that the site is within the Core Area, as defined by the emerging Core Strategy, where priority is given to previously developed land to meet the Borough's housing requirement. The site appears to comprise of some Greenfield land, therefore the Local Planning Authority (LPA) must weigh up the merits of the scheme overall and the loss of what would seem undeveloped land.

The site is considered by the Agency to be well located in the urban area and a gateway site in relation to Stockton town centre. Given the nature of the site, bordered by a railway line and dual carriageways, a key issue for the LPA will be to ensure the scheme is well integrated into its surroundings, including promoting access to surrounding areas and facilities.

With regard to the design provisions of the scheme, as you are aware the RES promotes the need for quality of place within existing and proposed development. Given that the site is in a 'gateway' location and also fairly prominent from the A66, a key consideration in determining the application will be to ensure that the character and quality of build achieves the highest possible standards.

One North East welcomes the applicant's reference to the use of Whole House Ventilation Systems, Thermal Storage Systems based on the use of solar panels, and the incorporation of high levels of insulation. It is also understood that the scheme will also achieve at least 10% of its energy from renewables. The Agency would encourage the LPA to ensure such standards, which are in line with Government objectives<sup>1</sup>, are achieved, or indeed exceeded. Maximising energy efficiency measures and renewable energy generation will contribute to limiting carbon emissions and maintaining the regional reputation as a leading player in the development of a low carbon economy.

In the context of the above, subject to the resolution of any policy, design, environmental and highway issues to the satisfaction of the LPA, One North East would raise no objection to the planning application.

In relation to resolving any design issues, as you are aware, this scheme was taken to the IGNITE Design Review Panel<sup>2</sup> in July 2009. One North East commends the applicant for utilising the service and seeking peer review of the project. It is understood the Panel offered various constructive comments and recommendations. In coming to a decision, the Agency would suggest that the LPA consider how the proposals have evolved since the review and how the applicant has interpreted the issues raised by the Panel. In particular, in reference to the overall approach to the street scene, public realm, and access; and the sites relationship to Yarm Road and its connectivity to other residential areas.

#### 34. North East Planning Body

Under section 38 (3) of the Planning and Compulsory Purchase Act (2004), the Regional Spatial Strategy (RSS) (July 2008) is part of the statutory development plan. Under the plan-led system, this means that the determination of planning applications will be made in accordance with the RSS and other development plan documents, unless material considerations indicate otherwise.

It is important to note that the advice provided with this letter relates purely to whether or not the proposal is in conformity with the RSS. It does not constitute an objection or expression of support with respect to the application. The local authority should consider this advice alongside other statutory and non-statutory representations in coming to a decision as to whether the development should be granted planning permission.

The proposal comprises 481 dwellings made up of 68 two bed units, 226 three bed units, 179 four bed units and 8 four/five bed units. The 16.21 hectare site was used for B1, B2 and B8 development and is predominantly brownfield land. The site is not specifically allocated for development in the adopted Stockton local plan or the emerging Stockton core strategy.

The site is located within the Tees Valley conurbation. The RSS seeks to concentrate development within the conurbation, particularly the core areas. The principle of developing this site is therefore consistent with the locational strategy, RSS policy 6. The site falls within the first category of the RSS sequential approach, 'a previously developed site within an urban area' and its development therefore reflects the highest priority in RSS policy 4. The re-use of this land therefore reflects the locational and sequential purposes of the RSS.

#### Design

Whilst the design of the proposal is a detailed matter for the local authority to determine, some principles are established in regional planning policy, which the development should adhere to. RSS policies 8 and 24 acknowledge the importance of design and layout in achieving sustainable communities. In accordance with these policies, development should contribute to the strengthening of local communities; make best use of existing infrastructure and services; secure crime prevention; and make efficient use of resources through energy efficiency measures, and the inclusion of embedded renewable energy. The local authority should be satisfied that the design and layout of the scheme contributes to sustainable communities, and aims to reduce the impact of travel demand by maximising pedestrian and cycle links with the surrounding areas.

#### Housing

RSS policy 28 makes provision for 9,475 net additional dwellings in Stockton over the period 2004-21. Taking into account net completions since 2004 and the number of new dwellings linked to outstanding planning permissions, the building of 481 new dwellings goes over RSS policy 28 provision by 116 dwellings. However, as the RSS gross dwelling provision figures are not considered to be a ceiling, this extra provision can still be considered consistent with RSS policy

objectives. The development of new housing in this brownfield location will also contribute to the achievement of previously developed land targets set out in RSS policy 29.

RSS policy 30 aims to ensure that affordable housing is provided based on evidenced need. The planning statement indicates that the applicants expect the level of affordable housing to be decided through a section 106 agreement. Therefore, the local authority would need to be satisfied any proposed provision is appropriate, in order to ensure that the proposal is consistent with RSS policy 30

#### Biodiversity

The protected species survey submitted as part of the application identified the potential for bat, bird and badger species to be present on the site. The proposal details the intention to complete additional survey work on the site; mitigation measures to minimise adverse impacts on any species will be detailed in a separate report arising from this further survey. RSS policy 33 promotes the protection of internationally and nationally important species. Provided the local authority is satisfied with any mitigation measures proposed in the forthcoming report, this application is consistent with RSS policy 33.

#### Sustainable drainage systems

The application proposes the possible provision of sustainable drainage systems (SUDS) if ground conditions are found to be suitable following further investigation. SUDS can contribute to minimising the risk of flooding, particularly flash flooding, and also contribute to a reduction in water based pollution. Support for the SUDS approach to managing surface water run off is set out in Planning Policy Statement 1, and in more detail in Planning Policy Statement 25 (PPS25). Annex F of PPS25 directs local authorities to ensure that their policies and decisions on planning applications support and complement the buildings regulations on sustainable drainage. The inclusion of such measures would conform with the objectives of RSS policy 34. The North East Planning Body (NEPB) would therefore support the local planning authority in requiring the incorporation of SUDS if ground conditions are found to be suitable.

#### Energy

RSS policy 3 directs local authorities to seek opportunities to maximise energy efficiency through planning and seek opportunities for the use of renewable and low carbon forms of energy. The RSS policy 39 establishes regional renewable energy generation targets (10% by 2010 and 20% by 2020). These should be delivered by promoting and securing greater use of renewable energy in new development, as advocated by RSS policy 38. RSS policy 38 requires that, in advance of local targets being set in development plan documents (DPDs), major new development should secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources, unless having regard to the type and design of the development, this is not feasible or viable. RSS policy 24n also aims to ensure that development incorporated renewable energy where appropriate.

The planning statement details a commitment to achieve high energy efficiency and provide 10% of the developments energy needs from renewable sources. The local authority will need to ensure that conditions requiring these measures are properly incorporated into any planning permission, unless it can be successfully demonstrated that these measures are not feasible or viable by using tools like the micro-renewables toolkit.

#### Transport

The transport assessment notes that the site is well served by frequent bus services and is accessible by walking and cycling from Stockton city centre. The development could lead to adverse impacts for the local highway network. The assessment outlines mitigation measures to address this. The local authority should be satisfied that the traffic resulting from the proposed

development can be adequately accommodated within the highways' existing capacity, or that adequate measures are put in place, to ensure the continued safe and efficient running of the principal and local roads. This will ensure consistency with RSS policy 7.

A travel plan has been produced for the proposal. The requirement for travel plans is set out in RSS policy 54. A travel plan should cover public transport services both on and off site; proposals to assist cycling, including cycle parking, and improvements to assist pedestrian movements to and from Stockton city centre. The production of a travel plan ensures that this application is consistent with the objectives of RSS policy 54.

The local authority should be confident that any level of parking proposed reflects the objectives of RSS policy 54, which aims to minimise parking provision for non-residential developments in order to encourage sustainable modes of transport.

#### Conclusion

This proposal conforms to most RSS policy objectives. However, the local authority needs to be satisfied that the capacity and effective running of local highways is not adversely affected by the development; the local authority must make sure that conditions requiring renewable energy generation and energy efficiency measures are incorporated into any planning permission; the local authority must be satisfied with the mitigation measures proposed to minimise any potential adverse ecological and impacts; the local authority must agree an appropriate level of affordable housing with the applicant; and the proposal needs to incorporate SUDS if ground conditions are found to be suitable for its implementation. This application is in general conformity with the RSS, provided the issues outlined in this report are addressed.

#### **PUBLICITY**

35. It should be noted that the applicant has undertaken consultation in accordance with the adopted Statement of Community Involvement. This involved a mail drop to local residents and businesses and a public exhibition. In addition to the leaflet, a pre-addressed reply card was included within the mail drop to facilitate comment from those not attending the exhibition. The proposal was also considered at a Design Panel Review, hosted by Ignite in July 2009.

36. 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: -

#### 37. Miss J West 10 Van Mildert Way

It appears that there are going to be a large number of houses built on this area. I am concerned that there will not be enough 'green'; space in the total development. At the moment from my bedroom window I look out onto land where I have seen deer grazing – obviously this will be lost. I would like to see trees planted adjoining the railway which would develop into a useful strip of woodland where wildlife (not deer) would be established. This planting would also provide some basic shielding from the train noise which is quite intense when the very heavy trains go by. It seems also that the buildings will be close together thus providing a dense network of housing. What height will these buildings be and how much garage space and open land will be provided?

#### 38. E Carter 29 Van Mildert Way

My only concern is that the estate will clog up the access and egress from the A66 in rush hour traffic. My only question is – are the houses private or social.

#### 39. S & A Stevenson 17 Van Mildert Way

We have concerns that the area is being over developed which will have an impact on residents in the surrounding area. Our main concerns are:

Noise and air/dirt pollution during the demolition of the Visqueen buildings

Removal of materials from these buildings may create health and safety issues for local residents i.e. does the building contain asbestos and/or other harmful substances that can become air borne?

Construction works – during building (which we assume will take place over several years due to the amount of dwellings being constructed), it is assumed that there will be noise and air/dirt pollution from the building works – what will be done to protect surrounding residents from this?

Plant machinery/traffic – will this create access problems to the A66 for local residents?

Increased traffic from new estate causing an impact on local residents. It is normal these days for properties to have at least 2 cars each, thus increasing traffic onto Yarm Road by up to a possible further 962 vehicles when the estate is fully constructed – what plans are in place to ensure traffic flow is not compromised?

Will all the new properties be private or owned by a housing organisation for rental purposes?

We would like to see less dwellings and more green belt areas, as it feels as though the properties will be tightly compacted, and does not have a good balance of property vs. landscape.

#### 40. G Wem 18 Van Mildert Way

My wife and I have the following concerns and they are as follows:

The wildlife which we have seen in the last 6 years are as follows fox, badger, Heron, Deer here the disruption of wildlife habitat

When we purchased our property we were assured they would be no building on this land by Bellway or any other developers.

Concerns of the height of houses and distance from our property that will back onto us.

The amount of traffic from the proposed estate. We were told four hundred houses, this could be another four hundred or more cars on Yarm Road junction.

### **PLANNING POLICY**

41. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

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

43. **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.

44. **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.

45. **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.

**46. 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.

**47. 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.

**48. Regional Spatial Strategy for the North East (RSS)** provides 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

### **Saved 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.

### **Saved 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.

### **Saved 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.

**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**

49. 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, contamination, ecology and nature conservation and vehicular access and traffic impact and highway safety.

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

50. 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.

51. Planning Policy Statement 3: Housing (PPS3) suggests that development should be at a density of at least 30 dwelling 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 474 dwellings falls within the lower density of 30 dph and fully accords with national policy which encourages the reuse of previously developed land.

52. The site is located within the Tees Valley conurbation. The RSS seeks to concentrate development within the conurbation, particularly the core areas. The principle of developing this site is therefore consistent with the locational strategy, RSS policy 6. The site falls within the first category of the RSS sequential approach, 'a previously developed site within an urban area' and its development therefore reflects the highest priority in RSS policy 4. The re-use of this land therefore reflects the locational and sequential purposes of the RSS and therefore it is considered that development proposal is consistent with the objectives of the RSS.

53. 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. The site is also within the Core Area, as defined by the emerging Core Strategy, where priority is given to previously developed land to meet the Borough's housing requirement.

### **Site Characteristics, Detailed Design and Residential Amenity**

54. The supporting statement states that a mix of housing types, styles and sizes will be provided, comprising of a range dwellings including a small number of flats and a range of dwelling houses. The proportion of affordable housing proposed as part of the development is 10%, which is acceptable to the Head of Housing.

55. The proposed layout has been designed to ensure that adequate distances are met. The internal arrangements together with the positioning of window openings have been designed to negate any overlooking and it is considered that the proposal would not impinge on the privacy or amenity of surrounding residential properties.

56. 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 the core area and proximity to public transport and services and thus accords with the guidance and the general principles set out in the guidance.

57. Whilst the scheme would result in the loss of land used for employment purposes, 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, it is considered that support can be given for the use of this industrial site for residential development. The site also provides the opportunity for redevelopment as a result of the closure of the Visqueen plant. Furthermore, the site is within the Core Area, as defined by the emerging Core Strategy, where priority is given to previously developed land to meet the Borough's housing requirement

58. 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 Whole House Ventilation Systems, Thermal Storage Systems based on the use of solar panels, and the incorporation of high levels of insulation. 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.

59. 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 subject to a condition on noise mitigation and it is considered that the proposal does not conflict with Local Plan policies GP1 and HO3 in this respect.

60. In terms of site contamination the Environment Agency and the Environmental Health Unit have considered the contamination given the past and present uses of the site. These matters are addressed in the Geoenvironmental appraisal and 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 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.

61. A Flood Risk Assessment accompanies the application and identifies the site falls within Flood Zone 1 (the lowest risk) with a need to demonstrate a satisfactory management of surface water. The Environment Agency has no objection to the proposal subject to appropriate controlling conditions.

62. An Ecological Review of the site has been carried out covering base line ecology, bats, nesting birds, deer management and invasive weeds. The site surveys did not reveal evidence of protected species and concluded that the proposal would not have any significant adverse impact upon any local bat population. Roe deer are known to live in fringe areas and use rail corridors to migrate between the countryside and urban areas. Roe deer are not a protected species and their presence on site from time to time is not considered to be a sustainable reason not to develop the site. However from a general animal welfare perspective, however it is recognised that it is important to ensure that any deer visiting the site are not inadvertently trapped on site by the presence of any security fencing erected and the submitted specialist report deals with appropriate

mitigation required during any construction work. It is particularly important that the deer's current exit routes remain undisturbed.

63. During the ecological assessment, the presence of Japanese Knotweed was discovered on site. This is a notifiable and invasive weed and a separate report accompanies the application setting out measures to be adopted to eradicate the presence of the weed. A control programme of specialist spraying has already started on the site.

64. An archaeological assessment has also been undertaken which concluded that part of the site of the Stockton and Darlington Railway ran along the northern and western boundaries of the site but concludes that there is no indication of any feature of archaeological interest and nothing can be identified of physical remains of the original line. However due to the site railway connection it might be considered appropriate to memorialise this in some way. A condition for the provision of public art is recommended to enhance the public realm.

65. Network Rail have raised no objections to the application, therefore the proposal is considered acceptable in terms of impact on the railway line. Network Rail has requested several controls and these have been added as conditions where they relate to planning matters.

66. 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. A commuted lump sum of £346,000 by way of contribution is to be provided towards improving sports provision in the Borough and this is acceptable to Sport England. A contribution towards the provision of fixed play equipment is also provided.

67. Four letters of objection have been received from residents on grounds of density of development, traffic impact on A66 and Yarm Road, noise and air pollution during construction, impact on wildlife and the height of buildings and impact on neighbouring estate. These issues have been fully addressed in the main body of the report by the relevant agencies responsible.

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

68. The primary access is from Yarm Road which leads directly to a junction where movement divides to the two ends of a loop road with a third minor access road going south to connect with the existing access road on the southern boundary. Within the body of the site a road hierarchy is established between the main loop road and less formal streets.

69. Within the main body of the site, most houses have garages. A number of car parking spaces have been provided in parking courts set behind the dwellings to remove as many cars as possible from view and also reduce their visual impact, although in some locations parking areas are located in front of some properties and sections of the street scene.

70. A Transport Assessment accompanies the application 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. The additional movements generated by the development on the surrounding network combined with predicted traffic growth indicates that the majority of the network can readily accommodate traffic flows. A number of junctions on the network do require some improvements but the development will not have an unacceptable impact upon either the strategic or local highway network.

71. The development is supported by a Green Travel plan that details proposals to minimise reliance by future householders on the private car. The plan makes provision for the appointment of a Travel Plan Coordinator, a marketing and promoting strategy as well as initiatives to promote

sustainable travel transport modes. A condition covering the travel plan is anticipated from the Highway Agency and their comments will be included in an update report.

72. Contributions have been sought to fund off-site highway works and provide additional public transport infrastructure to support sustainable links from the development to local facilities. The Acting Head of Technical Services has considered the highway arrangements in terms of how it functions and highway safety implications as well as general parking provision and is satisfied with the proposal.

## **CONCLUSION**

73. It is considered that the principle of residential development is acceptable in this location. Overall the nature and scale of the development is acceptable and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on ecological habitat and flooding. The proposed access and highway arrangements satisfies the requirements of the Acting Head of Technical Services and the proposal is in accordance with relevant planning policy and guidance and is therefore recommended for approval with conditions and the Heads of Terms set out in the report.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Gregory Archer**  
**Telephone No 01642 526052**  
**Email address [gregory.archer@stockton.gov.uk](mailto:gregory.archer@stockton.gov.uk)**

**Financial Implications** – As report

**Environmental Implications** – As report

**Community Safety Implications** – As report

**Background Papers** – Stockton on Tees Local Plan, SPD 3, SPG 4, PPS1, PPS 3, PPG13, PPS23 and PPS25.

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

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Parkfield and Oxbridge</b>
<b>Ward Councillor</b>	<b>Councillor M Javed, Councillor R Rix</b>