

DELEGATED

AGENDA NO

PLANNING COMMITTEE

9 May 2012

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

11/2842/EIS

Allens West, Durham Lane, Eaglescliffe

Outline application for the erection of a residential development comprising 845 no dwellings (Class C3) and a 60 no. Bed Care Home (Class C2) with associated retail, creche and community facilities, landscaping, roads, parking and infrastructure.

Expiry Date: 14 February 2012

SUMMARY

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

The application proposal is, therefore to establish the principle of the development. In view of the scale of the proposal and the location of the development, an Environmental Statement (ES) has been submitted with the application. Also supporting the application is a Planning Statement, Statement of Community Involvement, Flood Risk Assessment, Pre-Development Arboricultural Survey, Master Plan Drawings, Transport Assessment, Travel Plan and Design and Access Statement.

Outline planning permission has previously been granted in 2009 for mixed use development on the site comprising warehousing, industrial, residential (500 dwellings), care home, retail and community uses plus associated parking, roads, landscaping and infrastructure.

The submitted illustrative master plan shows the proposed development including access, internal roads, indicative landscaping, and plot layout. The layout has been designed to account for constraints presented by planning policies and zones (namely the HSE Exclusion Zone to the south western tip of the site), as well as through site characteristics such as the pylon zone which crosses the site from north to south on the eastern boundary, and the strip of protected Poplar trees which cross the site from east to south west.

The proposed development comprises 845 no. houses (248 no. 2-bed units, 384 no. 3-bed units and 213 no. 4-bed units) ; a 60-bed care home; a small local shopping parade (providing up to 250m² of retail floor space and a crèche); community facilities up to 500m² and associated landscaping, roads, parking and infrastructure.

Access to the site is to be taken from the existing roundabout on Durham Lane. This will be complemented with a further new roundabout to be constructed near to Carter Moor Farm, towards the northern end of the Durham Lane frontage to the site. A Transport Assessment forms part of the application submission and provides a detailed analysis of the impacts of the proposed

development, taking into account the existing permission for the site, upon the local transport network.

Pedestrian linkages will also be provided as part of the development proposal, including a new Toucan crossing point over Durham Lane.

Given the scale of the development, it is anticipated that construction will be undertaken in phases and is likely to involve a number of construction companies and at least two house-builders. The applicant states that predicting build out rates with any degree of certainty in the current economic climate is fraught with difficulty. Notwithstanding, due to the size of the development it is considered that the development will be completed over a 13-17 year period, unless market conditions change significantly in the intervening period.

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

The proposed development has been considered in the context of the Environmental Statement and its associated impacts. The impacts of the proposal have been considered against national, regional and local planning guidance and the development as proposed is considered to be in line with general planning policies set out in the Development Plan, is acceptable in terms of highway safety, does not adversely impact on the neighbouring properties and character of the area, ecological habitat, flooding and land remediation and is recommended that Members are minded to approve Planning application 11/2842/EIS subject to the confirmation that the Highways Agency have no objections to the application and agreed by the Head of Planning including the requirement for additional planning conditions and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following condition(s) and informative(s)

RECOMMENDATION

It is recommended that Members are minded to approve Planning application 11/2842/EIS subject to the confirmation that the Highways Agency have no objections to the application and agreed by the Head of Planning including the requirement for additional planning conditions and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following condition(s) and informative(s)

SECTION 106 AGREEMENT ***Heads of Terms***

Education

1. A commuted lump sum of £1,560,000 indexed for the provision of additional school places within the Authority, payment of developer contributions should be made in five equal tranches at commencement of development, the occupation of the 200th dwelling, the occupation of the 400th dwelling, the occupation of the 600th dwelling and the occupation of the 800th dwelling.

Affordable Housing

2. 15% of the residential units shall be affordable and provided in the form of 80% social or affordable rented housing and 20% intermediate housing (intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels, this can include shared equity products such as shared ownership and equity loans). As part of an application for reserved matters, details shall be submitted for the approval of the Local

Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:-

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

Sustainable Transport

3. A commuted lump sum of £50,000 for the improvements of bus infrastructure including the provision of two new shelters and 4 real time information screens in the proximity of the site to be paid upon occupation of 1st dwelling. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

4. A commuted lump sum of £50,000 by way of a contribution towards improvements of footpaths and cycleways in the vicinity of the site to be paid upon commencement of development. Monies to be held in an interest bearing account and to be re-funded if they are not spent within 5 years of payment.

5. Submit a Travel Plan for approval by the Council including a proposal to ensure the appointment of a Travel Plan Manager and pay a commuted lump sum of £215,000 to cover the costs of the implementation of the measures contained within the Travel Plan. Such measures shall include; management and specific monitoring of targets and objectives and to establish an appropriate forum who will continue the Travel Plan beyond the initial 10 year funding period. Additional measures include the provision of a car club (£50,000 on occupation of 150th dwelling), travel plan incentive payments (£85,000 on occupation of each phase of development), The Travel Plan Manager will be responsible for the production and implementation of the approved Travel Plan for a period of 10 years from first occupation.

6. A commuted lump sum of £155,833 by way of a contribution towards the improvement of car parking in Yarm, payable upon occupation of the 25th dwelling.

7. A commuted sum of £260,000 towards the cost of improving bus services to run past the site on a half hourly basis at peak times for a period of 2 years from the period of occupation of the 150th dwelling.

Highways Improvements

8. The Developer will enter into a S278 Highways Act Agreement for off-site highway works to improve the A67/Durham Lane/Tesco roundabout junction, Elton Interchange and South View A67 Junction. The estimated cost for these works are £21,117, £63,100 and £15,000 respectively and the contribution will be paid upon SBC receiving the tenders.

9. The Developer will enter into a S278 Highways Act Agreement for the construction of a Toucan crossing on Durham Lane. The estimated cost for this work is £35,000 and will be paid on 1st occupation.

10. The Developer will enter into a S278 Highways Act Agreement for the improvements to the Public Right of Way to create a combined footway/cycleway for improved access to the play areas and is payable on commencement of development of the adjacent phase.

11. A commuted sum of £30,000 towards improvements works to facilitate cycle crossing of Allen's West level crossing. To be paid on occupation of 1st dwelling.

Allen's West Station

12. A commuted sum of £44,000 towards the cost of improving Allens West Station, to be paid on occupation of 1st dwelling.

CONDITIONS:

01. The development hereby approved shall be carried out in accordance with the following approved plan(s).

Plan Reference Number	Date on Plan
PL107	9th November 2011
N81:1616 SK151 Rev A	28th March 2012

Reason: To define the consent.

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

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

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

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

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

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

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

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

06. The development shall be implemented in general conformity with the approved Design and Access Statement and Indicative Masterplan submitted with the planning application.

Reason: To ensure that the Reserved Matters for the access, appearance, layout and scale of the buildings and landscaping to be submitted are in accordance with the approved

Design and Access Statement and to enable the Local Planning Authority to satisfactorily control the development.

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

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

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

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

**09. The total development hereby approved shall not exceed the following maxima:
Up to 845 Residential dwellings (C3 Use Class)
Up to 500 Sq.m. of Community facilities (D1 Use Class)
Up to 250 Sq.m. of Retail use (A1 Use Class)
Up to 60 bed Care Home use (C2 Use Class)**

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

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

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

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

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

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

Reason: In the interests of promoting sustainable development

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

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

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

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

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

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

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

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

16. Within each phase no development shall take place until a hard and soft landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of that phase of the development, Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved.

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

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

Reason: To ensure appropriate provision of sustainable transport measures.

18. For each phase, no development shall take place until details of the means for the storage and disposal of refuse have been submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development.

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

23. 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.

24 Any part of the development which is to be used for residential purposes shall achieve a minimum of Level 3 of the Code for Sustainable Homes if commenced before 1

January 2013 and thereafter a minimum of Code Level 4 unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3.

25. Prior to commencement of development, the habitat creation measures approved for the translocation of Great Crested Newts under planning application reference 11/2946/FUL (and detailed within the 'Method Statement for Creation of Great Crested Newt Reserves') shall be delivered in full together with a detailed management plan which shall be submitted to and agreed in writing with the Local Planning Authority and which clearly demonstrates the mechanism by which the long term management and monitoring of the receptor site will be implemented. The approved measures shall be implemented in full.

Reason: To conserve protected species and their habitat

26. Prior to commencement of development, the habitat creation measures required for the Dingy Skipper shall be submitted to and agreed in writing with the Local Planning Authority together with a detailed management plan which shall be submitted to and agreed in writing with the Local Planning Authority and which clearly demonstrates the mechanism by which the long term management and monitoring of the identified sites will be implemented. The approved measures shall be implemented in full.

Reason: To conserve protected species and their habitat

27. All ecological mitigation measures within the 'Bat Survey Report & Mitigation Plan, Allen's West, Eaglescliffe' Naturally Wild 10/1/2012. shall be implemented in full in accordance with the advice and recommendations contained within the document.

Reason: To conserve protected species and their habitat

28 .A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of the preservation of any archaeological remains.

29. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

30. There must be no ground raising in flood zone 3.

Reason: To ensure there is no increase in flood risk off-site as a result of this development.

31. Only water compatible uses will be located in flood zones 2 and 3.

Reason: To ensure the reduction of the overall level of flood risk in the area through the layout and form of the development

32. 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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: Contamination has been identified at the site (From previous radiology and environmental reports) Therefore further assessment must be undertaken on contaminants namely radiological, arsenic, barium, cadmium, lead, vanadium and PAH's to assess risk to human health and to prevent pollution to controlled waters. Areas that are currently inaccessible due to structures or buildings must also be addressed during this assessment.

33. 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters

34. 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. The development shall be carried out in accordance with the approved details.

Reason: Piling may introduce contaminant pathways to the underlying Sherwood Sandstone principal aquifer.

35. 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 cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

36. No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a sustainable form of development and to accord with guidance contained within Stockton on Tees Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change

37. Prior to first occupation a scheme for the provision of off-site recreation to address the impact of the proposed development shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full in accordance with a phased programme.

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

INFORMATIVES

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.

National Planning Policy Framework

Core Strategy Policies CS1, CS2, CS3, CS4, CS7, CS8, CS10 and CS11 and Local Plan Saved Policies EN4, EN28, EN38, HO3, S15.

Play Provision

The play provision for the development should be in broad accordance with the Allen's West Play Strategy and Northern Fields Concept Sketch and the provision based on the flowing triggers. From the start of occupation of first dwelling a temporary kick about area should be provided. On completion of 200th dwelling the primary play area (toddlers and juniors combined site, with the temporary kick about site still available) should be provided. At no time should the site of the play area or open spaces be used for storage of materials or as a compound site.

On completion of 300th dwelling the secondary smaller play space should be completed and the northern field made accessible from the main site (a route abutting or utilising that of the existing PRW) and usable as a permanent kick about area and the Formal Landscape Gardens (indicated by the Purple Squares and Arrowed Blocks on the concept plan).

On completion of 400th dwelling the teen facilities including the MUGA shall be in place along with a minimum of 50% of the incidental /natural Play facilities/ POS/ informal footways and linkages in place and fully functional.

On completion of 700th dwelling the remaining areas of incidental /natural Play facilities/ POS/ informal footways and linkages shall be in place and fully functional.

Natural England

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.

Airport

As the site is within 6km of the airport, the developer should inform DTVA of any crane activity at the site. This is so DTVA can inform aircraft of any possible high structures as they approach the runway.

Drainage

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

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Level Crossings

With regard to residential developments close to level crossings it is a lawful requirement that the crossing is supplied with flashing road lights and audible warning units, and these can be considerably noisy. Adequate soundproofing may be required for the occupants of the dwellings closest to the crossings and you should be satisfied that this is the case, as NR cannot be held responsible as a statutory nuisance where safety and operation of the railway is concerned. As a result it is essential that, during and after construction, no part of the development shall cause the level crossing sight lines, road traffic signs and markings, or the crossing itself to be obstructed. This includes the parking of caravans, machines and equipment etc. together with the erection of signs, fences and the planting of trees/hedges

Fencing

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

Method Statements/Fail Safe/Possessions

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

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site; abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Engineer to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer would incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus

avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebra"

Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

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

BACKGROUND

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

2. The site currently acts as a storage and distribution centre with warehouse and ancillary accommodation. A planning application for the erection of approximately 30,000m² of warehousing and offices together with ancillary car parking was granted on the site in 2001 which remained extant until it expired in November 2006 but this has since lapsed.

3. Outline planning permission has previously been granted in 2009 for mixed use development comprising warehousing, industrial, residential, care home, retail and community uses plus associated parking, roads, landscaping and infrastructure.

The application, which was approved in outline form with all matters reserved, allowed for:

- Up to 10,000m² of general industry and storage or distribution (B2 and/or B8)
- Up to 2,200m² of light industry (B1[c])
- Up to 500 residential dwellings (C3)
- Up to 500m² of community facilities (D2)
- Up to 250m² of retail use (A1)
- Up to 5,000m² of Care Home (C2)

4. The outline permission was subject to a Section 106 agreement, the Heads of Terms of which referred to the following matters:

- Affordable housing - 15% of the total number of houses to be provided as “affordable houses” on-site.
- Highways - S278 Agreements regarding roundabout junction works at the Urray Nook/Durham Lane/Tesco Access junction; and for the completion by the Council of the works to the roundabout providing access to the Site and the highway improvement works required to the Elton Interchange.
- Transportation — various contributions towards: bus infrastructure improvements; footpath and cycleway improvements; implementation of the Travel Plan; alleviation of traffic congestion in Yarm Town Centre; delivering the Tees Valley Metro system; improvements to Allen’s West Station; highway safety works by the Council on Durham Lane in the vicinity of the site; and, improving the Number 20 bus route to pass the Site on a half hourly basis at peak times for a period of 5 years.
- Public Realm — contribution towards environmental improvement of the area surrounding the site, especially along Durham Lane.
- Public art — provision of public art within the site or the vicinity of the site.
- Sport — contributions towards improving the facilities of the sports field adjoining the northern boundary of the Site and the provision by the Council of off-site teen play facilities in lieu of onsite provision of teen play facilities.
- Landscape Maintenance - contribution towards maintenance of areas of amenity open space within the site.
- Education - contribution towards the provision by the Council of additional school places, in accordance with the perceived need generated by the development.
- Listed Building — scheme to be submitted for approval of remedial works to ensure the Listed Carter Moor Farmhouse is made wind and watertight and secure.
- Ecology - mitigation strategy for the conservation of Great Crested Newts, including the translocation of GCN within the site.

5. As previously stated, the site was operated by the Navy until 1997 when it passed into private ownership. Between 1997 and 2006 the site was used as a commercial logistics centre

incorporating a bonded warehouse facility.

6. The site was purchased by J G Eaglescliffe Investments Limited in 2006. The company subsequently applied for the outline planning permission referred to above, however, the company went into administration and the applicant states that the scheme as approved will not be proceeding because of its commercial reality.

7. In summary there is currently 40,308m² of B2 and B8 alongside 5,478m² of B1 floorspace, an element of which is empty or underused. The applicant states that this is resulting in a serious viability issue with maintenance of the facility becoming increasingly burdensome.

SITE AND SURROUNDINGS

8. The Allen's West site is characterized by the existing commercial buildings which are principally used for storage and distribution.

9. The site extends to approximately 46Ha and is roughly triangular in shape. To the north east of the site exists a smaller ancillary site which is in the same ownership.

10. The site is bounded by residential development to the east and south. The Darlington to Middlesbrough railway separates the site from this latter residential area running along the southern boundary. The west of the site is characterized by the former Elementis Chromium works and the north is bounded by a nature reserve, once forming part of the original MOD site. A site location plan is attached at Appendix 1.

11. The site's current access is characterized by its former uses by the Ministry of Defence. Clear sight lines are implemented to allow for a priority access onto Durham Lane. A separate access (which is currently out of use) connects to Uraly Nook Road to the west of the site.

12. The overall site includes a Grade II listed building, Carter Moor Farmhouse, although it lies outwith the red line application boundary. This property is excluded from this submission and the applicant has indicated that it will be made the subject of a future planning application for its refurbishment and restoration, together with any necessary enabling development.

13. The site presently has a variety of commercial and industrial uses, including: warehousing, industrial and office accommodation, secured storage as well as external HGV, bus, and caravan storage.

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

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

PROPOSAL

16. This application seeks Outline planning permission for the site (with all matters reserved). The application is accompanied by a Design and Access Statement including an Indicative Masterplan and proposes the development of up to 845 new homes with an indicative mix of units including 248 x 2 bedroom units, 384 x 3 bedroomed units and 213 4 x bedroomed units and a 60 bedroomed care home; community facilities up to 500m²; a local shopping parade providing up to 250m² of retail floorspace and a crèche and associated landscaping, roads, parking and infrastructure. An illustrative site layout is attached at Appendix 2.

17. The proposal at this stage does not set out a detailed design solution for the site as the application is in outline with all matters reserved for future consideration. However, in order to address the Local Planning Authority's concerns on the potential form and quality of the development, the Design and Access Statement provides a planning and design framework for development on the site. It is not intended as a prescriptive document but sets out a number of urban design principles that future developers would be expected to meet.

18. The design takes account of constraints presented by planning policies and zones (namely the HSE Exclusion Zone to the south western tip of the site), as well as through physical characteristics such as the pylon zone which transects the site from north to south on the eastern boundary, and the strip of Poplar trees which cross the site from the east to south west.

19. The indicative masterplan shows a residential scheme for a mix of dwelling types and includes 15% affordable housing. A sequence of character zones have been set out around the site and defined by a variety of treatments. Other principles of the Indicative masterplan are:

- Creation of new frontage along Durham Lane
- Retain key existing features such as boulevard of Poplar Trees
- Enhance pedestrian linkages
- A hierarchy of roads with traffic calming
- Mixed use area to include a shopping parade and provision for elderly people (residential care home)
- Carter Moor Farm – the Listed Building is retained.
- Public open space areas provided and located for safety, security and accessibility, particularly by walking and cycling
- Landscaped areas within the site to link together to form a new accessible landscape strategy and connects public spaces together

20. It is proposed that the development will be accessed via the existing site access roundabout on Durham Lane with a further roundabout to be constructed north of Carter Moor Farm towards the northern end of the Durham Lane frontage of the site.

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

23. 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.

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

25. The application is accompanied by a Flood Risk Assessment, which confirms that the site is at low risk of flooding from existing watercourses. Furthermore the report confirms that there is no evidence of the site having ever been flooded.

26. An ecological assessment of the site and its surroundings has been undertaken which concluded that the proposed development will not result in any significant adverse ecological impacts. To the north of the site is a site identified in the Local Plan as a site of Nature Conservation Importance (SNCI). This site is of local importance for its wildlife and habitat. Due to the historic use of Allen's West, the storage of water in fire ponds has provided a suitable habitat for Great Crested Newts who use the site for breeding purposes. A separate application for the

formation of enhanced habitat in Coatham Woods which would involve translocating the newts from the Allen's West site has been approved and the report predicts that with these proposed mitigation works the development will have a neutral or positive impact upon their natural habitats in and around the Allen's West site.

27. An archaeological assessment has been undertaken and concluded that the proposed development would have no effect on any scheduled Ancient monument, statutory area of archaeological interest, registered park or garden or registered battlefield. Carter Moor Farm (a Grade II Listed Building) is excluded from the red line boundary but consideration has been given to preserving the immediate setting, paying particular importance to the land immediately to the south. This will be the subject of a separate application.

28. The adopted Local Plan identifies the Health and Safety Executive (HSE) consultation zone associated with the operations carried out at Elementis Chromium works. There will be no development within any of the zones around the Control of Major Accident Hazard Regulations (COMAH). An area in the south east corner of the site is set aside for allotments, this is an area precluded from development by the HSE Exclusion Zone around Elementis.

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

30. An Employment Review accompanies the application which shows that 298 jobs would be lost through the development but the applicant puts forward the case that the proposed development will create a significant number of temporary and permanent jobs in excess of those currently proposed on site and will have a positive impact on the local economy. Furthermore the development would bring about other benefits including the New Homes Bonus, introduced by the Coalition Government to incentivise the building of new houses; the provision of affordable housing; enhanced public transport, the creation of allotments and enhanced local sport and recreational facilities.

31. Contributions have been sought to fund school places should they be required as a result of the development. Other contributions include improvements to public transport infrastructure; improvements to footpaths and cycleways and other highway infrastructure.

32. Given the scale of the development, it is anticipated that construction will be undertaken in phases and is likely to involve a number of construction companies and at least two house builders.

THE ENVIRONMENTAL IMPACT ASSESSMENT

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

- Landscape and Visual Impact
- Ecology
- Transport
- Ground Investigation
- Archaeology
- Flood Risk Assessment
- Noise & Vibration

- Air Quality
- Socio-Economic

The findings of the ES are summarised as follows:

Landscape and Visual Impact

34. The landscape and visual impact assessment has established that the proposed development will have no residual effect on the baseline conditions for landscape character and visual amenity in the immediate area.

35. The landscape character and visual amenity of the local area and wider sub-region will not be compromised as a result of the proposed development. Indeed, it is considered that the proposed development will be integrated in the landscape without exceeding the capacity of the landscape to accommodate this change. The proposed residential development will have less impact on the three development areas than the previously approved commercial development.

36. In landscape terms, the proposed development in such a location and context is considered to be acceptable.

Ecology

37. The site presents some significant constraints with regards to Ecology. Due to the historic use of the site, the storage of water in 'fire ponds' has provided a suitable, but somewhat unusual habitat for Great Crested Newts (GCN's) who use the site for breeding purposes.

38. Naturally Wild, have designed a mitigation strategy which would involve translocating the newts from the Allen's West site to specially constructed and enhanced habitat in Coatham Woods. This is in addition to the habitat creation work which is being undertaken independently of this project at the former Elementis Nature Reserve.

39. With regard to the GCN issues, Naturally Wild conclude that the habitat for the newt population will actually be enhanced, and subject to the appropriate licenses from Natural England, the scheme will have a positive impact upon the population over the longer term.

40. It is concluded that significant ecological impacts are not anticipated, subject to the implementation of the specific mitigation measures proposed in the Environmental Statement.

41. It is predicted that with the proposed mitigation in place the development will have a neutral or positive impact upon the natural habitats in and around the Allens West site.

42. The proposals will initially remove or alter some of the habitat used by bats for foraging. However, it is not anticipated that any roosts in trees or buildings will be impacted upon and mitigation measures have been proposed to minimize any risk of damage to roosts. Furthermore, the schemes habitat enhancement measures are beneficial for bats. Overall, the impact upon bats is considered to be neutral.

43. During construction, site clearance activities will require the removal of existing scattered trees, hedgerows and limited small areas of woodland. It is likely that a significant adverse impact could occur if such activities were carried out during the breeding bird season but after the implementation of mitigation measures it is considered that the impact will not be significant. The site is considered to be of little importance to wintering birds, no mitigation measures are deemed necessary, and any impact is assessed by the Environmental Statement as not being significant.

44. Post-construction monitoring is also recommended to assess the success of bat mitigation. The ecological assessment undertaken has not identified any residual impacts that are considered to be significant.

Transport

45. Issues relating to transport, are addressed in the Environmental Statement, the Transport Assessment and the Travel Plan.

46. It is concluded that overall, the impacts of the development will be slight. This conclusion is reached by considering the extant permission for the mixed-use scheme, which, if it were to be built, would generate a certain level of traffic. The evaluations done as part of the transport assessment demonstrate that the number of vehicles entering or leaving the proposed development site is not significantly greater when balancing the mixed-use against the proposed development.

47. Despite this conclusion, careful consideration has been given to issues such as road safety, severance, pedestrian delay, pedestrian amenity, and fear/intimidation. The document concludes by stating on all these points there is at best, no impact whatsoever, and at worst, a slight indiscernible impact.

48. It is recognized that there will be a need for some improvements to the local highway network to address specific impacts arising from the development. These will be the subject of legal agreements between the developer and the Council.

49. It has been concluded that the residential development, with any necessary mitigation, will have no greater impact than the development currently granted extant planning consent at Allen's West and that there are no highways related reasons why the application should not be approved.

Ground Investigation

50. Given the historical context of the site, it has been crucial to assess land contamination thoroughly. The site was remediated in 2001 by Entec.

51. The site currently benefits from permission for both commercial and residential use; investigations at the site have shown generally low levels of contamination in soils at the site following previous remediation. Any minor effects relating to contaminated land can be mitigated through environmental best practice during construction.

51. Notwithstanding, it has been recommended that during the operational phase basic remediation techniques including capping of garden areas with clean topsoil and subsoil.

52. Overall the Environmental Statement concludes that the development has small, but positive impact on the site.

53. An increase in permeable area is also seen to be beneficial, as it will restore the natural groundwater beneath the development site.

Archaeology

54. The archaeological assessment considered the potential impacts of the construction and operation of the proposed development. Baseline information was gathered over a 1Km radius from the Tees Archaeology Historic Environment Record (HER).

55. On 2 September 2011 a public consultation event was organized at Allens West by Brigantia Archaeology and Prism Planning. The event was attended by a number of people who had worked at or lived near the site: information and recollections contributed by those people have also been integrated into the Environmental Statement.

56. It is concluded that with the exception of Carter Moor Farmhouse, the proposed development would have no effect on any scheduled Ancient Monument, statutory Area of Archaeological Interest, registered park or garden, or registered battlefield.

57. The Statement concludes that due to the nature of the site, intrusive or geo-physical surveys would likely yield no results and is therefore inappropriate.

58. The Chapter does however recommend that the existing buildings be subject to archaeological recording prior to demolition.

Flood Risk

59. The site is classified as being Flood Zone 1 by the Environment Agency. This is the lowest classification with the smallest degree of risk. There is no evidence of the site having ever been flooded. The site is assessed to be of low permeability.

60. During the consideration of the 'mixed-use development' work was undertaken to locate any existing drainage facilities. During this examination of the site, a private drainage pipe was identified. There are no public sewers on site according to Northumbrian Water records.

61. Following on from the assessments of flood risk and identification of the sewers, fluvial, tidal and groundwater flood risk is low to minimal.

62. The Environmental Statement does identify that risk of sewer flooding is increased with extreme rainfall events. Notwithstanding, the assessment of risk is still low. Similarly, Pluvial flooding (flooding overland) is also considered to be low.

63. Further consideration of the drainage design will be given at the reserved matters stage. The design of which should discharge at a maximum rate of 400 litres/second. Should this not be met, on site attenuation would need to be implemented.

64. Overall, it is concluded that, in terms of flood risk, the site is suitable for the development proposed.

Noise and Vibration

65. There are three phases to be considered as part of the application. These are; the demolition of the existing buildings, the construction of the development (including roads and infrastructures) and the operational phase (or when the development comes into use).

66. Each of these phases has been assessed individually in the Environmental Assessment.

67. Any increase in road traffic noise which results from the development will be insignificant when the development is operational (i.e. once the houses are occupied) and no further mitigation measures will be required. Furthermore, no impact in terms of vibration caused by increased traffic flows resultant from the development has been predicted and therefore no additional vibration mitigation measures are necessary.

Air Quality

68. It is acknowledged that construction works have the potential to generate significant quantities of dust. Accordingly, an assessment was carried out to assess the impacts associated with dust releases during the construction phase of the development.

69. The principal concern was for those people living in the properties within the surrounding residential areas of Eaglescliffe where deposition of dust onto surfaces is possible. The deposition of dust will be a short-term impact and should not cause long-term effects on local air quality. Moreover, the implementation of effective mitigation measures can substantially reduce the potential for nuisance dust to be generated in accordance with best practice as detailed within this assessment.

70. Air quality predictions were carried out in order to assess impacts once the development becomes occupied. The results indicate that the impact of the proposed development on existing concentrations of nitrous oxide and dust will be minimal.

Socio-Economic

71. Prior to the recent economic turmoil Stockton experienced strong economic performance, as indicated through the improvements to GVA and unemployment rates. However, Stockton still remains well below regional and national averages.

72. The assessment identified that there will be no significant negative socio-economic impacts as a result of the proposed development, therefore no mitigation is required. Indeed, it is considered that the development would have an overall beneficial effect on the immediate and surrounding area in terms of socio-economic impact due to the investment levels and employment generation (which could be up to 6000 temporary jobs over the life of the development both direct and indirect). The proposal will bring particular benefit to Stockton-on-Tees where unemployment and deprivation are higher than regional and national averages.

73. Moreover, the proposed development will provide additional finance to Stockton-on-Tees Borough Council from central government for re-investment in the area from the New Homes Bonus.

74. The one negative socio-economic impact identified is the loss of employment land, however when offset against the temporary and permanent job creation which the scheme will bring it is concluded that this loss is turned into a positive. Stockton has, in any event, a significant oversupply of employment land.

CONSULTATIONS

75. The following Consultees were notified and comments received are set out below: -

76. Councillor Phillip Dennis

As ward councillor I have consulted with many of my residents and I am objecting to this development on the following grounds: -

Loss of employment land.

The developer claims that the site has a poor take up of business units. However under investment over a prolonged period of time has lead to this. There are still many viable enterprises operating from this site. Available land suitable for business must be maintained for the economic upturn.

Scale of development.

This site if agreed to in full will increase the number of homes in our ward by 20%. This is far beyond what I would consider sustainable for any community.

It is indeed a whole new community and if it was agreed would require a Primary School of its own within its own community. It would need its own community facilities community centre, shop etc. Any developer contribution would fall short by a long way of providing the full range of facilities needed for a community of this scale and would therefore a development of this scale would not be sustainable. If houses were to be built on this site a development of around 10% would be more suitable. The local plan also indicates for this ward a housing density of 30 homes per hectare this development is for a greater amount.

Environmental issues

The documents provided did not fully answer the environmental issues of this site caused by its former uses.

They do refer to a large quantity of radiological material being removed previously; however this does not take into account what materials are still buried under longstanding structures on this site. In view of the ongoing contamination issues in Gordon Brown's constituency at a similar site I would not consider it suitable to either disturb what lies within or indeed construct family homes on a location that still potentially contains radioactive waste. The site is also next to a site used to process chromium. The remediation works required to make this site safe for habitation are not satisfactory the documents clearly show quite high levels of contamination in the samples taken, but no indication of the costs to fix.

Highways.

The impact of a community this size being built on the road network in and around the area is not acceptable to the residents of the area. The junction between the A135 and A67 "The Cleveland Bay" is already congested and there is no available space to widen the roads to create a modern high capacity junction. Also the Elton interchange of the A66 trunk road would suffer as a result without a serious capital investment.

In brief this proposal is not sustainable. The issues taken singularly may be brushed to one side however when viewed collectively from within the community they then become a major issue for this ward.

77. Councillor A L Lewis

I wish to object on the grounds of the impact on the roads in the vicinity as well as the prospect of building a village as big as Preston-on-Tees when there is very little access to public transport or safe walking or cycling routes to other parts of the borough including schools. I have also seen very little evidence of facilities for children.

78. Spatial Plans Manager

This memorandum covers issues relating to the loss of employment land and the principle of the new housing development at the site.

Loss of Employment Land

Core Strategy policy CS4 is considered to be relevant to this application, it is noted that this is not referred to in the planning statement. However, a brief discussion of the loss of employment land is included within the planning statement.

Although the site is not allocated within the Core Strategy or saved policies from the adopted local plan, Policy CS4.7 states:

‘Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.’

It is important to note that this policy does not make a distinction between allocated and unallocated sites, therefore all losses of employment land or sites should be justified. In order to determine the application consideration must be given to:

The role of the site in the employment land portfolio;

The availability of alternative commercial floorspace, in terms of quantity and quality;

The ability of the site/premises to provide acceptable standards of commercial accommodation;

In assessing the application the Spatial Planning Team has had regard to paragraph 22 of the National Planning Policy Framework (NPPF), which states:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose’.

Employment Land Portfolio

The Council’s Employment Land Review (ELR) set out a balanced portfolio of employment sites to meet the economic development needs for the next 25-years.

The Allens West site is discussed in detail in paragraphs 4.49 to 4.52 of Stage 3 of the ELR. This document states that the existing buildings, and a small area of expansion land at the site, should receive policy protection to support continuing employment use. This recommendation reflects the previous mixed use planning consent for the site.

It is also important to note that this section of the ELR also states:

‘Other serviced land is available in the locality on an established industrial estate and would be available for immediate development. However, levels of development on serviced industrial estates in the surrounding area have been low. It is therefore likely that demand for Allens West¹ which has limited infrastructure and would require upgrading to serve additional employment development would be limited.’

It is the Spatial Planning teams opinion that the buildings on the Allens West site fall in to the Council’s general employment land supply. Other general employment sites in the area include Urray Nook (20ha) and Durham Lane Industrial Estate (40ha). These sites were consulted on as potential housing sites within the Council’s Core Strategy Review Issues and Options in summer 2011.

Allens West Employment Land Assessment

The applicant has submitted an Employment Land Assessment which considers the retention of the Allens West site for employment purposes.

In summary this identifies, amongst other things, that:

The holding company is in administration and the site has liabilities of about £17million;

¹ The Employment Land Review refers to the site as Eaglescliffe Logistics Centre, the sites previous name before it was re-branded.

The accommodation on the site is poor quality, with asbestos present in many buildings. The cost to refurbish buildings on the industrial estate is about £7.88million (excluding VAT). There is no prospect of funding from lending institutions, and this renovation would not improve rents for the buildings;

Vacancy of the estate has increased, and rents for the properties are low. There is sufficient employment premises within Stockton Borough to meet current and future requirements.

This response discusses these points in turn.

Site liabilities

The statement explains that the company that owns the site is in administration and that its liabilities run to £16.9m. These liabilities are not broken down by the types of creditor, it is therefore not known how much of this liability is the mortgage for the site taken out by JG Eaglescliffe Investments Ltd, and how much relates to operational losses at the site.

If a large proportion of this liability relates to loss making activity at the site, this would be highly material in assessing the viability of the site as an employment estate. However, if the majority of the liability relates to the mortgage for the site this would have less weight, as any potential purchaser of the site following administration would have to fund a similar liability regardless of the permissions on the site.

Whilst the financial liability on the site is acknowledged, it is difficult to attribute significant weight to this part of the evidence. Indeed the statement explains (paragraph 3.8) that the appointed administrator is charged with achieving a swift return on assets to creditors. Therefore the aims of the administrator could be considered to be in conflict with the Core Strategy Policy CS4.7 which protects viable employment land for redevelopment for higher land values.

Building Quality and Renovation

A detailed survey of the buildings on the site has been submitted which estimates that renovation of the buildings would cost £7.88m (excluding VAT) with cost estimates for renovation of individual buildings ranging between £85k - £1.7m.

The statement explains that these renovations would extend the life of each building, rather than make them more attractive to occupiers. Therefore the rents for the buildings are expected to remain the same, which creates doubts that the renovations could be viable.

On face value the renovations could about £17per sq. ft of floorspace, based on the development having 475,000sq.ft of accommodation. Given the current rent this could prevent such a renovation being viable.

It is therefore considered that this evidence could provide compelling grounds to justify the loss of employment land at this site.

Employment sites and premises

The statement also provides data on the stock of industrial floorspace within Stockton on Tees Borough, and the amount of units taken up in the last three years. The applicant states that there is enough available floorspace for 7-years provision, based on current take up rates. It is stated that a 2-year supply is generally regarded as an appropriate level of supply. Using these figures the loss of employment floorspace would result in the floorspace provision reducing to a 5.5-year supply.

However, the method of calculating the vacancy rate of industrial premises across Stockton on Tees Borough in the planning statement is slightly misleading.

The statement reports a vacancy rate of 24% based on 8.9million sq. ft of total floorspace and 2.1million sq. ft of vacant floorspace. Although this is a significant consideration, if the vacancy rate is looked at in terms of vacant units (141 units) against total number of units (1,331) the vacancy rate reduces to 10.6%.

Furthermore, the statement (paragraph 8.7) compares the current vacancy rate with rates in the Employment Land Review (ELR). It should be pointed out that the figures quoted in this paragraph relate to the amount of vacant units, and therefore should not be compared with the 24% figure, which is based on vacant floorspace.

In order to provide an appropriate comparison, the figures from the Employment Land Review and those used in the planning statement are presented below for comparison.

	Employment Land review ²		Planning Statement	
	Total	Vacant	Total	Vacant
Warehouses	199	14 (7%)	269	-
Industrial	1,097	65 (6%)	1,062	-
Total	1,296	79 (6%)	1,331	141 (10.6%)

The number of vacant units has increased marginally since the employment land review was completed, about 2.7%. Therefore the supply for employment units is generally similar. Using these figures, the overall vacancy rate is only just over 10%, which is slightly above the 5% to 10% figure which paragraph 8.7 of the planning statement suggests should be expected in a healthy property market.

However, the evidence in the statement suggests that demand for new units in recent years has fallen. This means that it would take longer to occupy all of the vacant employment stock in the Borough, which is to be expected given the recent economic downturn and uncertain growth prospects. The applicant has therefore identified that an over-supply of units exists at this moment in time.

Employment Land Summary

From the evidence submitted in the employment land assessment the buildings on the Allens West site require significant investment. It is unlikely that this investment would be recouped by the rent on the industrial floorspace alone. Without this investment the site would require public sector funding or subsidy from other more profitable parts of the mixed-use development. It is doubtful that this could realistically happen. It is recommended that the building surveys be discussed with the Council's Building Control manager, to understand whether these costs are reasonable.

The assessment also suggests that there is sufficient supply of alternative employment units, within Stockton Borough. Whilst this response demonstrates that some of the interpretation within the assessment is inaccurate, given the fall in demand for commercial units over recent years, the support from the Council's Economic Development section, and the problems with the quality of the buildings it is considered that the buildings could be released from employment use.

The Core Strategy and planning for housing

Core Strategy Policy 1 (CS1) – The Spatial Strategy states that priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis

² Figures 5.3 & 5.8 of Employment Land Review Stage 2 (2007), Nathaniel Lichfield and Partners & Storey Sons & Parker

will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre. The remainder of housing development will be located elsewhere within the conurbation with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby.

The proposal is contrary to the spatial strategy in relation to the distribution of housing. Section 38 (6) of the Planning and Compensation Act 2004 Act states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The following are material considerations:

The degree of tension between development of the site for housing and the spatial strategy for the distribution of housing set out in the Core strategy.

The NPPF states that local planning authorities should maintain an additional buffer of at least 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. This increases to a 20% buffer where a local authority has persistently under-delivered against their housing targets.

The evidence that the Council has strongly suggests that not enough housing sites have been identified that are compliant with the adopted Core Strategy and which can deliver the number of homes that need to be built in the Borough by 2029.

The site is previously developed land and within the limits to development

Whether or not the proposed development would impact on the deliverability of more sustainable sites within the Core Area that are regeneration priorities such as Queens Park North and North Shore.?

Whether or not the proposed development would impact on the deliverability of housing market renewal schemes?

The ability of the site to contribute to meeting the Borough's affordable housing requirement?

The site is previously developed land and within the limits to development. Therefore, notwithstanding the employment issues previously discussed, the tension between it and the spatial strategy is not as pronounced as for a greenfield site or a site with a restrictive policy designation such as green wedge or that is located outside of the limits to development. It is also relevant that the site was assessed through the process of determining the existing planning permission as being a reasonably sustainable site by virtue of its accessibility by rail and bus and proximity to a reasonable range of shops, services and job opportunities.

The Borough is currently able to demonstrate a 5-year supply of deliverable housing. The Core Strategy Review Issues and Options Document identifies that housing sites need to be allocated to close the gap of about 2800 dwellings that housing trajectory work shows arising from about 2020/21 onwards. Updated housing trajectory work shows that this gap will be larger and will arise from about 2017/18 onwards. It is important that the approach to meeting the housing requirement is a plan-led one. However, it is relevant that this site is on previously developed land and within development limits. All of the sites identified in the Issues and Options Document are greenfield and the majority are either outside development limits or currently designated as Green Wedge. Sequentially, therefore, this site performs well in relation to the sites identified in the Issues and Options Document. It is also relevant that the principle of a significant housing development on the majority of the site has already been accepted. This is without reference to the status of part of the site in employment terms.

Policy CS8 states that affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more. Given the overall quantum of development, if affordable housing provision is made within this range, it will clearly make a significant contribution to meeting the Borough's affordable housing requirement.

Summary

Overall it is considered that the release of the site from employment use can be permitted. The Spatial Planning team recognises the condition of the buildings and the supply of alternative premises and sites within the Borough to meet future demand.

The Spatial Planning team is also of the opinion that the site performs well in relation to other sites which the Council is considering for housing development, as it is within development limits and is a brownfield site. It is therefore considered, that against this context, the expansion of the existing permitted housing development is appropriate. The Spatial Planning Team do not have any objection to this application.

79. Longnewton Parish Council

The Council feel that the current infrastructure is inadequate to deal with a development of this size in this area and this should be addressed before any decision is made regarding this application.

80. H.M. Railway Inspectorate at the Office of Rail Regulation

I have contacted the local safety inspection team and their comments follow:

This development is expected to have a significant impact upon the usage of Allen's West Level Crossing and will change its risk profile. We understand that Network Rail are in talks with the Local Authority in order to identify measures that will mitigate these additional risk factors and we would expect that there will be measures put in place as a part of any development.

81. Egglescliffe and Eaglescliffe Council

Egglescliffe & Eaglescliffe Council's comments and concerns with regard to the above application at Allen's West Eaglescliffe are as follows:

1. Residential Travel Plan

Page 4 Para. 4.3 states that the public footpath to the north of the site provides a link to Coatham Wood; Egglescliffe & Eaglescliffe Council (E&EC) doubts that the PROW continues through to Coatham Wood, questioning if there is a right of way to pass between houses of Coatham Stob to connect the Carter Moor Farm to Elton public footpath to the eastern access to Coatham Wood.

Page 9 Para. 5.1 The cycle route to Stockton is circuitous and would also require the provision of safe crossing points in the vicinity of the north and south roundabouts on Durham Lane to connect the development to the cycle route.

Page 9 Para. 5.2 E&EC is not aware of an advisory cycle route along Long Newton Lane and Urray Nook Road; Long Newton Lane is a hazardous road for cyclists having an unrestricted speed limit and numerous bends.

Page 12 Para. 6.12 The table omits the evening and Sunday buses between Stockton, Kingsmead and Yarm but these are dependent on SBC subsidy. Continuation of subsidy should be sought from the applicant to maintain the service.

Pages 15 and 16 paras. 6.3 to 6.5 do not mention that there are very few trains servicing South Bank and British Steel Redcar.

Public transport is a key concern for 845 dwellings with only an hourly bus service; the service would need to be improved to at least half hourly for a development of this size. The contribution that was included in the Section 106 Agreement (£250k) for the previous application should be at the very least be replicated and probably increased.

E&EC is exceedingly concerned regarding pedestrian safety at Allen's West crossing and notes that there are ongoing discussions between the developer and Network Rail. It is understood that temporary measures are proposed at the crossing and future improvements by Network Rail may be dependent of finance; E&EC considers that improvements are critical and should be totally funded by the development. An ideal solution, for the development and the area in general, would be the provision of signalised pedestrian crossings to access the east side of Durham Lane, this would open up the opportunity for safe cycle and pedestrian access; also to open to the public a route from the public open space in Black Diamond Way under the railway bridge and through to Victoria Road and Yarm Road. Though it is expected that the previous footpath and cycleway contribution (£50k) will be replicated it is not considered that this sum will be sufficient for the safe crossing facilities and more importantly the works at Allen's West crossing.

2. Transport Assessment

With regard to committed development, the Council questions why traffic from the approved developments at Durham Tees Valley Airport has not been considered as committed development.

There will be a definite additional impact on the Tesco roundabout from the development. It is noted that the predicted am queue at the roundabout from the Durham Lane approach is 27.5 vehicles; this Council doubt that the proposed minor widening of the flares can possibly reduce the queue to a manageable number and suggest that there is ample opportunity to increase the length of the widening to enable vehicles turning right to split earlier and shorten the queue.

The proposal for traffic signals at the South View/Urlay Nook Road junction seems to be the only way to solve the problems here but the Council suggest that the signals are peak/part time and linked with signals at the Cleveland Bay. The slip road from Yarm Road to Urlay Nook Road would also need to be signalised to accommodate this linkage.

The Council do not consider that the traffic assessment for junction 5 at the Cleveland Bay properly reflect the existing situation. There are frequent queues on the Yarm Road and Urlay Nook Road approaches to the junction; traffic on Urlay Nook Road often backs up to the Tesco roundabout exacerbating problems there and it has been known on occasions to back up as far as Allen's West. The situation is often so bad that it leads to 'rat running' at South View and illegal u turns at the Yarm Road/Aislaby Road junction; none of the aforementioned would be the case if what is said in the Transport Assessment were true. As well as rat-running along South View there is significant rat-running along Greenfield Drive/Butterfield Drive and people use the cut through from Butterfield to Elton Lane/Marion Avenue in order to avoid the problems at the Tesco roundabout, this is another reason for looking at linking traffic lights etc. It is noted that no mitigation work is proposed and the Council consider that the junction should be re-assessed at times of typical traffic flow and over several days as some days are much worse than others.

3. Accident Statistics

This Council has always been concerned at the number of accidents on Durham Lane and it is noted that mass action works seem to have improved the situation. However the safety impact of additional traffic from the proposed development should be monitored. The previous highway safety contribution of £20k should be increased with this application.

4. Statement of Community Involvement

The comments on page 19 with regard to the suggestion for an alternative exit/access to Uraly Nook Road and associated land ownership issues are noted. However this Council strongly urges that the suggestion is investigated further as such a road would relieve pressure on the A66 interchange and the Tesco roundabout.

5. Schools

The statement that there is capacity within the schools is untrue, local primary schools are full or close to capacity.

The Council recognise that school provision will be a problem and suggest that all money for school should be provided up front for the whole of the site. If this is not to be the case, how will education provision be delivered?

If the decision is taken that Junction Farm School is the preferred school for the development then the Council suggest provision of a further pedestrian crossing on Durham Lane at or close to the entrance to Greenfield Drive.

It is noted that if the free school development at Ingleby Barwick goes ahead this will reduce roll numbers at Egglecliffe School. However the authority needs to recognise that those numbers will be supplanted by secondary school age children from the development.

It is unlikely that the £950k allocated with the previous application will fully meet the additional cost associated with the additional provision.

6. Health

None of the documents seem to address whether or not there is a need for extra health facilities; however it is noted that the original approved application had provision for health which has been removed for the new application.

7. Ecology

The sketch masterplan shows access through to the nature reserve and it is not declared that this land belongs to Elementis who have informed this Council that there are no plans for the future of the land, if this is so should there be uncontrolled linkage to the site? Secure fencing would be required along the length of the nature reserve boundary.

8. Allotments

This Council is the statutory allotment authority for Egglecliffe. Will the allotments go into public ownership, what proposals are there for management of the allotments and who will provide and manage the car parking which is shown off the application site?

9. Railway

The Council stresses the importance of the security and quality of the fencing along the railway boundary and secure treatment of the disused railway which still runs into the site.

Is there case for a footpath and landscape corridor alongside the path of the railway line to access Allen's West station by foot and encourage use of public transport?

10. Play Provision/Public Open Space

The Council's Recreation Committee has identified two main needs; one for something 'on the doorstep' for younger children as there will always be safety concerns over them heading for Amberley Way or Kingsmead and a second reasonably sized area not too close to houses with a shelter and kick-about area for teenagers to hang out. It was suggested that the areas would be best kept separate to discourage older children from taking over equipment intended for younger ones. The area identified on the planning application as allotment land has been suggested as a potential location for the teenage area.

The Council questions who will manage and maintain play areas and public open spaces within the development.

The sports contribution (£300k) included with the previous application must be included with this application.

11. Mixture of Housing

The previous approval included a mix of affordable housing and the Council would like to see a commitment that this will be replicated and include a number of moderately sized, two bedroomed bungalows. In view of the admission that parts of the site are more than 400 metres from public transport and on sustainability grounds, provision for housing for older people should be made on parts of the site which are closer to public transport.

12. Drainage

The Council is extremely concerned at the condition of surface water drains from the site which run through Eliff's Mill allotment site, owned by E&EC, and into Nelly Burdon's Beck. A section of the drain at the allotment site collapsed in January 2010 causing damage to another drainpipe from the Elementis site; in view of this the Council stress that particular attention is given to current and new sustainable drainage systems. It is noted that there are no drainage ponds shown on the plans.

13. Carter Moor Farmhouse

The Council is disappointed that the application makes no recognition of the poor state of this listed building and suggests that it is refurbished and put to community use.

14. Existing Contributions

The previous contributions in regard to Allen's West Station (£25k), Bus Infrastructure (£50k), Tees Valley Metro (£250k), Yarm Traffic Congestion (£25k) and all of the travel plan measures should be replicated at the very least and there may be a case

82. Regeneration and Economic Development

We support this application.

This site is a secure facility and provides offices, open land and high bay buildings which are understood to be occupied by a range of businesses including warehousing/distribution, outdoor storage, manufacturing, engineering and service sectors. All of the existing business premises would be demolished for the proposed residential development to take place so all business functions currently on the site would have to relocate to alternative premises to continue operating. There is a limited risk that some of those businesses may not be able to find suitable premises which in turn could result in a loss of jobs to the local area. A commitment should therefore be sought from the developer that they will work with those existing businesses in relation to meeting their relocation and business needs and so secure the jobs. It is also expected that additional jobs

will be created by the development in the form of temporary construction jobs and permanent jobs in the 60 bed care home and the neighbourhood centre that are to be built.

We recognise that the proposed development has the potential to bring economic benefit to Yarm through an increase in trade for shops particularly on Yarm High Street. This could lead to additional local car journeys and so add to traffic congestion on the High Street. Support should therefore be requested from the developer to enable options for the resolution of the problem to be explored and solutions to be provided.

83. The Ramblers Association

We understand that the Cabinet has agreed that the wooded area to the east of the site is to be designated a Local Nature reserve. Accesses to the nature reserve to the west of the site are indicated on the master plan for the present application. This was once owned by Elementis and used subsequently as a forestry training area.

We ask that if the council be minded to grant permission that it be conditioned to ensure the rights of way shown on the indicative masterplan area provided and to ensure the Eggescliffe 05 is not interfered with and to provide links through the nature reserve into Coatham Wood and so link up with the Strategic Green Infrastructure are between Stockton and Darlington (route 5) and the secondary corridor from the Tees to Coatham Wood.

84. Head of Housing

Our position remains unchanged i.e. we are seeking a 15% affordable housing requirement. As per existing planning policy, unless there are exceptional circumstances then our expectation is for this to be delivered on site.

85. Health and Safety Executive

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

86. Head of Technical Services

General Summary

Technical Services has no objection to this application subject to the comments below.

Highways Comments

The impact on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via S106 contributions, S278 agreements for works to the highway, Grampian Planning Conditions and a Travel Plan.

Illustrative Masterplan

The application is for outline development of 845 dwellings, residential care home and retail, crèche and community facilities with associated infrastructure with all matters reserved other than principle of development.

An illustrative masterplan has been submitted that indicates that the site can accommodate this level of development and appropriate access can be achieved. This will be in the form of a new roundabout with associated pedestrian crossing facilities connecting to the existing footway infrastructure, approximately 130metres to the south of Cleasby Way that will require the reduction in speed limit to 30MPH along part of Durham Lane with associated street lighting being provided. Access will also be gained via a new two way fourth arm to the roundabout at Chaldron Way that

currently operates as exit only. Redundant accesses to the site will be removed as part of the work and improved pedestrian footways will be introduced where they fall below the minimum width of 1.8 metres. This work is outside the scope of this application but would be secured as part of a future reserved matters planning application and S278 agreement with the Highway Authority.

The layout of the site is a reserved matter and should be designed and constructed to the Council's Design Guide and Specification and comply with the Council's Supplementary Planning Document 3: Parking Provision in Development 2011 for both car and cycle parking. Details of refuse collection and storage will be required along with autotracking of appropriate vehicles around the site. A stage 1 Road Safety Audit should be submitted as part of the reserved matters for each phase of the development. Construction times should be appropriately controlled and a Construction Management Plan should be submitted in order to ensure that no works have a detrimental impact on the highway.

Traffic Impact

A Transport Assessment and associated supplementary information has been submitted and the impact has been considered on the local and strategic highway networks. It is considered that the trip generation and distribution is acceptable and is based on the existing Kingsmead estate. The impact on the road network has been assessed for the proposed development pre-travel plan and is considered robust.

The following table indicates the level of trips associated with the current consented development and the proposed development:

	AM	PM
Extant (2 way) + retained employment	671	665
Proposed development (2way)	717	743

Following assessment, it has been found that these additional trips can be accommodated on the highway network subject to the following mitigation.

A66/Elton Interchange

In order to accommodate the increased traffic at this junction it is necessary to widen the Yarm Back Lane and Darlington Road approaches to the northern roundabout of the dumbbell arrangement and also the Durham Lane approach to the southern roundabout. These proposals mitigate the additional traffic generated by the application and the works will be undertaken as part of a S278 agreement with the Highway Authority and are to be paid upon SBC receiving the tenders.

A67/Durham Lane/Tesco's roundabout

Widening is proposed on the Durham Lane approach to this roundabout and can accommodate the additional traffic generated by the proposal. These proposals mitigate the additional traffic generated by the application and the works will be undertaken as part of a S278 agreement with the Highway Authority and are to be paid upon SBC receiving the tenders.

A67/South View junction

The Transport Assessment and associated reports have been considered for this junction and it is proposed that the priority junction is improved. Currently the junction operates with a stop line that will be brought forward to increase visibility at the junction. Works to this area will be designed to aid the flow of traffic, movement of pedestrians and parking. Suggested schemes for the improvements have been provided and are acceptable in principle. It is however proposed that a S106 contribution of a maximum of £15 000 be provided in order to achieve an appropriate scheme that can be implemented following consultation. The payment of the contribution will be

upon SBC receiving the tenders. Should a scheme be proposed that is less than this amount then the remaining money will be returned to the applicant.

Yarm High Street

The Transport Assessment predicts that there will be an increase in two way movements on Yarm High Street. Following the recent Yarm parking study any increase in movements is considered material as the High Street is congested and can only be mitigated by the provision of off street car parking. As the Highway Authority is developing long stay car parking solutions for Yarm it is widely accepted that due to the layout of the High Street and existing long term parking provision that there is often significant difficulty in finding a space on the High Street and that the search by visitors for the few available car parking spaces results in a slow crawl through Yarm High Street. It is this slow crawl that causes the queues. By removing commuters from the High Street into long stay car parks this should release up to 80 spaces for increased short stay provision for visitors. As short stay car parking spaces would more easily be found, it follows that congestion caused by the slow movement of cars looking for parking spaces should be removed resulting in improved traffic flow on the High Street. The S106 contribution secured from this application would mitigate the impact of the additional houses and potentially allow the car parking scheme to be implemented earlier. As part of the mitigation identified with the previous application it was considered that residential development may impact on Yarm High Street, hence a £20 000 contribution towards a study was identified. This is no longer requested as the study has been undertaken. Surveys have been undertaken of the area to establish the potential parking demand from this proposal in the High Street. As a result it is necessary for the developer to contribute £155 833 towards the cost of improvements towards car parking in Yarm. The trigger point for payment is on occupation of the 25th dwelling and will be secured through a S106 agreement.

Allens West Level Crossing

Due to safety concerns of the current half barrier arrangement at Allens West level crossing, Network Rail are proposing to implement full level barriers during the financial year 2013/14. Currently barriers are down preventing highway movement for approximately 55 seconds, the proposed full barriers will result in longer delays to traffic. For trains leaving Eaglescliffe Station for Allens West this can mean that barriers will be down for up to 2 ½ minutes.

Assuming that trains run on time this means that barriers will be down in the morning peak for 2 ½ minutes three times and twice in the evening peak traffic period, with the current train timetable. Analysis of the barrier operation has therefore been carried out that indicates a worse case maximum queue of 85 vehicles southbound on Durham Lane during the morning peak period. This compares to a vehicle queue of 22 vehicles with the current half barrier arrangement.

The worst case queue length of vehicles for southbound traffic is approximately 489metres north of the level crossing, this will be between the existing Chaldron Way roundabout and the proposed northern roundabout for the development. The worst case queue length for northbound vehicles is 74 and this occurs in the evening peak where the queue length is likely to extend to between The Durham Lane/Greenfield Drive/Mayfield Crescent (North) junction and the Durham Lane/Mayfield Crescent (South) junctions. The queue will however have started to dissipate by the time the maximum queue is reached and should only take a few minutes to completely clear without the prospect of the barriers closing again.

The report concludes that the proposed development will have no significant impacts on the operational performance of the level crossing with or without the proposed full barriers, when compared to the extant planning consent. It is considered that local residents will choose to travel outside of these short time periods, instead of queuing at the level crossing, it is therefore concluded that the impacts associated with the proposed full barriers level crossing will be less significant than shown in the assessment.

Highway Safety

Highway safety has been considered as part of the Transport Assessment with no inherent highway safety issues being identified. The Highway Authority implemented a Durham Lane

Safety Scheme in 2009 that has shown a decrease in injury occurring accidents. The proposed development will increase traffic along Durham Lane, however it is not considered that this increase will materially affect highway safety in the area.

Sustainable Travel Measures

The site is close to Allens West railway station, a bus route currently operates along Durham Lane and there are existing footway and cycle links in the vicinity. These current sustainable travel measures enhanced by the following improvements should encourage the use of alternative forms of transport to the private car.

Public Transport (Bus)

There are currently 2 bus services in the vicinity of the site, both of which are hourly services. One runs between Eaglescliffe and Billingham Town Centre, calling at Stockton Town Centre. The other runs between Middlesbrough and the Tees Barrage calling at Ingleby Barwick, Yarm and Stockton Town Centre. In order to encourage the use of public transport the developer is proposing to fund a daytime half hourly service for two years at a cost of £260 000 (£130 000 per year). This forms part of the Heads of Terms of the S106 agreement and will commence on occupation of the 150th dwelling. The trigger point is agreed at a level where once the two year supported service is complete the number of dwellings occupied should sustain a commercial service of this level. It is anticipated that the trigger point will be reached approximately 3 years into the development. As a result the Travel Plan will include specific measures and objectives for the Travel Plan Manager to provide incentives for public transport use.

Also included within the S106 agreement is a proposal for improvements of bus infrastructure including the provision of new shelters, real time information and low floor platforms, this work is estimated to cost £50 000 and is to be paid upon occupation of 1st dwelling.

Public Transport (Rail)

Allens West railway station is within easy walking distance of the site and pedestrian connectivity will be provided to it. A footway link will be provided from the site to Durham Lane and will form part of a future reserved matters application. However improvements to the existing pedestrian route to the station will also be undertaken as part of the S278 agreement for access to the site, this will also form part of a future application. A park and ride facility is also proposed for the site accommodating 30 car parking spaces, the detail will again be part of a future application. Cycle parking will also be provided at the station and will be provided via the Travel Plan.

There are proposals for improvements to Allens West railway station and it is proposed that the developer contributes £44 000 towards the cost of these improvements (total cost is £168 087). The improvements are to provide new shelters, improved public announcement facilities, poster cases, CCTV and signage improvements. This funding will be secured via the S106 agreement and will be paid on occupation of the 1st dwelling.

Cycling/Pedestrian facilities

Cycling and pedestrian facilities are proposed for the development, this includes footways as appropriate on Durham Lane as previously mentioned.

Included within the Heads of Terms and implemented through a S278 agreement is a contribution of £50 000 towards improved cycle links to the existing cycle network on Yarm Road this is proposed to be part on road and off road. As part of future Network Rail works at Allens West Level Crossing it is proposed that a S106 contribution of £30 000 be used towards incorporating works to facilitate easier cycle crossing of the railway line. These contributions are to be paid on occupation of the 1st dwelling.

It is also proposed that a new toucan crossing be introduced on Durham Lane, at an appropriate location between the southern entrance and the rail crossing. That will facilitate pedestrian and cyclist movements, this will be introduced at a cost of £35,000 on 1st dwelling occupation.

As part of the development it is proposed to create a combined footway/cycleway to improve the existing Public Right of Way that runs within part of the site and then towards the proposed play

areas. It should be noted that granting of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. This improvement will be provided by a S278 agreement with the Highway Authority. The trigger point for this work would be the commencement of development of the adjacent phase.

Travel Plan

The developer has submitted a Travel Plan that goes some way to supporting the sustainable travel measures detailed above as well as other initiatives, some minor amendments are required to the current version to ensure the Travel Plan is acceptable. Proposed initiatives include the provision of a car club for the site for a 3 year period that will be implemented on occupation of the 150th dwelling, with a view that this will be viable to continue commercially for the development following the three year subsidised period. The Travel Plan Manager will be required to co-ordinate management of the operation of the car club in conjunction with the provider. As previously mentioned the travel plan will provide cycle parking at Allens West railway station. A Travel Plan incentive of £100 is also to be provided to each dwelling on occupation, this is likely to be in the form of a cycle voucher or bus pass. This will be co-ordinated by the Travel Plan Manager. A list of priorities should be included for the remaining funding from the households who do not take up this incentive. These priorities should be included within the travel plan. A total of £85 000 is proposed for this measure and will be available to the Travel Plan Manager on commencement of each phase of development as appropriate. Also included within the Heads of Terms is £215,000 for provision of the Travel Plan Manager role that will undertake the objectives and provide the incentives of the travel plan for a duration of ten years from first occupation. The Travel plan should also include details of the establishment of an appropriate forum who will continue the travel plan beyond the 10 year funding period. The Travel plan is largely complete, however amendments are required to ensure it is acceptable for this development as detailed above. This should be conditioned should a revised travel plan not be received prior to determination of the application.

Conclusion

The Transport Assessment and Travel Plan have demonstrated that sufficient highway improvements and sustainable transport enhancements are proposed to mitigate against the impact of the development, minor amendments are currently required to the Travel Plan, however it is broadly acceptable in principle. The improvements and associated costs are listed below:

S278 works

New roundabout access along with fourth arm two-way operation of existing roundabout, pedestrian facilities, reduction in speed limit, associated street lighting and closure of redundant accesses. (Cost unknown – outside of this application).

Widening of approaches to improve A66/Elton interchange dumbbell interchange. (£63,100)

Widening of approach to A67/Durham Lane/Tesco roundabout. (£21,117)

Provision of a toucan crossing on Durham Lane (£35,000)

Bus infrastructure (£50000)

Provision of enhanced on road and off road cycle links towards Yarm Road, (£50,000).

Improved footway/cycleway on existing Public Right of Way (Cost unknown – outside of this application).

S106 Contributions

Works to improve visibility and other improvements at South View (capped at £15,000)

Contribution to Yarm car parking improvements (£155,833)

Contribution to a two year supported bus service (£260,000)

Travel Plan Management and incentives (£215,000)
Contribution towards improvements to Allens West railway station (£44,000)
Contribution towards improvement works to facilitate crossing the railway at Allens West level crossing for cyclists. (£30,000)

Travel Plan Measures (above the other identified figure)

Provision of an onsite car club (£50,000)
Provision of a £100 travel plan incentive per dwelling (£85,000).
Landscape & Visual Comments

Environmental Impact Statement

Generally the Environmental Impact Statement is acceptable with regard to Landscape and Visual impact (L&VI).

Illustrative Masterplan

The Illustrative Masterplan seeks to provide a balance between housing areas and Public Open Space (POS) provision with a layout that takes account of the various constraints of the site.

Whilst the application calculations for POS differ from the figures generated by the PPG 17 calculator the areas are not significantly different and the SBC requirement should be able to be accommodated on the final design of the housing area without significant impact on developable area. Also we accept due to the land shape and constraints on the application site that the main area of amenity open space can not be accommodated within the SPD proximity guidelines. The area proposed for the amenity open space is known as the Northern Fields and this area could provide the necessary amenity space providing access is secured and existing easements protected.

Notwithstanding the recommendations of the SPD the application site offers opportunities to re-masterplan the layout to provide a layout that could be acceptable to SBC in terms of areas and functions of the POS.

Layout

With regard to the access to the Northern Fields if these fields are to provide the necessary amenity space including a kick about area then the public access must be provided as part of this application. As the necessary connection doesn't form part of the application a Grampian condition would need to be attached to any approval of the application to secure this access. This access must provide access for pedestrians ideally with a combined cycleway/footway route of 3m set beyond the limits of the football pitches and aligned in accordance with the National Grid proposals previously issued and secured by design principles. Ideally this combined cycleway/footway would be run within a wide landscaped corridor to follow on the green corridor design of the main housing site. Without this link the open space provision as indicated in the PPG17 calculator must be provided on the main housing area of the site.

This route would likely be surfaced in tarmac to ensure durability and future use. Whilst the LHA would accept the principle of a surfaced route to give this necessary connectivity I would suggest that the Ramblers should be consulted on any proposals as this would require upgrading of the current informal Public Right of Way (PRW) to a surfaced route.

This application must also demonstrate how construction access would be achieved over the 3rd Party land (heavy earth moving plant and land drainage plant would be necessary to create a functional amenity area on the Northern Fields. Long term maintenance access for vehicles

including tractors with gang mowers would also have to be provided over this land. This access must be linked to an adopted highway. This maintenance access must be additional to the footway/cycleway route connection between the housing area and the Northern Fields so as not to conflict with the usage of the footway/cycleway route.

The Northern Fields are likely to require land drainage to be viable for active recreational use i.e. kick about. Finished ground levels, ground formation, land drainage and disposal of surface water would have to be conditioned and would be fully considered as part of any reserved matters application.

Other linkages. As previously noted the application site contains an easement for a line of Pylons. The illustrative Masterplan makes good use of the easement by creating a green corridor that intersects with other green spaces to allow a network of footways and cycleways to be established within the application site. It is noted that these pathways extend to the southern boundary to create a circular route which in addition to improving linkages to the Allen's Way Rail Halt will also provide a secondary usage to the proposed screen planting. These footways and cycleways should be constructed in accordance with SBC design guidance.

Main Housing Layout:

Allotments:

It is noted that a small car park has been provided for the allotments which is connected to the main cycleway linkages proposed for the site. Details of this car park should form part of a future reserved matters application.

Play Areas

The LA requires a play provision for both young children and teenagers. This play provision shall be supplied and installed to a specification to be agreed in writing by the Local Authority.

The play area for the younger element must be allocated in a position that is central to the development in a self contained area with necessary buffer zones. Based on existing schemes that require fixed play equipment the surface area requirement would be broadly square in shape and in the region of 2500m². Play areas of this type usually consists of an equipped play provision that caters for the for a wide age range (4 – 8, 9 -13 & 13+) and safer surfacing together with associated infrastructure such as: fencing, drainage and CCTV. In addition good access (from footways, cycleways and adopted highway access) together with good natural surveillance will be required.

A buffer zone of 30m minimum depth will be required between the play area activity zone and the boundary of the nearest residential property and adopted roads. For proximity to roads consideration should be given to appropriate fencing, gates and barriers need to be provided. ROSPA would be able to offer detailed advice.

Further details of play equipment are to be found in the informative section of this Memorandum.

A larger grassed area for kick about space would also be required. This would be located on the Northern Fields. This area would be roughly square and 0.6ha in surface area and roughly square in shape as previously advised in our memo dated 20th December 2011. The kick about area and other areas of public open space shall be laid out in accordance with a design agreed in writing with the LA. The Open Space Sport and Recreation SPD provides the applicant with the methodology of how to calculate the cost of such a scheme. In addition further details are contained in the Stockton Borough Council's own 'Design Guidance Notes for the Installation of New Play Areas' – available on request.

Teenage play provision for the Allen's West Masterplan, should include a Multi Ball Court (the term MUGA can be misleading, as it has a specific definition in the view of Sport England for something that would not be appropriate), a teen shelter and some climbing boulders. These would need to have good linkages to it (cycleway & footpath etc) and be accessible from an adopted highway by vehicle (to allow for maintenance). The Northern Fields have a peripheral location as such its location for the teen element may be acceptable subject to the connectivity outlined above but is not acceptable for the younger equipment which must be within the development proper.

As the developer would be looking to locate teenage play provision to the far north of the site, to a location that is somewhat dislocated from the development, it is recommended that the play experience is superior to that normally provided. This would discourage misuse of the play area provided for younger children. All teenage orientated facilities should have a buffer zone of at least 30m from residential properties.

Further details for play provision is contained in the Informative section of this Memorandum.

Any sport or play equipment must be to the most up to date and appropriate standard and installed in accordance with the current code of practice. For more information on the above please refer to the Councils guide to play areas, the FIT Planning & Design for Sport and Play and the Play England guidance on play.

Previously (in 2008), teen provision was explored that (through the provision of a publically accessible Multi Ball Court with flood lighting) could become part of the Leven FC facility, along with other funding from the developer for their sports contribution. The developer should explore this opportunity as part of any reserved matters application.

A condition should be added to any recommendation for approval that requires the reserved matters application to take account of the recommendation for layout changes, POS provision and access arrangements as noted above.

Planting

The layout proposes a wide range of planting areas ranging from structure planting, street trees amenity grassed area and Sustainable Drainages areas (SUDs). Should approval be granted a condition requiring landscaping proposals shall be agreed as part of any reserved matters application

It is noted that the planting adjacent to Network Rail (NR) land would also require NR approval as noted below: *Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:*

Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash (*Sorbus acuparia*) and Whitebeam (*Sorbus aria*), False Acacia (*Robinia*), Shrubby Willows (e.g. *Salix caprea*), Thuja Plicata "Zebrina"

Not Acceptable: Alder (*Alnus Glutinosa*), Aspen – Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix*), Sycamore (*Acer psedoplatanus*)– Norway Maple (*Acer platanoides*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

This plant list would only apply to the land affected by Network Rails selection criteria.

Street Trees within the Adopted Highway

The layout proposes a series of green corridors along the highway. Whilst SBC is currently not minded to accept title transfer of open space the Local Highway Authority (LHA) would be (subject to agreement of details via a S38 Agreement) accept Street Trees in other functional vegetation in highway verges). If these highway corridors include street trees that will be offered for adoption then the following details will have to be taken in to account as part of any reserved matters application. The Street Trees shall be planted at a maximum of 10m centres and shall be of a stock size of 20 - 25cm girth, Rootballed stock type. Trees in grass verges shall be triple staked with wire tree guard. Trees in hard surfaces will require tree grill and guards. Such details would be agreed as part of the Hard Landscape proposals submitted as part of any reserved matters application. Details of the area required for the planting of avenue trees shall be agreed as part of any reserved matters application. The construction details and planting establishment and maintenance specifications for the trees and surfaced pits would be agreed as part of the S38 Agreement for adoption.

Maintenance: SBC is currently not minded to accept title transfer of POS including the play equipment on site. This is due to the layout which allocates service corridors and sustainable drainage areas as recreational space and potential land contamination issues. The open space would therefore have to be maintained and managed in perpetuity through a management company or other appropriate organisations as deemed acceptable by the LA and not transferred to SBC.

A condition should be added to any recommendation for approval that requires the reserved matters application to provide long term management proposals for the POS on this site a period of 25 years.

Details of any costs associated with the establishment and maintenance of POS including the provision of a bond to ensure that the POS is provided to the agreed standard should be included in the Heads of Terms for attached to any planning consent.

Hard Landscaping, Street Furniture, Lighting and Enclosure:

As part of any reserved matters application details of enclosure will have to be agreed. However it is worth noting that enclosure facing adopted highways must be constructed of brickwork. Other enclosure may include fencing and the specification for this must take into account Network Rail requirements regarding anti-trespass and prevention of vehicular access to the lines.

Hard landscaping, Street Furniture including Lighting and Enclosure details would be required to be conditioned.

Public Art

As part of the previously application a contribution for Public Art secured. The applicant is no longer offering this but I would suggest that art is still required but it should be secured by artistic enhancement of the public realm and street furniture. The requirement for an arts strategy must be conditioned so that any reserved matters application provides the required enhancement of design/provision.

Public Art provision should be agreed as part of the hard landscaping, Street Furniture condition.

Ground Levels

Details of existing and proposed levels would need to be demonstrated including clearance below the Overhead transmission lines. This requirement would need to be conditioned.

Tree Survey

The tree survey includes a 'Tree Quality Assessment' which has been undertaken in accordance with BS5837 and this highlights retention categories for all trees within the defined area.

This information needs to be used to inform the final planning and design phase of development proposal to ensure that trees of higher retention category are retained: I would recommend this includes all Category A and B trees, but also Category C trees unless their removal is justified on an individual basis. The retention of all Category A and B trees together with proposals for the removal of any Category C trees needs to be conditioned.

In addition to the above the proposed layout and design must be sympathetic to sustainable tree retention (compatibility between existing or new trees and proposed residential dwellings) and allow for suitable protection measures during the construction phase. This will require a 'Tree Constraints Plan' to be provided in accord with the British Standard – e.g. overlay showing tree positions/ canopies, ultimate canopy and root spread, root protection areas and retention categories together with proposed building layout (the Arboricultural report has already provided the necessary information to enable this). The provision of the Tree Constraints Plan needs to be conditioned.

The BS5837 requires the provision of 'Arboricultural Impact assessment' to assess the potential impacts to trees resulting from the proposed development, including all stages of site preparation, construction etc. It should specifically highlight areas where there may be potential negative impacts, damage or conflicts with trees and where, for example, design and construction methods will need to be adapted. This has so far been carried out in a general sense for the site but not directly in relation to any proposed layouts – the tree constraints plan should initially inform the proposed design layout however a more detailed Arboricultural impact assessment needs to be undertaken at the same time to facilitate the provision of the 'Arboricultural Method Statement'.

This must detail all proposed works to trees including retention/ removal, and/or pruning work but most critically must include a 'Tree Protection Plan' that details all tree protection measures – this must include a scale drawing to show protective fencing layouts but should also highlight where modified design and construction methods may be required, e.g. no dig path construction, ground protection.

The provision of the Arboricultural Method Statement including a Tree Protection Plan needs to be conditioned.

The above process is clearly outlined in more detail within BS5837 and it is critical this is incorporated with the planning and design phase.

This will allow the potential impact on tree retention and protection to be properly appraised in conjunction with other planning issues and ensure any development near trees is sustainable. e.g. ensure future compatibility between trees and buildings, roads access etc. This matter will also be considered by Building Control therefore it is essential that the tree location and species schedule is forwarded to Building Control as part of the application for foundation design approval.

The Arboricultural Method Statement must take into account the ultimate canopy and root spread of the trees to avoid future adverse impact on the proposed building (through direct damage to

building facades and roofs and building foundations, in particular from the existing Poplar trees. The potential for shade would also have to be considered.

Other Minor comments are that the 'estimated remaining contribution/ safe useful life expectancy' categories given for trees are low. e.g. on some trees such as a semi mature Oak this is put down as 20 - 40 years but it could have a safe useful life for a further 100 years.

There are many trees of lower retention value for Arboricultural reasons, such as stem defects on poplars, however many of these trees also form major landmarks as avenues and groups – some removals are likely to be necessary but there is substantial opportunity for new landscape trees – ideally well placed large tree species on open space areas, not 'small tree in every garden' design.

Environmental Policy

The development refers to how Level 3 of code for Sustainable Homes is achieved. There are no details as to how CS3 is to be met; this should therefore be conditioned should the development be approved.

Surface Water Management

The proposed development site is located within Flood Zone 1 and a Flood Risk Assessment has been submitted along with the planning application.

The development must not increase the risk of surface water run-off from the site or cause any increased flood risk to neighbouring site. Any run off must not exceed pre-development rates, if this is not known then a standard green field rate of 3.5l/s per hectare should be used. Any increase in surface water generated by the development or existing surface water/groundwater issues on the site must be alleviated by the installation of a suitable drainage system within the site. The Council supports the use of SUDs and welcomes that pending legislation, therefore the developer should either provide a suitable SUDs or detailed reasons why this has been discounted. Surface Water drainage details including the use of the existing pipe, if it considered as part of the system should therefore be conditioned should the development be approved. As part of this condition the developer will need to provide information on the condition of the apparatus and maintenance regime.

Any discharge into a watercourse will also require consent from the Environment Agency.

The detailed design should include calculations showing how the drainage system performs in a 1 year, 30 year and 100 year storm event and again over the same periods with a 30% allowance for climate change. Calculations using WinDes Software (Micro Drainage) are preferred. This should therefore be conditioned should the development be approved.

Details of any amendment to existing sports field drainage and provision of new sport field drainage including discharge points would need to be agreed. This should therefore be conditioned should the development be approved.

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

All surface water proposals for land located within the NG easements shall also be undertaken in accordance with the NG guidelines.

<http://www.nationalgrid.com/uk/Senseofplace/Download/>

Informatives

Teenager Play Area

Multi Ball Court - (min. 25 x 19m) with a chicane entrance in the middle of either side, run out goal ends (stepped down from 3m), with basketball hoops, cricket stump panel, tarmac surface lined for both football and basketball. Sound dampening features and suitably drained. The ball court should include flood lighting to enable usage on evenings.

Climbing Boulders - They should be a maximum of 3m in height with appropriate impact absorbing surface. Plastic products would not be deemed suitable, concrete 'boulders' would be acceptable. Should have a number of challenges and be of varying heights to provide interest. A cluster of HAGS Rock & Cliff (or equivalent products) would be acceptable if suitably located upon the open space.

Teen shelter - There are numerous products of this type on the market. Should be of metal with a roof structure and ideally create a semi circle of seating. The teen shelter should be sited on a tarmac base with a good access path leading to it.

Seating - Clusters of seating (formal & informal) - placed to allow socialising in varying group sizes.

Younger Play Area

From a play value and experience perspective (as calculate using the ROSPA Play Value Assessment criteria) it should be:

Overall site: Good or above;
Ambience: Good or above;
Toddlers: average or above;
Juniors: average or above;
Teenager: below average or above.

For more general guidance on the siting and design of play spaces we would recommend they refer to the following:

Play England's 'Design for Play: A guide to creating successful play spaces'
http://www.playengland.org.uk/resources/design-for-play?originx_2757hp_70994779705616h30y_2008630728a

Fields in Trust's 'Planning and Design for Outdoor Sport and Play' - available via:
http://fieldsintrust.org/Product_Detail.aspx?productid=dc291578-50c5-49c5-b0d7-3c376db6b801

87. Environmental Health Unit

Environmental Health had concerns in respect of contaminated land and further survey work has been undertaken and no objections are raised subject to the imposition of controlling conditions.

88. Northumbrian Water Limited

No objection

89. Northern Gas Networks

No objection

90. Highways Agency

Highway's Agency has advised that they are awaiting some minor amendments from the Agent in relation to the Travel Plan and is essentially all that is left to deal with. Therefore, once they have received and considered the minor amendments then they will be in a position to formally respond not objecting to the development with a revised TR110 with conditions.

91. National Grid

No objection

92. The Environment Agency

We have no objection to the development as proposed subject to the following conditions being imposed on any permission:

Condition: The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition: There must be no ground raising in flood zone 3.

Reason: To ensure there is no increase in flood risk off-site as a result of this development.

Condition: Only water compatible uses will be located in flood zones 2 and 3.

Reason: To protect vulnerable uses from being located in areas at risk of flooding.

Informative: This condition has been requested as no Sequential Test has been submitted in support of the application. This condition will ensure that this development proceed without this requirement being undertaken. Should this condition not be acceptable, then we would object to the development until a Sequential Test (and Exception Test if applicable) has been undertaken and its findings accepted by the LPA.

Condition: 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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: To prevent pollution to controlled waters.

Condition: 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Undiscovered contamination may exist at the site which may pose a risk to controlled waters.

Condition: 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. The development shall be carried out in accordance with the approved details.

Reason: Piling may introduce contaminant pathways to the underlying Sherwood Sandstone principal aquifer.

Informatives:

Specific comments relating to the site investigations

The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses [i.e. a petrol filling station, sewage works and fuel storage associated with industrial uses of the area]. The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Groundwater and contaminated land have reviewed the following information:

Chapter 12 of the submitted Environmental Statement (November 2011)

This made reference to previous reports which we requested copies of namely:

Phase I Desk Study: Former Royal Navy Stores Depot, Eaglescliffe (June 2006)

Phase II Geo-Environmental Site Investigation: Former Royal Navy Stores Depot, Eaglescliffe (October 2007)

The Phase I report contains the relevant information to fulfil the requirements of a preliminary risk assessment. We therefore will not request further information relating to part 1) of the above condition. We do however consider the underlying Sherwood Sandstone principal aquifer to be a potential receptor. The Phase I report suggests that the Sherwood Sandstone is thought to lie 30-50m below ground level. It is our understanding that the Sherwood Sandstone may in fact be considerably closer to the surface in this area.

The Phase II report does not cover the whole of the development area. It will therefore be necessary to undertake further site investigation works. The report recommends further rounds of groundwater analysis to which we agree. Further risk assessment will be required after these works are carried out. The Phase II report found no exceedances of freshwater EQS values from soil leachate tests but did however find TPH and PAH's in groundwater from a sand layer within

the underlying glacial deposits. New environmental quality standards (EQS's) have been introduced since this assessment was undertaken. These standards are contained in the Environmental Quality Standards Directive 2008 and River Basin Districts Typology, Standards and Groundwater Threshold Values (Water Framework Directive) (England and Wales) Directions 2010. Any future risk assessment should use the most stringent applicable environmental standards and further assess all potential pathways to controlled waters receptors (i.e. consideration should be given to gathering information on the nature and thickness of the superficial deposits above the Sherwood Sandstone and to assessing whether shallow groundwater provides base flow to local surface waters).

Status of Chromium VI

The Environmental Permitting Regulations 2010 defines hazardous substances as "Any substance or group of substances that are toxic, persistent and liable to bio-accumulate". The Joint Agencies Groundwater Directive Advisory Group (JAGDAG) determine which substances are hazardous. The classification of Chromium VI has recently been upgraded from non-hazardous to hazardous. This classification is currently "interim" prior to final agreement following stakeholder consultation.

The Water Framework Directive 2000/60/EC states that measures should be adopted to prevent and control groundwater pollution. Where hazardous substances or non-hazardous pollutants have already entered groundwater our priority is to minimise further entry of hazardous substances and non-hazardous pollutants and take necessary and reasonable measures to limit the pollution of groundwater. For groundwater that is already contaminated, the maximum mixing distance for hazardous substances in all aquifers is 50m.

Previous use onsite using radioactive substances

We are aware of the previous presence of radioactive aircraft artefacts on this land, and of the work undertaken in 2001 to remove contaminated materials reference to a remediation target level of 0.37Bq/g. This is considered in the planning report on Ground Investigation. Reference to the Entec Radiological Investigations and Report 2007 is made, the full report has not been seen but the ground investigation report summarises that "Radiological assessment has not found any evidence of radiological contaminants that are considered a risk to human health."

It is uncertain as to how the above remediation target was derived but your Environmental Health team should ensure that dose levels to residents/users of the site from any residual radioactive contamination is evaluated to ensure exposure levels are below guideline thresholds.

Adjacent sites

As the information submitted highlights, within 750m of the site lies a waste facility which is known to hold hazardous substances. Your Environmental Health team should consider the impacts of this over the lifetime of the development with regards to human health.

Please note that in relation to the proposed development, in so far as it relates to land contamination, we have only considered issues relating to controlled waters.

General remediation / waste advice

We recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at www.environment-agency.gov.uk for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

excavated materials that are recovered vi

93. Tees Archaeology

I have checked the details on your planning portal and in particular, 'Chapter 13. Archaeology' of the Environmental Impact Assessment.

The chapter has followed appropriate professional standards and I am satisfied that it presents an appropriate level of detail on which to make a planning recommendation (PPS5; HE6.1).

The chapter identifies the following features of heritage significance: -

' Carter Moor Farmhouse, a Grade II Listed Building
' Heritage assets (PPS5, Annexe 2) associated with the War Department Metal Recovery Depot.

The chapter concludes that the buildings associated with the War Department Metal Recovery Depot should be fully recorded prior to demolition (para. 13.10.2). I agree with this recommendation which is in line with government policy given in PPS5 (HE12.3).

The chapter also notes that the Grade II Listed Buildings at Carter Moor should also be subject to recording (para. 13.10.3). Again I have no objection to this approach. However I am concerned that the application does not appear to contain a detailed scheme for the conservation of these buildings. I am not clear as to whether they lay inside or outside the development area.

In order to achieve the suggested recording it would be reasonable for the local authority to impose a planning condition. I set out below the suggested wording for such a condition: -

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The wording for this condition is based on a model recommended to the Planning Inspectorate by the Association of Local Government Archaeologists (2010).

94. Stockton Police Station - Eddie Lincoln

Consideration should be given to the development achieving Secured by Design accreditation if it proceeds.

This is a Police initiative to encourage the building Industry to adopt crime prevention measures in the design of developments to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment.

Community Safety should be an integral part of the design agenda. PPG3 is relevant in promoting design and layouts which are safe and take account of public health, crime prevention and community safety considerations.

95. Natural England

We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows

1. Protected Species

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

The protected species survey has identified that the following European protected species may be affected by this application: bats and great crested newts.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species. It is also strongly recommended that the views of the local authority ecologist and/or Council's ecological consultant are sought in relation to these species.

Bats

Natural England objects to the proposed development. The survey report provided by the applicant indicates that bats are present within the development site. Unfortunately the information supplied is insufficient for Natural England to provide advice on the likely impact on the species. We advise the council to ask the applicant for the following additional information:

- x While the route of the transect has been provided on Figure 9, there is no indication of the location of the transect points (Ecology Appendix 2; Tables L-Q). This information should be provided. In addition, it is also recommended that annotated plans are provided showing the route and intensity of bat use in order to provide an indication of the relative importance of the various parts of the site for commuting / foraging bats.
- x Further information regarding the detail of the survey work. For example, table K (Ecology Appendix 2) provides no detail regarding the timing of the surveys or the location, number and experience of the surveyors. This information is required to demonstrate that the survey work was sufficient to enable an informed assessment of bat use of the site to be made. It is recommended that the applicant refers to the guidance provided in Section 10 of the Bat Mitigation Guidelines ([http://naturalengland.etraderstores.com/NaturalEnglandShop/IN 136](http://naturalengland.etraderstores.com/NaturalEnglandShop/IN_136)) when determining the level of additional information to be submitted.

Great Crested Newts

Natural England are satisfied that sufficient survey has been undertaken to provide a reasonable assessment of great crested newt use of both the application site and the proposed receptor site. While disappointed that the proposal will result in the loss of all ten ponds on site – each of which is used by GCN including five which are known to support breeding populations - it is accepted that given their nature (concrete lagoons), and in the absence of imperative reasons for their future maintenance, they are likely to be lost in the long term. Notwithstanding the probable future loss of these ponds, in the absence of mitigation, the Environmental Statement indicates that impacts on GCN will be negative at the regional scale.

The mitigation strategy for GCN revolves around the translocation of individuals from the Allen's West site to two new GCN reserves within Coatham Woods. This will involve the creation of 14 new ponds, 4 scrapes and associated terrestrial habitat/hibernacula. As habitats need to be fully established prior to translocation taking place, the creation of the GCN reserves is subject of a separate application which is currently passing through planning (ref: 1 1/2946/FUL). To demonstrate the long term viability of the scheme, prior to the translocation exercise, a detailed management plan for the site will need to be developed and submitted for approval by the Council. This will need to clearly demonstrate the mechanism by which the site will be managed and monitored in the long term including details of any commuted sum from the developer to facilitate management of the site.

Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect great crested newts through disturbance of EPS and damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report.

It should however be noted that our advice is provided on the basis that the habitat creation measures proposed under planning application reference 11/2946/FUL (and detailed within the *'Method Statement for Creation of Great Crested Newt Reserves'*) are delivered in full. As such, Natural England advise that any approval issued must be subject to a S106 or similar legal agreement which ensures the successful delivery/establishment of the habitat creation measures proposed under 11/2946/FUL in advance of works commencing on site/translocation of GCN. This must include the submission of a detailed management plan which clearly demonstrates the mechanism by which the long term management and monitoring of the

receptor site will be secured. It is Natural England's view that granting planning permission without these measures being in place would be likely to offend against Article 12(1) of the Habitats Directive.

The great crested newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

Reptiles

A survey methodology is provided for reptiles within Appendix 10.1 *Survey Methods*. However, there does not appear to be any further consideration of reptiles within the ES or supporting appendices. The Council should clarify whether this is because reptiles were considered to be absent from the site and therefore 'scoped out' of further consideration.

UK and Local Bap Species

The Environmental statement indicates that dingy skipper – a UK and Tees Valley Biodiversity Action Plan priority species – is found on the site. As such, the ES includes a broad mitigation strategy which revolves around linking retained habitat on the development site with new habitats in the nature reserve in Coatham Woods. Natural England advise that detailed mitigation proposals for dingy skipper should form part of the management plan for the site and proposed reserve (see comments in relation to great crested newts). To ensure the development of a suitable scheme, it is recommended that the detailed proposals are agreed in discussion with local authority ecologist and/or Council's ecological consultant and local Wildlife Trust.

2. Habitats

Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

Planning Policy Statement 9: Biodiversity & Geological Conservation also expects local authorities to prevent harm to biodiversity and geological interests. Part (vi) of the Key Principles makes it clear how the government expects the council to consider planning decisions that could lead to harm to biodiversity and geological interests.

It is noted that the proposal will result in the loss of the majority of the semi-natural habitat on site (10.5.6) with the mitigation primarily revolving around the provision of the reserves currently being considered under application reference 1 1/2946/FUL. However 10.7.1

states that all retained habitats will be protected during construction works with 10.7.3 stating that *'retained habitats should be managed sympathetically and where possible enhanced through suitable measures... for nature conservation'*. Paragraph 10.7.6 therefore recommends that a detailed management plan is developed for the site to ensure *'the nature conservation value of retained habitats is enhanced and nature conservation interests integrated into the overall management of the whole site'*. Natural England therefore recommend that a condition is attached to any permission which may be issued requiring the submission of a detailed ecological management plan for both the application site and proposed reserve. To ensure compliance with the requirements of the NERC Act and PPS9 it is recommended that the detailed proposals are agreed in discussion with local authority ecologist and/or Council's ecological consultant and local Wildlife Trust.

3. Landscape

The proposal does not fall within, or is likely to affect the setting of, any protected landscape (i.e. National Park or Area of Outstanding Natural Beauty). The application is supported by a Landscape and Visual Impact Assessment which indicates that in relation to the selected viewpoints, landscape impacts will range from no effect to moderate effect with visual impacts assessed as ranging from no visual effect to one substantial visual effect. The Council will need to satisfy itself that the benefits of the scheme outweigh any adverse impact on local landscape character and visual amenity and the proposals are acceptable in the context of local plan policy, most notably policies CS3 and CS1 0 of the Core Strategy Development Plan Document. Natural England recommended that the Council seek the views of the local authority landscape architect with regard to this matter.

Further correspondence from Natural England

Thank you for your consultation dated 13th January 2012, providing additional information from the applicant in relation to the above proposal.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Bats

Natural England withdraws its objection to the proposed development. On the basis of the additional information supplied to us, our advice is that the proposed development is likely to affect bats through disturbance of EPS. We are satisfied, however, that the proposed mitigation would maintain the favourable conservation status of the population identified in the survey report. We advise that conditions should be attached to the planning permission to ensure delivery of the mitigation and compensation measures outlined in Section E of the 'Bat Survey Report & Mitigation Plan, Allen's West, Eaglescliffe' Naturally Wild 10/1/2012. All species of bat are European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3

tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

96. Durham and Tees Valley Airport

As the site is within 6 km of the airport, we would request that the developer informs us of any crane activity at the site. This is so we can inform aircraft of any possible high structures as they approach the runway.

Subject to the above Durham Tees Valley Airport Limited has no objection to the above proposal.

97. Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met which have been set out in the informative.

Given the size and proximity of the development site to the railway station it is considered appropriate that a contribution is sought from the developer towards station facility improvements. We would be happy to discuss possible improvements to the station with the council as part of any S.106 package as the application is progressed.

PUBLICITY

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

99. Local residents/businesses have been individually notified of the application and it has also been advertised on site and in the local press.

100. 42 letters of objection from residents were received from the following addresses -

4 Broomfield Avenue, Eaglescliffe, 40 Myrtle Road, Eaglescliffe, 43 Lingfield Drive, Eaglescliffe, 26 Birchfield Drive, Eaglescliffe, 12 Emsworth Drive, Eaglescliffe, 60 Meadowfield Drive, Eaglescliffe, 7 Durham Lane, Eaglescliffe, 12 Talisman Close, Eaglescliffe, 9 Diligence Way, Eaglescliffe, 22 Chaldron Way, Eaglescliffe, 24 Thornfield Close, Eaglescliffe, Marion Avenue, Eaglescliffe, 1 Farnham Close, Eaglescliffe, 35 Grisedale Crescent, Egglescliffe, 15 Chaldron Way, Eaglescliffe, 18 Black Diamond Way, Eaglescliffe, 30 Royal George Drive, Eaglescliffe, 17 Royal George Drive, Eaglescliffe, 9 Grainger Close, Eaglescliffe, 22, Diligence Way, Eaglescliffe, 5 Locomotion Court, Eaglescliffe, 26 Royal George Drive, Eaglescliffe, 7 Chaldron Way, Eaglescliffe, 6, Burdale Close, Eaglescliffe, 18 Springfield Close, Eaglescliffe, 24 Sorrel Close, 4 Marion Avenue, Eaglescliffe, 7 Diligence Way, Eaglescliffe, 50 Chaldron Way, Eaglescliffe, 2 Sowerby Way, 3 Mayfield Close, Eaglescliffe, West Acres, Durham Lane, 32 Debruse Avenue, Yarm, 3 The Green, Kirklevington, 1B South View, Eaglescliffe, 80 Mayfield Crescent, Eaglescliffe, 5 Newbiggin Close, Eaglescliffe, 49 Royal George Drive, Eaglescliffe, 15 Chaldron Way, Eaglescliffe, 3 Chaldron Way, Eaglescliffe, 46 Chaldron Way, Eaglescliffe, 7 Durham Lane, Eaglescliffe,

101. The main concerns raised were: -

- Traffic congestion
- Insufficient capacity at schools, health services and other facilities
- Inadequate highway infrastructure
- Impact on air quality
- Impact on existing drainage and water services
- Highway safety particularly for school children
- Enough housing already
- Impact on the character of Yarm and Eaglescliffe
- Loss of existing businesses
- Increase in anti-social behaviour
- Loss of wildlife and impact on protected species
- Additional pressure on train services
- Not sustainable
- Noise and litter
- Increase in people using rail crossing leading to safety concerns
- Enough empty properties in the borough
- The site contains WW II refuse from aeroplanes, particularly instrument dials which contain luminous paint which remains radioactive.

102. INBOND Ltd, Eaglescliffe Logistics Centre (summary)

InBond occupy several Allens West buildings and object in the strongest possible terms on grounds of insufficient Highway Capacity; very challenging and costly to deliver for local infrastructure improvements; Water, Gas & Electricity; impact on Great Crested Newts; lost opportunity for a positive strategy for dealing with listed and historic buildings and archaeological features; significant contaminated land remediation is required; the specification required to run the InBond high bay operations for NHS document storage do not exist in the local area, and it is not economically viable to erect new replacement buildings. This could threaten post 2015 essential local NHS services; loss of employment and quality industrial units; HSE Consultation Zone from Elementis Factory still exists; the re-alignment of highway will need further consideration under the enlarged developers plans. Improvements to Tesco roundabout and Elton Interchange (A66) too; it is unclear that suitable provision has been made for 800 households in respect of services required. Schools, medical centre; leisure etc; there is little appetite for any national house builder to invest the large infrastructure and S.106 costs required to see this project move forward in the medium term. It is therefore all the more insane to threaten local business interest, based on the desire to increase development land banks which will remain undeveloped for many years; the condition and viability and long-term prospects for the estate and problems. stem from the policy of only granting short term tenancies of no more than two years is self limiting and under investment in estate maintenance and improvement.

PLANNING POLICY

103. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

104. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as

material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

At the heart of the **National Planning Policy Framework** is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

* approving development proposals that accord with the development plan without delay; and

* where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or—specific policies in this Framework indicate development should be restricted.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.

5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.

6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:

- _ General Employment Land 255 hectares (ha)
- _ Key Employment Location (Wynyard) 70 ha
- _ Durham Tees Valley Airport 50 ha
- _ Land for Chemical and Steel Industries, up to 445 ha

2. The main locations for general employment land will be:

- _ Durham Lane Industrial Estate. 40 ha
- _ Belasis Technology Park 20 ha
- _ Teesside Industrial Estate 30 ha
- _ Urlay Nook 20 ha
- _ Core Area 10 ha

3. Land for general employment uses will be released in phases as follows:

- a. 2004 - 2011 0 ha
- b. 2011 - 2016 60 ha
- c. 2016 - 2021 60 ha
- d. 2021 - 2024 40 ha

4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.

5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:

- a. North Tees Pools up to 100 ha
- b. Seal Sands up to 175 ha
- c. Billingham Chemical Complex up to 65 ha

If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.

6. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).

7. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area- Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- _ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- _ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- _ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.
5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.
6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.
7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.
8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.
9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.
10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.
11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.
12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.
13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

- _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- _ Leven Valley between Yarm and Ingleby Barwick;
- _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- _ Stainsby Beck Valley, Thornaby;
- _ Billingham Beck Valley;
- _ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

- i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- ii) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:
_ highways and transport infrastructure;
_ affordable housing;
_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy EN4

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

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

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

Saved Policy EN28

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

Saved Policy EN38

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

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 S15

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

The proposal is within defined settlement limits;

The facilities intended to serve local needs only, being of a scale appropriate to the locality and being within walking distance of residential areas;

The proposal would not give rise to any adverse affect on the amenity of neighbouring properties on account of the area;

The proposal would not adversely undrmine the vitality and viability of any village shop or retail centre as listed in Policy S1.

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

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

Supplementary Planning Document : Open Space, Recreation and Landscaping sets out the level of Planning Obligation contributions required for new development and the circumstances in which open space will be required on site.

Supplementary Planning Document 6 : Planning Obligations sets out the Council's approach towards securing planning obligations associated with development within the Borough.

MATERIAL PLANNING CONSIDERATIONS

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

107. As previously mentioned the site benefits from an extant consent and this proposal contains several elements of the previous scheme which have been incorporated into the current application.

108. 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. Development in this location is therefore consistent with the thrust of national guidance.

109. National Guidance also explicitly states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

110. 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. No development is proposed underneath the electricity lines that cross the site; the proposals do not result in the loss of a site which is used for recreational purposes; the proposed development is sympathetic to the character of the locality and takes account of and accommodates important features within the site; it does not result in an unacceptable loss of amenity to adjacent land users; and satisfactory arrangements have been made for access and parking. It is therefore considered that the proposed development accords with Policy H03

111. The supporting statement states that a mix of housing types, styles and sizes will be provided. The proportion of affordable housing proposed as part of the development is 15% and in this regard the proposal accords with Policies CS8 and CS11.

112. Core Strategy Policy 1 (CS1) – The Spatial Strategy states that priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre. The remainder of housing development will be located elsewhere within the conurbation with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby.

113. The site is previously developed land and within the limits to development and therefore whilst outside the Core Area, the site meets the criteria within the newly introduced National Planning Policy Framework and the presumption in favour of development. It is also relevant that the site was assessed through the process of determining the existing planning permission as being a reasonably sustainable site by virtue of its accessibility by rail and bus and proximity to a reasonable range of shops, services and job opportunities.

114. The Core Strategy Review Issues and Options Document identifies that housing sites need to be allocated to close the gap of about 2800 dwellings that housing trajectory work shows arising from about 2020/21 onwards. Updated housing trajectory work shows that this gap will be larger and will arise from about 2017/18 onwards. It is important that the approach to meeting the housing

requirement is a plan-led one. Therefore it is relevant that this site is previously developed land and within development limits. All of the sites identified in the Issues and Options Document are greenfield and the majority are either outside development limits or currently designated as Green Wedge. Sequentially, this site performs well in relation to the sites identified in the Issues and Options Document and the principle of a significant housing development on the majority of the site has already been accepted.

115. In terms of policy CS3 and the reference to integrating of climate change mitigation and adaptation into housing design, conditions are recommended to ensure the scheme incorporates sustainable and renewable energy features.

116. The planning application submission recognizes that a financial contribution will be required towards education and highway and public transport infrastructure in accordance with Policy CS11.

117. The development proposal includes an element of retail use. The applicant seeks to construct a small-scale retail store (250m²). Whilst the site is not located within a town centre location, it is considered that due to the scale and the nature of the development, the development of a retail use is ancillary to the wider development proposal. It is therefore considered that the development of retail uses to complement the wider development proposals is acceptable.

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

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

120. It is considered that residential development would be compatible with neighbouring uses and subject to careful layout and design in latter stages, would not have an undue adverse impact on the amenity of adjacent land uses.

121. The application site is not specifically allocated for employment purposes; however Policy CS4 recognises the importance of retaining existing land and premises and the value these add to the local economy. Policy CS4 states *“Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.”* Therefore a key consideration is a need to demonstrate that the site is not viable and therefore no requirement to protect it to satisfy the long-term requirements over the plan period.

122. The applicant has submitted an Employment Land Assessment which concludes that the site has been operated as a private sector logistics and employment centre since 1997 and during this time commercial owners have struggled to operate the site successfully with the site changing hands three times in 11 years. Two of the previous owners went into administration and the current owners are now in formal administration.

123. The current administrators do not consider that the site can be sold as a going concern with its historic planning permission, nor do they consider that further investment can be obtained to improve the site to the standard that would be required to secure the site’s long-term future. The report contains details of costs for repairs and assessment of buildings, vacancy rates and marketing.

124. The report concludes that there is adequate employment land in the Borough based on historic take up rates and other sites/accommodation exist capable of occupying any operation displaced as a result of the redevelopment of the site. Furthermore the site redevelopment will result in the creation of a significant number of new temporary jobs during construction as well as new permanent jobs in the proposed care home and commercial/retail operations in the new neighbourhood centre.

125. An objection has been raised by InBond a company which occupies several Allens West buildings and object on a number of grounds but in respect of the loss of employment land maintain that the site is perfectly useable and provides for much needed local employment and there are no suitable premises available elsewhere which provide economic high bay sheds. Furthermore the specification required to run the InBond high bay operations for NHS document storage do not exist in the local area, and it is not economically viable to erect new replacement buildings. This could threaten post 2015 essential local NHS services; loss of employment and quality industrial units. Inbond state that the estate problems stem from the policy of only granting short term tenancies of no more than two years is self limiting and under investment in estate maintenance and improvement.

126. The above factors have been considered in detail and whilst it is recognized that some of those businesses may not be able to find suitable premises which in turn could result in a loss of jobs to the local area, it is also expected that additional jobs will be created by the development in the form of temporary construction jobs and permanent jobs in the 60 bed care home and the neighbourhood centre that are to be built.

127. The National Planning Policy Framework also states “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

128. It is considered that 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. . Overall it is considered that the release of the site from employment use can be permitted. The Spatial Planning team recognises the condition of the buildings and the supply of alternative premises and sites within the Borough to meet future demand. The Spatial Planning team is also of the opinion that the site performs well in relation to other sites which the Council is considering for housing development, as it is within development limits and is a brownfield site. It is therefore considered, that against this context, the expansion of the existing permitted housing development is appropriate. 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.

129. In terms of the provision of a residential care home, it is considered that the site is appropriate for such as use being within easy reach of public transport, shopping and other community facilities.

130. As previously mentioned the site benefits from an extant consent and this proposal contains several elements of the previous scheme, which have been transposed across to the current application.

Flood risk, Ecology and Nature Conservation

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

133. An Ecological Review of the site has been carried out and there are two fully protected species on site, Great Crested Newts and Bats. Other species present include a Dingy Skipper. The report concludes that significant ecological impacts are not anticipated, subject to the implementation of the specific mitigation measures including those proposed in the Environmental Statement. The mitigation strategy would involve translocating the newts from the Allen's West site to specially constructed and enhanced habitat in Coatham Woods.

134. Natural England has examined the proposal and advises that the proposal is unlikely to have an adverse effect on protected species subject to the imposition of conditions to provide the control sought by Natural England.

Other Matters

135. 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.

136. The development is supported by a 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.

139. 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.

140. In terms of play provision the proposal incorporates a variety of play areas catering for different age groups including an off site Multi Use Ball Court located on fields to the north of the development area. This area will be linked to the development through the landscape spaces and is easily accessible from the housing area for pedestrians and cyclists but provides enough distance to prevent nuisance from active play/ball games. The final nature of the offsite facilities is still to be determined and a condition has therefore been included in the recommendation which will ensure appropriate provision to address the impact of the proposal.

141. The archaeological report accompanying the application concluded that the proposed development would have no effect on any scheduled Ancient Monument, statutory Area of Archaeological Interest, registered park or garden, or registered battlefield. It recommends that the existing buildings be subject to archaeological recording prior to demolition. Tees Archaeology agrees with this proposal and recommends that a full programme of archaeological works is made a condition of the planning consent.

142. In terms of the impact upon the Carter Moor Grade II Listed Building, a stand off zone has been created around the listed building and the building and land is specifically excluded from the submission boundary. The applicant has indicated that it will be made the subject of a future planning application for its refurbishment and restoration, together with any necessary enabling development.

143. The adopted Local plan identifies the Health and Safety Executive (HSE) consultation zone associated with the operations carried out at Elementis Chromium works. There will be no development within any of the zones around the Control of Major Accident Hazard Regulations (COMAH) site apart from the provision of allotments which is considered to be an acceptable use in such a location and there are no objections from the HSE. It is considered that the proposal is acceptable and in accordance with Policy EN 38.

144. In terms of site contamination, a full ground investigation has been undertaken and submitted as part of the planning submission. Planning conditions can be attached to any permission granted

requiring remediation works and to implement any engineering measures to facilitate development of the site based upon those findings. The Environment Agency and Environmental Health has no objection to the proposal subject to appropriate controlling conditions. Accordingly the proposal does not conflict with Planning Guidance in respect of contaminated land.

145. 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

Means of Access, Parking and Traffic Issues

146. 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.

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

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

A Transport Assessment and associated supplementary information has been submitted and the impact has been considered on the local and strategic highway networks. It is considered that the trip generation and distribution is acceptable. Following assessment, it has been found that these additional trips can be accommodated on the highway network subject to the following mitigation.

A66/Elton Interchange

138. In order to accommodate the increased traffic at this junction it is necessary to widen the Yarm Back Lane and Darlington Road approaches to the northern roundabout of the dumbbell arrangement and also the Durham Lane approach to the southern roundabout.

A67/Durham Lane/Tesco's roundabout

139. Widening is proposed on the Durham Lane approach to this roundabout and can accommodate the additional traffic generated by the proposal.

A67/South View junction

140. The Transport Assessment and associated reports have been considered for this junction and it is proposed that the priority junction is improved. Currently the junction operates with a stop line that will be brought forward to increase visibility at the junction. Works to this area will be designed to aid the flow of traffic, movement of pedestrians and parking.

Yarm High Street

141. The Transport Assessment predicts that there will be an increase in two way movements on Yarm High Street. Following the recent Yarm parking study any increase in movements is considered material as the High Street is congested and can only be mitigated by the provision of off street car parking. As the Highway Authority is developing long stay car parking solutions for Yarm it is widely accepted that due to the layout of the High Street and existing long term parking provision that there is often significant difficulty in finding a space on the High Street and that the search by visitors for the few available car parking spaces results in a slow crawl through Yarm High Street. It is this slow crawl that causes the queues. By removing commuters from the High Street into long stay car parks this should release up to 80 spaces for increased short stay

provision for visitors. As short stay car parking spaces would more easily be found, it follows that congestion caused by the slow movement of cars looking for parking spaces should be removed resulting in improved traffic flow on the High Street. The S106 contribution secured from this application would mitigate the impact of the additional houses and potentially allow the car parking scheme to be implemented earlier. As part of the mitigation identified with the previous application it was considered that residential development may impact on Yarm High Street, hence a £20 000 contribution towards a study was identified. This is no longer requested as the study has been undertaken.

Allens West Level Crossing

142. Due to safety concerns of the current half barrier arrangement at Allens West level crossing, Network Rail are proposing to implement full level barriers during the financial year 2013/14.

143. It is considered that the proposed development will have no significant impacts on the operational performance of the level crossing with or without the proposed full barriers, when compared to the extant planning consent.

Highway Safety

144. Highway safety has been considered as part of the Transport Assessment with no inherent highway safety issues being identified. The Highway Authority implemented a Durham Lane Safety Scheme in 2009 that has shown a decrease in injury occurring accidents. The proposed development will increase traffic along Durham Lane, however it is not considered that this increase will materially affect highway safety in the area.

Sustainable Travel Measures

145. The site is close to Allens West railway station, a bus route currently operates along Durham Lane and there are existing footway and cycle links in the vicinity. These current sustainable travel measures enhanced by the following improvements should encourage the use of alternative forms of transport to the private car.

Public Transport (Bus)

146. There are currently 2 bus services in the vicinity of the site, both of which are hourly services. In order to encourage the use of public transport the developer is proposing to fund a daytime half hourly service for two years at a cost of £260 000 (£130 000 per year).

147. Also included within the S106 agreement is a proposal for improvements of bus infrastructure including the provision of new shelters, real time information and low floor platforms.

Public Transport (Rail)

148. Allens West railway station is within easy walking distance of the site and pedestrian connectivity will be provided to it. A footway link will be provided from the site to Durham Lane and will form part of a future reserved matters application. However improvements to the existing pedestrian route to the station will also be undertaken as part of the S278 agreement for access to the site, this will also form part of a future application. A park and ride facility is also proposed for the site accommodating 30 car parking spaces, the detail will again be part of a future application. Cycle parking will also be provided at the station and will be provided via the Travel Plan. There are proposals for improvements to Allens West railway station and it is proposed that the developer contributes £44 000 towards the cost of these improvements. The improvements are to provide new shelters, improved public announcement facilities, poster cases, CCTV and signage improvements. This funding will be secured via the S106 agreement.

Cycling/Pedestrian facilities

149. Cycling and pedestrian facilities are proposed for the development, this includes footways as appropriate on Durham Lane as previously mentioned. Included within the Heads of Terms is a contribution of £50 000 towards improved cycle links to the existing cycle network on Yarm Road this is proposed to be part on road and off road. As part of future Network Rail works at Allens West Level Crossing it is proposed that a S106 contribution of £30 000 be used towards incorporating works to facilitate easier cycle crossing of the railway line.

150. It is also proposed that a new toucan crossing be introduced on Durham Lane, at an appropriate location between the southern entrance and the rail crossing. That will facilitate pedestrian and cyclist movements, this will be introduced at a cost of £35,000.

151. As part of the development it is proposed to create a combined footway/cycleway to improve the existing Public Right of Way that runs within part of the site and then towards the proposed play areas. It should be noted that granting of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way.

Travel Plan

152. The developer has submitted a Travel Plan that goes some way to supporting the sustainable travel measures detailed above as well as other initiatives, some minor amendments are required to the current version to ensure the Travel Plan is acceptable. Proposed initiatives include the provision of a car club for the site for a 3 year period. The Travel Plan Manager will be required to co-ordinate management of the operation of the car club in conjunction with the provider.

153. As previously mentioned the travel plan will provide cycle parking at Allens West railway station. A Travel Plan incentive of £100 is also to be provided to each dwelling on occupation, this is likely to be in the form of a cycle voucher or bus pass. This will be co-ordinated by the Travel Plan Manager. These priorities should be included within the travel plan. A total of £85 000 is proposed for this measure and will be available to the Travel Plan Manager on commencement of each phase of development as appropriate.

154. Also included within the Heads of Terms is £215,000 for provision of the Travel Plan Manager role that will undertake the objectives and provide the incentives of the travel plan for a duration of ten years from first occupation. The Travel plan should also include details of the establishment of an appropriate forum who will continue the travel plan beyond the 10 year funding period.

155. In conclusion the Transport Assessment and Travel Plan have demonstrated that sufficient highway improvements and sustainable transport enhancements are proposed to mitigate against the impact of the development, minor amendments are currently required to the Travel Plan, however it is broadly acceptable in principle.

156. The Highway's Agency has advised that they are awaiting some minor amendments from the Agent in relation to the Travel Plan and is essentially all that is left to deal with. Therefore, once they have received and considered the minor amendments then they will be in a position to formally respond not objecting to the development with a revised TR110 with conditions.

CONCLUSION

157. The proposed development has been considered in the context of the Environmental Statement and its associated impacts. The impacts of the proposal have been considered against national, regional and local planning guidance and the development as proposed is considered to be in line with general planning policies set out in the Development Plan, is acceptable in terms of

highway safety, does not adversely impact on the neighbouring properties and character of the area, ecological habitat, flooding and land remediation and is recommended that Members are minded to approve Planning application 11/2842/EIS subject to the confirmation that the Highways Agency have no objections to the application and agreed by the Head of Planning including the requirement for additional planning conditions and the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below and the following condition(s) and informative(s)

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Gregory Archer Telephone No 01642 526052

WARD AND WARD COUNCILLORS

Ward **Eaglescliffe**
Ward Councillor **Councillor A L Lewis**

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

Ward **Eaglescliffe**
Ward Councillor **Councillor Phillip Dennis**

IMPLICATIONS

Financial Implications:

As Report

Environmental Implications:

As Report

Human Rights Implications:

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

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990.

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document : Open Space, Recreation and Landscaping

Supplementary Planning Document 6 : Planning Obligations

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