

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
26 JUNE 2014**

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

13/2387/OUT

Summerville Farm, Durham Road, Stockton-on-Tees

Outline application for proposed development of approximately 350 residential dwellings and associated access.

Expiry Date 6 January 2014

SUMMARY

The application site lies to the north-west of Stockton and is currently outside the defined settlement limits. The site is a present agricultural land and measures a total of 17.3 hectares. To the south of the site lies Harrowgate Lane, while to the west of the site lie properties forming Letch Lane and a large electricity substation. To the south East lies the Horse and Jockey, with Durham Road and the Tesco Extra superstore beyond.

The application seeks outline planning permission for 350 dwellings, with all matters reserved except for access. As Members may be aware the application site is identified as a potential site for housing within the preferred options of the Regeneration and Environment Local Development Document. The site forming part of the wider housing allocation for Harrowgate Lane (Policy H1g) in which the wider site allocation is identified as being suitable for 2500 dwellings. The emerging policy does however seek to bring forward this development through a comprehensive masterplan detailing design, access arrangements and development phasing.

As detailed within the report, the application site is located outside of the defined limits to development, is classed as 'open countryside' and as a 'strategic gap' therefore the proposal is in conflict with the aims and considerations identified under saved policy EN13 and Core Strategy policy CS10. However, the Authority is not able to demonstrate a 5 year supply of housing land, and a major benefit of the proposal is that it will boost significantly the supply of housing, both in terms of the provision of affordable housing and in making a contribution towards the five year supply of housing.

Although there are concerns regarding the prematurity of the proposed development given its intended allocation as part of the Harrowgate Lane housing site the site is separate from the wider allocation and is capable of functioning as a separate entity. Whilst lying outside the limits of development it is evident that the site lies adjacent to areas of built development and there would also remain over 1.5km between the site and the nearby settlements of Carlton, Redmarshall and Thorpe Thewles. A significant degree of separation would therefore remain and ensure that the predominate character and openness of the countryside is maintained.

RECOMMENDATION

That planning application 13/2387/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

Approved plans;
01 ***The development hereby approved shall be in accordance with the following approved plan(s);***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>P-01-001</i>	<i>23 September 2013</i>
<i>P-01-002</i>	<i>7 October 2013</i>

Reason: To define the consent.

Reserved matters;
02 ***Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.***

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

Time limit for submission of the reserved matters;
03 ***Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.***

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

Time limit for commencement;
04 ***The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.***

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

Phasing programme;
05 ***No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.***

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

Conformity with the submitted masterplan;
06 ***The details of the reserved matters shall follow the principles and parameters set out in the Design and Access Statement and Illustrative Masterplan drawing number 1128/016B submitted with the planning application.***

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

Open Space Provision;

07 ***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 in accordance with the Open Space, Sport and Recreation Supplementary Planning Document as part of that phase of 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 to ensure that the Public Open Space is laid out and completed during the course of the development***
- d. ***The arrangements for future maintenance of the public open space***
- e. ***The open space shall be completed in accordance with the approved scheme and phasing arrangements.***

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

Dwelling numbers;

08 ***The total number of dwellings authorised by this permission shall not exceed 350***

Reason: To ensure a satisfactory form of development.

10% Renewable energy requirement;

09 ***No development shall take place until details of how the housing in that particular phase of the development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.***

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

Code for sustainable homes;

10 ***The dwellings approved herein shall achieve Code Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.***

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

Construction activity;

11 ***No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.***

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

No open burning;

- 12 **No waste products derived as a result of the development approved herein shall be burned on the site except in an appliance first approved in writing by the local planning authority.**

Reason: In the interests of the amenities of the area.

Existing and proposed site levels:

- 13 **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) for that phase shall be submitted to and approved in writing by the local planning authority. That phase of development shall be carried out only 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.

Noise protection – traffic noise

- 14 **No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

Noise protection - railway

- 15 **Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent railway shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of such a scheme shall be completed before any of the permitted dwellings are occupied.**

Reason: To protect the amenity of the occupants of the dwellings from excessive railway noise.

Noise disturbance from the National Grid Site

- 16 **Prior to the commencement of development, a scheme for the protection of the proposed dwellings from noise from the adjacent National Grid Site taking into account the findings, conclusions and recommendations of the following noise assessments ; Royal Haskoning DHV Noise Impact Assessment (August 2013); Royal Haskoning DHV Noise Impact Assessment (February 2014); Substation noise bund drawing (April 2014); and, Royal Haskoning DHV Technical Note (May 2014), shall be submitted to and approved in writing by the Local Planning Authority. All works which form a part of such a scheme shall be completed before any of the permitted dwellings are occupied.**

Reason; In the interests of the safeguarding the amenity of future occupiers of the proposed dwellings.

17 **Recording of Summerville Farm through a programme of historic building recording**
A) No demolition shall take place until a programme of historic building recording 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 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

18 **Conservation of the World War II Pillbox**
No development shall commence until a scheme for the physical preservation of the World War II Pillbox on the northern boundary of the site has been submitted to and approved by the local planning authority in writing. The scheme should include:-

1. Provision for the protection of the pillbox from plant and vehicles during the construction phase.
2. Proposals for the long term conservation of the pillbox that will promote community ownership and management.
3. Provision for the interpretation of the pillbox.

Please do not hesitate to contact me if you require any further information.

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

19 **Flood Risk Assessment;**
The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and accompanying Drainage Assessment Report (and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Discharge rates should be agreed with Northumbrian Water as surface water will be discharged to the main sewers.
2. Provision of compensatory flood storage as discussed in section 3.3.1 of the Drainage Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupants and to ensure that satisfactory storage of/disposal of surface water from the site.

Land Contamination

20 No 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), shall take place until a scheme that includes the following components 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:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is underlain by the Sherwood Sandstone Principal Aquifer which is a sensitive receptor that could be affected by any land contamination that may be present at the site. The environmental setting of the development site is therefore considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled waters receptors.

Contaminated land – verification report

21 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To ensure the risks to controlled waters are adequately addressed. The site is underlain by the Sherwood Sandstone Principal Aquifer which is a sensitive receptor that could be affected by any land contamination that may be present at the site. The environmental setting of the development site is therefore considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled waters receptors.

Unexpected land contamination

- 22 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure the risks to controlled waters are adequately addressed. Information within the desk top study identifies the potential for contamination to be present at the development site as a result of previous / current land uses including Summerville Farm, which may pose an unacceptable risk to controlled water receptors.

Protected Species:

- 23 All ecological mitigation measures contained within the Land North of Harrowgate, Lane, Stockton-On-Tees Ecological Assessment Report (Tyler Grange, October 2013 and the Land North of Harrowgate Lane, Stockton-On-Tees Wintering Bird Survey (Tyler Grange Report, February 2014) relevant to the redline area shown on plan ref: P-01-001 shall be implemented in full accordance with the advice and recommendations contained within the document.

Reason: To conserve protected species and their habitat

Scheme for surface water management

- 24 No development permitted shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- o Details of the drainage during the construction phase;
 - o Details of the final drainage scheme, including sustainable drainage measures proposed;
 - o Provision for exceedance pathways and overland flow routes;
 - o A timetable of construction;
 - o A construction quality control procedure;
 - o A plan for the future maintenance and management of the system and overland flow routes.

Reason: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

Drainage

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

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Construction Management Plan;

- 26 **No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.**

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

Travel Plan

- 27 **Within six months of the first occupation of the development, a detailed travel plan shall be submitted to the Local Planning Authority for their written approval. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with the approved details.**

Reason: To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety.

INFORMATIVES

Informative 1: National Planning Policy Framework

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

Informative 2; Land Contamination

It is recommended to the developer that;

- 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 that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

The CL:AIRE 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:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project

- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- o Position statement on the Definition of Waste: Development Industry Code of Practice and;
- o website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

HEADS OF TERMS

- Highway works – provision of fourth arm onto the junction at Harrowgate Lane / Einstein Way and to include; a right-turn lane on the Harrowgate Lane westbound approach; and, a toucan crossing to improve facilities for cyclists crossing Harrowgate Lane
- A contribution of £875,000 towards the highway improvements at the Horse and Jockey roundabout.
- £60,000 to maintain the operation of an hourly daytime bus service using the bus stops on Harrowgate Lane for a period of three years from occupation of the first dwelling
- £25,000 for off-site cycleway infrastructure
- £100 per dwelling (total of £35,000) for Travel Plan incentives.
- Requirement to provide 15% Affordable housing provision (53 Units)
- Commuted lump sum of £189,280 to primary school education provision
- 10% Local Labour agreement

BACKGROUND

1. As Members may be aware the application site is identified as a potential site for housing within the preferred options of the Regeneration and Environment Local Development Document. The site forming part of the wider housing allocation for Harrowgate Lane (Policy H1g) in which the wider site allocation is identified as being suitable for 2500 dwellings. The emerging policy does however seek to bring forward this development through a

comprehensive masterplan detailing design, access arrangements and development phasing.

SITE AND SURROUNDINGS

2. The application site lies to the north-west of Stockton and is currently outside the defined settlement limits. The site is a present agricultural land and measures a total of 17.3 hectares.
3. To the south of the site lies Harrowgate Lane with the residential dwellings of Hardwick and the recently redeveloped 'Meadow Rise', while to the west of the site lie properties forming Letch Lane and a large substation. To the south-east of the site lies the Horse and Jockey, with Durham Road and the Tesco Extra superstore beyond. To the north of the site lies an area of green land which will act as a buffer between the site and the railway line which runs from (east to west). Further agricultural land lies beyond the railway also to the north.

PROPOSAL

4. The application seeks outline planning permission for 350 dwellings, with all matters reserved except for access. The application includes an indicative plan demonstrating how the site could be laid out in terms of areas of built development and open space.

CONSULTATIONS

5. The following consultation responses have been received to the planning application;

Head of Technical Services

This memorandum provides a summary report following discussions between the applicant and Technical Services during the planning consultation period.

In the initial report provided by Technical Services in December 2013 it was noted that the impact of the development traffic on the Horse and Jockey roundabout (A177 Durham Road / Harrowgate Lane) would be severe and mitigation would be required to provide the necessary highway capacity to accommodate any traffic generated by this development.

A junction improvement scheme to mitigate development traffic at the Horse and Jockey roundabout has been developed by Stockton Borough Council (SBC) and tested in an AIMSUN transport model. The scheme adds signal operations at the junction and is shown to provide sufficient capacity for this development. An initial estimated cost of the junction improvement works is £900,000.

Subject to the impact at the Horse and Jockey roundabout being mitigated, the Head of Technical Services would have no objection to the development. The mitigation should be secured via Section 106 contributions, Section 278 Agreements and planning conditions. The transport requirements are summarised as follows:

- Section 278 works to provide a fourth arm onto the signalised junction of Harrowgate Lane and Einstein Way to provide the access into the site. The design must incorporate a right-turn lane on the westbound Harrowgate Lane arm of the junction to prevent right-turning vehicles blocking the straight-ahead movement. Development should not commence prior to the applicant entering into a Highways Agreement with the Council for the provision of the site access works;
- A contribution (£875,000) towards the highway improvements at the Horse and Jockey roundabout;

- A contribution (£60,000) to maintain the operation of an hourly daytime bus service for a period of three years;
- £25,000 for off-site cycleway infrastructure; and
- £100 per dwelling (total of £35,000) for Travel Plan incentives.

Environmental Health Unit

Further to your recent memorandum regarding the superseding Noise Report for the above.

This Environmental Health Department requested a further Noise Report was undertaken to address concerns of noise from the sub-station which is in close proximity to the proposed development which emits a constant low frequency hum.

The noise report has undertaken an assessment using a prediction model for the propagation of noise at 100 to 125 Hz across the proposed development. This showed that noise levels at 100Hz were lower than the overall measured LAeq, and is therefore unlikely to cause an adverse impact on residents.

I have concerns that the prediction model does not accurately represent the levels of noise at the site, as it does not take into account factors which cause variations in the level of noise from the substation such as weather conditions, wind direction, and variations in the load of the transformers. Additionally, this Department has received numerous complaints from local residents regarding the low frequency hum, and as a consequence has taken noise measurements at night on the proposed site which showed levels at the 80-100 Hz range which showed significantly higher noise levels than those predicted by the model.

The Report does however recommend mitigation measures, to include earth bunding, for those properties closest to the substation. The noise reduction is estimated to be between 0.1-2.5 dB at the 3 measurement locations. The IOA/IEMA Working Party Consultation Draft 2002 provides guidance by categorising the significance of a change in noise level. The significance of this change in noise level is categorised as having a slight impact.

I would therefore have concerns regarding this outline planning application as the noise report does not sufficiently address the concerns of a low frequency noise from the substation. The proposed earth bunding provides a noise reduction which is categorized by Guidance as a slight impact on the internal and external environment.

In my opinion I would advise that although it may be possible to mitigate against noise within the internal environment, it is more difficult in practice to do so in the external environment

Contaminated Land Officer

Further to your memorandum regarding the above application, my comments are as follow-

1. Having reviewed the Desk Study (Phase 1) report in respect of outline planning permission for the proposed development, I can confirm that pollutant linkages under Part IIA have been identified, and that the proposals to take the assessment to the next stage (namely an intrusive investigation with reference to, and with the aim of development of the conceptual site model) are satisfactory.
2. Detail of the Phase II intrusive work will need to be detailed and submitted as part of the overall land contamination assessment.

Northern Gas Networks

No objections

Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

For information only;

We can inform you that a raw water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Highways Agency

No Objections

Natural England (in summary)

Thank you for your consultation on the above dated and received by Natural England on 11 October 2013. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Spatial Plans Manager

The development plan currently comprises the:

- Stockton-on-Tees Core Strategy LDD (March 2010),
- Saved policies of the Stockton-on-Tees Local Plan (1997)
- Saved policies of the Local Plan Alteration Number One (2006), and
- The Tees Valley Joint Minerals and Waste LDD (September 2011).

Saved Local Plan policy EN13 will be a consideration as the application site is located outside of the defined limits to development as will point 3 of Core Strategy policy CS10 'Environmental Protection and Enhancement' as the site is located within the strategic gap.

You will also be aware that the Council consulted on the Regeneration and Environment LDD preferred options document in the summer of 2012. This included emerging policies which are relevant to this site, specifically a draft housing allocation for a strategic urban extension at Harrowgate Lane, for which this site forms a part. However, due to the provisions in paragraph 216 of the NPPF, only limited weight can be attached to this policy.

All of the policies which are relevant to this application are referenced at appendix A and these policies are discussed where relevant throughout this response.

The National Planning Policy Framework (NPPF)

The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states that at the heart of the NPPF is the presumption in favour of sustainable development which is a 'golden thread running through both plan-making and decision-taking'. For plan-making this includes local planning authorities positively seeking 'opportunities to meet the development needs of their area'. For decision-making it 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:
 - o 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
 - o Specific policies in this Framework indicate development should be restricted.

The NPPF provides that ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’ (para 49).

Achieving sustainable development and core planning principles

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three dimensions of sustainable development are economic, social and environmental.

The NPPF core planning principles include making every effort to ‘identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.’ The 1st bullet point of NPPF paragraph 47 states that to boost significantly the supply of housing local plans should ‘use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period’. The proposal would assist in addressing the identified need for housing and thus fulfil both a social and an economic role.

The supply of deliverable housing land

The five year housing supply assessment for Stockton-on-Tees is updated annually using a base date of 31 March. The Council has produced a report entitled ‘Five Year Deliverable Housing Supply Final Assessment: 2013 – 2018’. The Report concludes that the Borough has a supply of deliverable housing land of 3.96 years.

The five year supply assessment is also being updated every 3 months on a trial basis. The first quarterly update uses a base date of 30 June 2013. The report entitled ‘Five Year Deliverable Housing Supply Final Assessment: 1st July 2013 to 30th June 2018 (1st quarterly update report)’ concludes that the borough has a supply of deliverable housing land of 4.13 years.

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The application is contrary to points 2 and 3 of Core Strategy Policy 1 - The Spatial Strategy and to Core Strategy Policy 7- Housing Phasing and Distribution. However, relevant policies for the supply of housing are not up-to-date if the authority cannot demonstrate a five year supply of deliverable housing sites. Other policies in the development plan that are relevant to the application remain up-to-date and are referenced in these comments.

The supporting planning statement provides deliverability information (paragraphs 4.9 and 4.10) detailing how the site will deliver housing to help address the identified shortfall within the 5-year supply. The deliverability statement essentially rests on two points. The first being a work commissioned by The Co-operative Group to take initial soundings on the sites

marketability; this work has identified that national house builders consider the site to be in a marketable and sustainable location for mid-market family housing. The second point is based on the approach the Co-operative Group take in bringing forward sites; it is asserted that significant investment has only been made to obtain planning permission in the knowledge that the site is in a marketable and sustainable location with the group being confident in selling the site in the short-term to a developer and receiving a capital receipt against the investment. This in turn would see the developer wanting to deliver the site in the short-term to see a capital receipt on their investment.

Relationship to the NPPF and the adopted Development Plan

Limits to Development

The site is located outside of the limits to development and is therefore contrary to saved Local Plan Policy EN13. The objective of EN13 is to control development in countryside to that requiring such a location. This policy is an environmental policy which is consistent with the NPPF core planning principles and remains up-to-date. However, it is recognised that the operation of the policy needs to be cognisant of the presumption in favour of sustainable development in the absence of a demonstrable five year supply of deliverable housing sites.

Sustainable transport and travel

The proposal will need to be assessed in relation to Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel. The sustainability credentials of the site are detailed within the planning statement submitted as part of the application. The sustainability of the wider site was assessed as part of the sustainability appraisal of the Regeneration and Environment LDD with the site performing well. In this regard the Council consider the location to be a sustainable location for housing development in principle.

Sustainable living and climate change

The proposal will need to be assessed in relation to Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change. The 1st bullet point of point 8 of Policy CS3 states that 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’. It is understood that the proposal generally achieves this with specific details to be considered through a reserved matters application at a later date.

Community Facilities

The proposal will need to be assessed in relation to Core Strategy Policy 6 (CS6) – Community Facilities. The third point of this policy is that of most relevance which states the ‘The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.’ Whilst the proposal is in outline and details such as layout have not been submitted in detail you should be satisfied that open space can be delivered in accordance with the provision standards identified within the Open Space, Recreation and Landscaping SPD. In this regard paragraph 4.17 of the SPD will assist in assessing the proposal:

‘the requirement for amenity space excludes land set aside purely to provide an attractive setting and/or landscaping function, which will normally be expected to be provided by developers in addition to that required under this standard, and as normal design requirements. Highway verges, utility corridors, sustainable drainage systems (SUDS) noise attenuation bunds and the open space provided as visibility splays will not be counted toward open space provision.’

The supporting planning statement at paragraph 6.8 identifies the amount of open space provided within the indicative layout for each open space typology compared to the requirements within the Open Space, Recreation and Landscaping SPD for a development of this scale. Within the supporting Design and Access statement (page 46) a plan has been provided which details the breakdown of open space typologies to be provided. As previously stated whilst the proposal is in outline and details such as layout have not been submitted in detail you should be satisfied that open space can be delivered in accordance with the provision standards identified within the Open Space, Recreation and Landscaping SPD. In considering this I would draw your attention to paragraph 4.17 of the SPD (above) and the location/nature of allotment provision.

It should be noted that there is flexibility within the provision standards where this leads to a better design as stated within paragraph 4.3 of the SPD:

‘Standards are not intended to be applied mechanically in cases where a better outcome may be achieved through amending them. Where there is a need for effective place making or a particular approach to urban design it may be justifiable to seek alternatives to the standards. However, this should be driven by a desire for innovative design rather than the avoidance of providing suitable on site open space. In these cases open space standards can still provide useful guidance.’

Environmental protection and enhancement

The proposal will need to be assessed in relation to Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement. Point 3 of policy CS10 states that ‘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... Strategic gaps between the conurbation and the surrounding towns and villages...’ Whilst the site is located within the strategic gap it is acknowledged that this application site is bordered on three sides by built development (retail, residential estate and a substantial electricity sub-station) and the remaining northern boundary is defined by a railway line.

The Stockton-on-Tees Landscape Capacity Assessment (July 2011) provides the evidence base to consider the proposal in landscape terms. The site is located in an area with medium landscape capacity (Site SLCA0106 – Landscape Capacity Assessment). Landscape capacity is the ability for the landscape to accommodate change without significant impact. As part of the application a Landscape Appraisal has been undertaken, which suggests measures to improve the landscape. Whilst the proposal is in outline and details such as landscaping and layout have not been submitted in detail you should be satisfied that the development can be adequately delivered in landscape terms.

Housing mix and affordable housing

The proposal will need to be assessed in relation to Core Strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision. Point 2 of policy CS8 states that a more balanced mix of housing types will be required, in particular 2 and 3 bedroomed bungalows and executive housing as part of housing schemes offering a range of house types. The planning statement in support of the application identifies that the proposal will deliver ‘family homes and is expected to include detached, semi-detached, terraced, bungalows and town houses’. It is acknowledged that the mix of housing does not form a part of this application. The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual affordable housing requirement of 560 dwellings for the borough of Stockton-on-Tees. Given that the average annual housing requirement for the borough for dwellings of all tenure types is 555 dwellings it is clearly not realistic to meet the TVSHMA requirement in full and this is recognised in the annual affordable housing targets set by Policy CS8. However, the policy also states that the targets are minimums, not ceilings.

The planning statement in support of the application states that it is expected that 15-20% of dwellings will be affordable housing and therefore no evidence has been submitted with the application to justify a reduced provision; it is understood that this provision will be made on-site. This is in-line with the target range of 15-20% detailed in Core Strategy policy CS8. This is welcomed and is a significant material consideration in support of the application.

Whilst the applicant has noted within the planning statement that the Council has sought to amend the mix of affordable housing provision within the Core Strategy to 30% intermediate and 70% affordable rented tenures within emerging Regeneration and Environment LDD Preferred Options Policy H3 it is not clear that this mix has been agreed. This agreement should be sought as part of the Heads of Terms.

The quality of the agricultural land

Paragraph 112 of the NPPF states 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It needs to be taken into account alongside other sustainability considerations when assessing planning applications. Local site specific surveys were undertaken in 1988 and 1999 but this did not include the application site.

The Natural England Strategic Map Information Sheet states that where post 1988 data is available, this is the most reliable source of information on land quality because it is based on field survey work. The Strategic Map Information Sheet goes on to state that site specific studies including new Agricultural Land Classification field surveys will be needed to obtain definitive information on ALC grades for individual sites.

The application site is provisionally grade 3 on the pre 1988 maps but this cannot be relied on as these maps are not sufficiently accurate for use in the assessment of individual development sites and should not be used other than as general guidance.

Relationship to the NPPF and the emerging Development Plan

The Regeneration and Environment Preferred Options

The Council recognised that because of changing economic circumstances the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. For this reason the Council decided to undertake a review of the strategy which was incorporated into the draft Regeneration and Environment LDD preferred options consultation (2012).

To deliver the housing requirement to 2030 the Regeneration and Environment LDD preferred options has identified a number of urban extensions to the existing conurbation; including Harrogate Lane which incorporates the land forming this application.

Policy H1g – Harrowgate Lane

The Regeneration and Environment LDD preferred options policy for the strategic urban extension at Harrowgate Lane is provided below:

1. 126ha of land is allocated for housing at Harrowgate Lane for approximately 2500 dwellings
2. Development of the site will be subject to a comprehensive masterplan detailing design, access arrangements and development phasing. The masterplan will include the following elements:

- o Through design and landscaping a 'soft' boundary between residential development and countryside should be provided. This should include the creation/retention of woodland and other semi-natural habitats, and the provision of cycle/pedestrian and possibly equestrian access along the full western fringe of the site. There should be good linkages into the development itself and to access networks in the development site to the south (H1i).
 - o Any necessary off-site works to achieve connectivity for pedestrians and cyclists to the community facilities and opportunities for travel by sustainable modes in the existing urban area.
 - o Retain and enhance existing 'Castle Eden Walkway' green corridor, improving quality of path and maintaining broad 'natural buffer' between this and any new development.
 - o Create high quality cycle/pedestrian links from within the development to Castle Eden Walkway
 - o Enhance public right of way along northern perimeter of site adjacent to railway, and ensure this links to adjacent housing and supermarket
 - o Create enhanced landscape / wildlife buffer along the north fringe of the site adjacent to the railway.
 - o Landscape buffer between proposed residential development and the existing electricity sub-station.
3. Land identified in the masterplan will include the following purposes:
- o Education provision if on-site provision is deemed appropriate
 - o Neighbourhood centre(s) to meet local needs. This will include the provision of health facilities, leisure facilities and any other community needs

Whilst the proposal is in outline and details such as landscaping and layout have not been submitted in detail the indicative layout provided is in general conformity with the relevant points identified within point 2 of the preferred option policy. Due to the provisions in paragraph 216 of the NPPF, only limited weight can be attached to this policy.

Deliverability and Infrastructure

The Council are undertaking work to identify the infrastructure requirements for sites identified within the Regeneration and Environment LDD Preferred Options. As part of this work it has become clear that the urban extensions to the west of Stockton (Harrowgate Lane and Yarm Back Lane) will have shared infrastructure requirements; with both allocations impacting on Elton interchange and other key junctions in the vicinity.

Preliminary infrastructure work has identified that the west Stockton extensions will require the provision of a single form entry school (with plans for a further single form entry expansion at a later phase), general practitioners and scope for the provision of small scale neighbourhood retail facilities.

Preliminary highways assessments which consider the west Stockton extensions together indicate that significant highway improvements will be required at the following junctions to deliver the proposed allocations:

- Elton Interchange
- Yarm Back Lane/Darlington Back Lane
- Durham Road/Harrowgate Lane

These are only preliminary findings; external consultants and the Council's Highways Officers are currently undertaking detailed highway modelling for West Stockton to fully understand the impact of delivering the Harrowgate Lane and Yarm Back Lane urban extensions and the resultant infrastructure requirements.

Prematurity

The draft policies refer to the production of a master-plan for the Harrowgate Lane allocation, which would detail design, access arrangements and development phasing. This application creates the possibility that the proposal could be premature, especially as a core principle in the NPPF states that planning should be genuinely plan-led.

However, recent decisions by the Secretary of State suggest that this principle is being accorded less weight than the need to demonstrate a five year supply of deliverable housing sites. This is notwithstanding the fact that the Core Strategy Review is housing-delivery led and the Council is seeking to put in place a five year supply of deliverable housing sites as quickly as possible through a plan-led approach.

The main concern in terms of prematurity is that whilst it might be possible to deliver this proposal in highways terms (this being subject to comments from the Council's Technical Services) it may impact upon the viability of the wider allocations at West Stockton to deliver the required infrastructure and ultimately sterilise the development of the wider allocation.

Summarising comments

The starting point for consideration of the application is the conflict with the adopted development plan. However, the Council accepts that it is not able to demonstrate a five year supply of deliverable housing sites. Paragraph 47 of the NPPF stresses the importance the Government attaches to boosting significantly the supply of housing and paragraph 49 of the NPPF sets out that where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

The 2nd bullet point of paragraph 14 of the NPPF makes clear that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The benefits of the application within a housing context are that it would boost significantly the supply of housing; the provision of affordable housing would contribute to reducing the annual net shortfall of affordable housing identified in the TVSHMA and that it would, if implementation begins within a five year time frame, make a significant contribution towards the five year supply of housing.

Whilst these benefits are noted concerns are raised with regards to the prematurity of the application. This is specifically related to the on-going assessments to determine the infrastructure requirements (notably highways) for the proposed allocations. Whilst the exact infrastructure requirements are at this stage unknown, development of the allocation in a piecemeal fashion could impact on the viability of the remaining allocation to deliver the required infrastructure.

To summarise, the proposal does not accord with the development plan as it constitutes development out-with the limits to development and within the strategic gap. However, the NPPF is a material consideration that carries weight such as to justify a decision other than in accordance with the development plan. In the context of the 2nd bullet point of NPPF paragraph 14, the adverse impacts do not outweigh the benefits associated with the proposal. This is without reference to concerns over the prematurity of the application.

The Environment Agency

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITIONS are imposed on any grant of planning permission:

Condition 1

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and accompanying Drainage Assessment Report (and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Discharge rates should be agreed with Northumbrian Water as surface water will be discharged to the main sewers.
2. Provision of compensatory flood storage as discussed in section 3.3.1 of the Drainage Assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2

No 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), shall take place until a scheme that includes the following components 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:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

The site is underlain by the Sherwood Sandstone Principal Aquifer which is a sensitive receptor that could be affected by any land contamination that may be present at the site. The

environmental setting of the development site is therefore considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled waters receptors.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informative - Advice to LPA

The applicant has submitted the following report:

- o Phase 1 Detailed Desk Top Study, Harrowgate Lane, Stockton, Northern Site, Co-operatives Estates by Curtins Consulting Ltd., September 2013.

Information within this report identifies the potential for contamination to be present at the development site as a result of previous / current land uses including Summerville Farm, which may pose an unacceptable risk to controlled water receptors. The report recommends that site investigation works are undertaken to assess and address any potential pollution risks.

In order for the potential risk that the site poses to controlled waters receptors to be fully characterised, site investigation works would be required. Site investigation works should be focused around the farmstead and any areas used to store fuels and / or chemicals.

Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons

To ensure the risks to controlled waters are adequately addressed. The site is underlain by the Sherwood Sandstone Principal Aquifer which is a sensitive receptor that could be affected by any land contamination that may be present at the site. The environmental setting of the development site is therefore considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled waters receptors.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition 4

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 a remediation strategy to the

local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure the risks to controlled waters are adequately addressed. Information within the desk top study identifies the potential for contamination to be present at the development site as a result of previous / current land uses including Summerville Farm, which may pose an unacceptable risk to controlled water receptors.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Informative - Advice to LPA

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the Local Planning Authority decide to obtain the necessary information under condition we would request that this condition is applied.

Separate to the above conditions, we also have the following advice/comments to offer:

Land Contamination - Advice to LPA/Applicant

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters and relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting.

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 that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

The CL:AIRE 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:

- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- o treated materials can be transferred between sites as part of a hub and cluster project

- o some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- o Position statement on the Definition of Waste: Development Industry Code of Practice and;
- o website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991
- o Hazardous Waste (England and Wales) Regulations 2005
- o Environmental Permitting (England and Wales) Regulations 2010
- o The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Discharge of Foul Sewage - Advice to LPA

The application form indicates that foul sewage will be discharged via the public sewers. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

If you have any questions regarding this letter, please do not hesitate to contact me.

Tees Archaeology

I can confirm that the application now meets the information requirements of NPPF para 128 in respect to archaeological heritage assets.

The trial trenching report indicates that the development is unlikely to have a significant impact on below ground heritage assets. Archaeological features in this case were limited to former field boundaries and a trench, possibly associated with the surviving pillbox on the northern boundary of the site. In respect of buried archaeological remains I have no further comment to make.

There are however two outstanding issues regarding upstanding heritage assets as set out below:-

Remains of Summerville Farm

A basic inspection of these early 19th century buildings has taken place as part of the developers 'Archaeological Desk-Based Assessment' of the site prepared by CgMs Consulting. I would recommend that these buildings are subject to a more in-depth survey in order that a full, interpreted record is available as a publicly accessible archive (NPPF 141).

World War II Pillbox on the northern perimeter of the site

This pillbox is a heritage asset of local or regional importance for its historical association with World War II. The pillbox should be properly managed and interpreted as an asset for the benefit of the local community. This is in line with the core planning principle 'to conserve heritage assets... so that they can be enjoyed for their contribution to the quality of life of this and future generations' (NPPF page 6).

The recording of the 19th century farm buildings and preservation of the World War II pillbox can be achieved by means of planning conditions. I set out below the suggested wording for suitable conditions:-

Recording of Summerville Farm through a programme of historic building recording

A) No demolition shall take place until a programme of historic building recording 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 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.

Conservation of the World War II Pillbox

No development shall commence until a scheme for the physical preservation of the World War II Pillbox on the northern boundary of the site has been submitted to and approved by the local planning authority in writing. The scheme should include:-

1. Provision for the protection of the pillbox from plant and vehicles during the construction phase.
2. Proposals for the long term conservation of the pillbox that will promote community ownership and management.
3. Provision for the interpretation of the pillbox.

The Ramblers Association

We note the developers' intention to - enhance the existing (rights of way) network and create new attractive routes wherever possible. (D&A statement - Walking, Cycling and Public Transport section).

We urge the developer to create suitable connection(s) to the existing FP 47 to avoid the use of the very busy A177.

Private Sector Housing - Mr Dave Dawson

The Private Sector Housing Division has no comments to make on this application but would suggest our colleagues in Housing Strategy are consulted on the application.

Head of Housing

The Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties.

Core strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision states: 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.

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 serviced by making provision elsewhere.

In line with the need identified in the SHMA 2012 and Policy CS8 as outlined above there is a requirement for between 15% and 20% of the total housing numbers to be provided as affordable housing. We note from the Planning Support Statement that the applicant accepts this range and is not proposing a reduced provision. Based on a development of 350 units 15% affordable housing would equate to 53 units and 20% would equate to 70 units. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2012 a high priority will be accorded to the delivery of smaller 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 target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on a requirement for 15% or 53 affordable units: -

- Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	37 units	Rent
30%	16 units	Intermediate Tenure
100%	53 units	Total

- Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	48 units
3 bed	9%	5 units
Total	100%	53 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
48 Units	2 bed	34 x Rented
14 x Intermediate		Tenure
5 units	3 bed	4 x Rented
1 x Intermediate		Tenure

A worked example based on a requirement for 20% or 70 affordable units: -

- Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	49 units	Rent
30%	21 units	Intermediate Tenure
100%	70 units	Total

- Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	64 units
3 bed	9%	6 units
Total	100%	70 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
64 Units	2 bed	45 x Rented
19 x Intermediate		Tenure
6 units	3 bed	4 x Rented
2 x Intermediate		Tenure

Space standards – the Council would expect all affordable housing units to comply with Homes and Communities Agency space/quality standards.

Stockton Police Station - Eddie Lincoln

If this development is to go ahead consideration must be given to applying Secured By Design principles. Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Current government planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda.

Designing out crime is controlling space so that users of an area develop a sense of ownership over it and other people are deterred from entering. This is done by:

Controlling access and creating a perception of risk to the offender
 Target hardening
 Making the most of natural surveillance or observation.

The 7 main good design principles that must be incorporated are:

Access and Movement - Places with well defined routes, spaces and entrances that provide for convenient movement without compromising security.

Structure - Places that are laid out so that crime is discouraged and different uses do not cause conflict.

Surveillance - Places where all publicly accessible spaces are overlooked.

Ownership - Places that promote a sense of ownership, respect, territorial responsibility and community.

Physical Protection - Places which include necessary, well designed security features.

Activity - Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.

Management - Places that are designed with management and maintenance in mind to discourage crime in the present and in the future.

Should you wish to apply for Secured by Design certification please complete an application and checklist form, which can be obtained from www.securedbydesign.com Secured by Design SBD New Homes.

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. I am sorry for the late submission of these comments and hope they can still be taken into account.

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. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

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 nearest 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.

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 Project Manager 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 will incur full liability.

Noise/Soundproofing

The Developer should be aware that any development for residential use close 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.

Children's Play Areas/Open Spaces/Amenities

We would not wish to see any Children's play areas anywhere near to the railway, particularly along the northern boundary of the site. This is because children have a natural curiosity for railways and any risk of trespass should be reduced as far as possible by ensuring there are no areas for children to gather along the boundaries of the site nearest to the railway. We assume this will be taken into account at the reserved matters stage.

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

I would advise that in particular the drainage, boundary fencing and soundproofing should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

Campaign to Protection Rural England

No comments received

National Grid

No comments received

PUBLICITY

6. Neighbours were notified and the application was given wider publicity through the display of a site notice and press advertisement. A total of 22 objections have been received which are set out below;

Objectors;

Mr Barry Jobson - 2 Nuneaton Drive Middlesbrough
Mr Simon Brown - 12 North Albert Road Norton
Mr Graham Lafferty - 15 Station Road Norton
Peter McAvoy - 12 Chelsea Gardens Norton
Mrs M Suttill - 18 Syon Gardens Stockton On Tees
P A Gallagher - 23 Countisbury Road Stockton On Tees
Mr & Mrs Taylor - 21 Chelsea Gardens Norton
Bob Atkinson - 119 Junction Road Norton
Karen Shaw - 101 Junction Road Norton
Mr Michael Place - 7 Roecliffe Grove Stockton-on-Tees
Eric Craggs - 110A Junction Road Norton

Mr George Baker - 3 Kenley Gardens Norton
Mr Gerald Bowey - 6 North Albert Road Norton
Roger Simpson - 19 Fulthorpe Road Norton
Mr J W Latimer - Comondale House 1A Countisbury Road
Richard Bennett - 61 Wimpole Road Stockton-on-Tees
A Townsend - 20 Junction Road Norton
Sylvia Rose - 41 Harrowgate Lane Stockton-on-Tees
Alison Trattles - 21 Harrowgate Lane Stockton-on-Tees
Patricia Marcus - 1 Junction Road Norton
John Lewis - 19 Chelsea Gardens Norton
Mr Anthony Abel - Letchwood Letch Lane

Objections;

- The historic farm buildings are an important part of the areas past and should be preserved
- The loss of open space is also a concern, hemming-in bordering estates
- increase traffic on surrounding roads and exacerbate existing traffic problems
- Junction Road/Harrowgate Lane are already gridlocked at peak times proposal will make congestion even worse
- The road system needs to be overhauled to mitigate such a large increase in both population and traffic.
- No space for highway/engineering solutions
- No need for additional housing with hundreds of unsold properties within a few miles of the proposed development site
- Impact on wildlife
- Increase surface water run off/flooding
- Should be conditional on alternative (New) access being provided to the A19.
- Lack of infrastructure to cope with additional housing – i.e. schools, doctors surgeries
- Lack of consultation EXPAND??
- Loss of grade 3 agricultural land
- The application does not accord with Policy 7 of the Council's Core Strategy.
- Site should come forward with Masterplan for wider area
- Health and safety - the site is in the middle of a high voltage power grid and next to a high voltage grid switching station
- Extra traffic would slow down emergency vehicles
- Site not yet ratified as part of the Local Development Document (LDD), through public examination
- NPPF, 5 year deliverability of housing sites, only dictates presumption in favour where LPA finds that development is sustainable.
- Marketability may be the real cause of the change in emphasis from brownfield to greenfield urban extension from Yarm to Norton.
- A67, Yarm town centre and B1274, Junction Road are not sustainable arteries to support the significant developments proposed by Stockton BC.
- costs of remediation and infrastructure should be shouldered by the developer(s)
- Stockton BC "plan led" proposals conveniently overlooks the cost of ancillary infrastructure related to greenfield development
- Queries regarding 'fracking'
- Proximity of dwelling to properties on Letch Lane needs to be considered

PLANNING POLICY

7. 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

8. 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
9. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 1 (CS1) - The Spatial Strategy

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.

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.

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.

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.

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 6 (CS6) - Community Facilities

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.
2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

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.

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.

Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement

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.

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.

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 EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

Saved Policy EN30 of the adopted Stockton on Tees Local Plan

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

National Planning Policy Framework

10. Paragraph 14. 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;

11. For decision-taking this means:

- approving development proposals that accord with the development 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.

12. In determining this application it is considered that the following sections of the National Planning Policy Framework (NPPF) are relevant;

Section 1. Building a strong, competitive economy

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 8. Promoting healthy communities

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application are compliance with planning policy and the impacts of the development on the visual amenity of the area; amenity of

neighbouring properties and future residents; access and highway safety; protected species; flooding; archaeology and crime and disorder.

Principle of development;

14. The National Planning Policy Framework(NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
15. In terms of Local planning policies there are no specific designations which apply to this site other than the site lies outside the limits to development, consequently the site forms part of the open countryside and the strategic gap between Stockton and the outlying villages of Thorpe Thewles and Carlton.

The supply of deliverable housing land

16. As Members are aware the five year housing supply assessment for the Borough is currently being updated on a quarterly basis the latest update concludes that the Borough has a supply of deliverable housing land of 4.08 years with a 20% buffer added (with the shortfall being 455 dwellings). Consequently the Council cannot demonstrate a 5 year supply of housing land and the Council's housing supply policies are therefore out of date. This proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF and in particular paragraph 14, which states that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
17. Whilst it is acknowledged that there are many brownfield areas within the Borough that could accommodate a similar scale of development. The NPPF is clear that if a five supply is not available then housing sites must be brought forward through either the development plan process and/or through planning applications, no definite distinction is made between brown and greenfield sites and this alone is not considered to cause such significant harm it would justify a refusal of the application on its own merits.

Environmental protection and enhancement

18. In terms of Local Plan policies the site is located outside of the limits to development and is classed as 'open countryside'. It is therefore subject to the requirements saved Local Plan Policy EN13, which seeks to control development in countryside predominately to protect the quality of the environment. Equally Core Strategy Policy 10 (CS10, Environmental Protection and Enhancement) also applies and criterion 3 seeks to maintain the openness and amenity value of the strategic gaps between the conurbation and the surrounding towns and villages.
19. Whilst it is noted that the sites lies outside of the defined limits to development, it is situated adjacent to the main Stockton conurbation with only Harrowgate Lane situated between the application site and existing areas of housing. Furthermore, the site would form part of the wider 'Harrowgate Lane' housing allocation that is identified as part of the preferred issues and options under policy H1(g).

20. Although the visual impact of the proposal will be fully considered later in this report, it is evident that the proposed development conflicts with the basic principles of policies EN13 and CS10, which seek to protect the environment. However, in view of the lack of a five year housing supply and paragraph 14 of the NPPF, the basic issue is therefore, whether the harm the development will have in being contrary to the development plan is outweighed by the associated benefits of the proposed development.

Housing mix and affordable housing

21. Core Strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision, requires that a mix of housing types are required, although this would not be known until the reserved matters stage it is consider such a mix could be achieved.
22. The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual affordable housing requirement of 560 dwellings across the Borough. In line with the requirements of Policy CS8, the applicant is willing to provide 15% affordable housing provision (53 units) the proposed mix also being in accordance with the Core Strategy (i.e. 30% intermediate and 70% affordable rented). This is welcomed and is a significant material consideration in support of the application.

Relationship to the NPPF and the emerging Development Plan

23. Because of changing economic circumstances it has been recognised that the housing strategy outlined within the adopted Core Strategy will not deliver the housing requirement for the Borough. Consequently a review of the strategy which was incorporated into the draft Regeneration and Environment LDD preferred options consultation (2012). This has identified a number of urban extensions to the existing conurbation and includes Harrogate Lane which incorporates the land forming this application and proposes to allocate a site of 126ha at Harrowgate lane for 2500 dwellings.
24. Whilst the draft policy identifies the need for a comprehensive masterplan, would detail design, access arrangements and development phasing, this application seeks to advance this site in order to deliver a housing site ahead of the plan-led process. Although it could be argued that this application is premature, it is noted that this site is separated from the remainder of the site by the residential properties fronting onto Letch Lane and there is no way of introducing a direct linkage through the site of the wider allocation. Therefore there is a valid argument to suggest that the site can operate as a standalone development and the main concerns in terms of prematurity, rest on the ability to deliver the infrastructure required to deliver the wider housing allocation. Furthermore, recent decisions by the Secretary of State suggest that the principle of prematurity is being afforded less weight as a result of the need to demonstrate a five year supply of deliverable housing sites.
25. In accordance with paragraph 216 of the NPPF, weigh can be given to policies within emerging plans dependant on; the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant; and the degree of consistency with the NPPF. Accordingly only limited weight can be attached to policy H1(g) at this stage.

The quality of the agricultural land

26. Comments from an objector with regards to the loss of agricultural land are noted, indeed Paragraph 112 of the NPPF states 'Local planning authorities should take into account the benefits of the best and most versatile agricultural land. This is defined as grades 1, 2 and 3a of the Agricultural Land Classification (ALC).
27. Local site specific surveys were undertaken in 1988 and 1999 but this did not include the application site and the Natural England Strategic Map Information Sheet states that where

post 1988 data is available, this is the most reliable source of information on land quality because it is based on field survey work. The application site is provisionally grade 3 on the pre 1988 maps but this cannot be relied on as these maps are not sufficiently accurate for use in the assessment of individual development sites. Nevertheless the impact on quality of agricultural land would still need to be considered alongside other sustainability considerations.

Economic/Social Benefits:

28. It is recognised that a key benefit of the proposed development would be that it contributes towards addressing the shortfall in the boroughs 5 year housing land supply, as well providing approximately 53 affordable housing units, which would contribute towards the annual requirements of 560 affordable homes. These have both social and economic benefits as set out within the three elements of the definition of sustainable development.
29. In addition, the preferred options draft of the Regeneration and Environment Local Development Document at paragraphs 8.64 and 8.65 recognises that the Hardwick and Roseworth wards are the most deprived wards (i.e. those with the lowest Index of Multiple Deprivation) outside of the core area. Within these paragraphs, it is also identified that through encouraging development in the northwest of the conurbation, these wards may benefit from investment, whilst other benefits such as additional spending capacity generated from housing growth may assist in supporting and/or bringing about the redevelopment of some existing centres such as High Newham Court.
30. Furthermore, the proposed development is of a large scale and as a result of both its scale and the phased approach to development, it would take a number of years to be built out and would provide a number of jobs in the construction industry and supply chain in the short to medium term. Such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to 'drive and support' economic development.

Education Provision

31. From discussions with Education officers, it transpires that there is potential for some expansion of primary schools within the nearby area, although there is sufficient capacity available for secondary school provision, and therefore a contribution is sought towards primary school provision with no contribution towards secondary school provision being required. The required contribution has been calculated in accordance with the Councils adopted guidance and equates to a maximum of £189,280. The applicant has confirmed that they are willing to make the contribution, and this would need to be secured through a section 106 agreement, such a requirement is set out within the Heads of Terms earlier within this report.

Sustainable living and climate change

32. In line with to Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change planning conditions are recommended to secure sustainable methods of construction (Level 4 of the Code for Sustainable Homes or equivalent) and 10% on site renewable energy production.

Summary of planning policy issues:

33. The application site is located outside of the defined limits to development, is classed as 'open countryside' and as a 'strategic gap' therefore the proposal is in conflict with the aims and considerations identified under saved policy EN13 and Core Strategy policy CS10. However, the NPPF is a significant material planning consideration which promotes sustainable development and the supply of deliverable housing sites. As the Authority is not able to demonstrate a 5 year supply of housing land, a major benefit of the proposal is that it

will boost significantly the supply of housing, both in terms of the provision of affordable housing and in making a contribution towards the five year supply of housing.

34. Given the Council's current lack of a five year housing land supply, consideration needs to be given to the harm that would arise and whether those adverse impacts of the scheme are outweighed by the benefits associated with the proposal. Although there are concerns regarding the prematurity of the proposed development given its intended allocation as part of the Harrowgate Lane housing site (as set out in emerging policy H1g) the site is separate from the wider allocation and therefore capable of functioning as a separate entity.
35. In addition there are also the economic benefits the scheme would have in terms of investment and employment opportunities. There are also potential benefits arising from the increased spending capacity generated from housing growth which may assist in supporting some existing business and neighbourhood centres such as at High Newham Court.

Visual Impact;

36. As detailed above, the lack of a five year housing supply requires an analysis of the impacts of the development to be considered and weighed against the associated benefits of the proposed development and the NPPF's definition of sustainable development and the three identified roles; environmental; social and economic. The site lying outside the limits of development means it is classed a open countryside and therefore there is a degree of conflict with Saved policy EN13 of the Local Plan and Core Strategy policy CS10, which seek to protect the environment. Considering therefore needs to be given to the harm that would occur as a result.
37. In considering such impacts on the open countryside and surrounding strategic gap, it is evident that the site lies adjacent to areas of built development. This includes the Hardwick and Meadow Rise developments to the south, the linear residential developments fronting onto Letch Lane to the west and The Tesco's Extra store and associated car parking to the east.
38. Whilst it is acknowledged that the northern boundary is more open, a railway line clearly defines the northern boundary and separates the site from the wider open countryside. There would also remain over 1.5km between the site and Carlton and Redmarshall (to the west) and Thorpe Thewles (to the North). Consequently there is a significant degree of separation that would ensure that the predominate character and openness of the countryside is maintained. The resultant harm to the openness of the strategic gap and surrounding countryside is therefore considered to be limited and would not fundamentally alter its character or harm its intrinsic qualities.
39. Furthermore, the site in being considered as a 'preferred option' for a future housing allocation therefore the potential loss of this greenfield site has been considered acceptable in principle in order to bring forward the homes that the borough needs. The landscape architect is satisfied the proposed development would not have a detrimental impact on the character of the area with views of the site being relatively limited. Whilst a number of planning conditions are recommended these matters would form part of a reserved matters application and therefore there is no need to impose additional planning conditions.
40. Core Strategy Policy 6 (CS6) promotes the provision of community facilities and this includes provision of open space, sport and recreation facilities. Whilst the proposal is in outline and details such as layout would form part of the reserved matters the developer would need to ensure that open space provision is provided in accordance with those standards set out with the Council's adopted Supplementary Planning document on Open Space, Recreation and Landscaping unless a contribution is made to provide such facilities off site. Whilst the concept plan submitted as part of the proposal includes open space

centrally within the site, specific details will form part of a reserved matters application and a full assessment will need to be made at this stage. However, there is considered to be sufficient space within the site to accommodate the required provision. These open space requirements could be secured through a planning condition and in the event they are not provided, commuted lump sums would be required for improvements to nearby areas where appropriate.

Amenity of neighbouring occupiers;

41. Beyond the north west corner of the site lies a large electricity substation, the Council's Environmental Health Unit Manager has raised a number of concerns regarding the impact of low frequency noise emanating from the substation, particularly given that since 2010 a total of 5 complaints have been received in relation noise disturbance from existing properties, including those on Letch Lane, Carlton and Hardwick. The noise is variable and dependant on the load on the transformers, the wind speed and direction (predominately westerly). In addition a low frequency tone is especially difficult to mitigate against. Whilst it is accepted that the perceived impact will depend on the sensitivity of the person, changing environmental conditions, the load on the transformers, electricity usage and background noise, recordings taken last summer on Letch Lane were 58db at 100 Hz typically the 'hum' is more audible externally and during the night time, although noise recordings taken internally during the night time did not show evidence of a nuisance.
42. Whilst the Environmental Health Unit Manager agrees that mitigation can be provided to the built fabric through providing acoustic double or triple glazing, acoustic window ventilation, mechanical ventilation, acoustic wall and loft insulation, sound absorbing material to roof and through consideration of layout of buildings. Achieving a reduction in the external noise levels is much harder to achieve and may require gardens to be positioned on the 'shadow side' of buildings to ensure maximum screening benefits are obtained.
43. The applicants have commissioned a series of noise reports and have provided supporting information to try to address the Environmental Health Unit manager's concerns and agree that a series of amelioration measures can be used. However, as the application is only at an outline planning stage, the final masterplan with confirmed individual residential dwelling type, size, internal design and location is not available to fully assess the particular sound insulation properties within the proposed building envelope. Furthermore, the applications suggest that research has shown that for people inside buildings with windows closed, the effect of low frequency noise can be exacerbated by the sound insulation properties of the building. Such an assessment would also need to consider amendments to the development footprint so to remove any habitable rooms from a façade and external amenity space that may be adjacent to the substation. It would also need to be supported by a continuous site boundary noise survey (minimum of 14 days) to fully assess the fluctuations in substation noise emissions and make comparisons to prevailing weather conditions.
44. As a potential solution to solve noise to the external environment a noise attenuation bund has also been suggested. This would be located within the application site and surround the substation. Early indications are that a noise level decrease of up to 2.5dB in the external environment could be achieved. This could also be supplemented with acoustic fencing and landscaping which may also have further benefit. However it may not have any impact on first floor bedrooms which would be located above the height of the bund and any fencing
45. Whilst the Environmental Health Unit Manager's concerns are noted current evidence suggests that the noise emanating from the substation is not so significant that it may preclude development. A total of 5 complaints have been received in a four year period and it is agreed that the internal building fabric could be protected. Whilst the external environment may be more difficult to protect, it remains feasible that a solution to minimise the impacts of noise from the nearby substation could be achieved and that there may be

wider benefit and improvement to the existing surrounding residents as a result. Therefore on balance such impacts are considered to be insufficient to justify a refusal of the application on ground of impact on levels of residential amenity although a planning condition should be imposed to require a detailed assessment and appropriate mitigation measures to address such impacts.

46. The indicative layout and concept drawings indicate that there will be an element of landscaping along the southern boundary of the site, with the separation distance to the closest properties which front onto Harrowgate Lane being in excess of 40m from those properties. Those properties along the western boundary of the site, fronting onto Letch lane will be a minimum of approximately 25m from one another with buffer planting along being present on the western edge of the application site. Whilst the final details of any proposed scheme would be a matter for future consideration the separation distances and the potential for future landscaping of the site are considered sufficient to provide enough satisfaction that acceptable levels of amenity could be provided for existing and future residents.
47. The residential properties of 'Beverley' and 'Harrowgate' are situated towards to the south-west of the application site and will be situated in relatively close proximity to an new residential development, with only the garden areas of the existing dwellings and any spacing around the proposed new properties likely to provide a degree of separation. Again the final details regarding the relationship would be a matter for consideration as part of a future reserved matters application. However, there remains enough space within the application site to ensure that an acceptable solution is achieved and appropriate levels of residential amenity provided for.
48. The final site layout including the positioning of the proposed dwellings and associated areas of landscaping/open space would be submitted as part of a future reserved matters application and the internal relationships between the proposed properties would be assessed at this stage. The indicative drawings provide a rough indication of where the housing parcels would be situated and it is considered that the proposed 350 dwellings could be accommodated on the site and ensure that acceptable levels of amenity could be provided.
49. Any short-medium term environment impacts (such as dust, noise and general disturbance) during any associated construction activity could be minimised and controlled through planning conditions should the development be approved. Consequently it is not considered that these associated impacts are sufficient enough to justify a refusal of the application.

Access and Highway Safety;

50. The Head of Technical Services has considered the information submitted in support of the application. The main access into the site would be provided by adding a fourth arm onto the signalised junction of Harrowgate Lane and Einstein Way and this arrangement is considered to be acceptable subject to the provision of a right-turn lane being provided on the westbound Harrowgate Lane arm of the junction to prevent right-turning vehicles blocking the straight-ahead movement. Footways (2m) would be also need to be provided on both sides of the access road and the applicant would need to enter into a Section 278 Agreement for the proposed access works onto the adopted highway.
51. In terms of traffic impact, it is considered that impact of the development traffic on the Horse and Jockey roundabout (A177 Durham Road / Harrowgate Lane) would be severe and mitigation would be required to provide the necessary highway capacity to accommodate any traffic generated by this development. This mitigation scheme would add signal operations at the junction; it has been tested in a transport model and is shown to provide sufficient capacity for this development with costs being estimated at £900,000. Without

mitigation at the Horse and Jockey roundabout there would be a highway objection to the application as there is insufficient capacity on this part of the local highway network, a contribution of £875,000 towards the highway works has been agreed with the applicant and this should be secured through a Section 106 Agreement.

52. The site is considered to be sustainably located although they could be improved through connections to the wider cycleway network and to retain, the existing level of public transport provision until a wider public transport strategy is in place. Commuted lumps sums are requested to secure such provision through a section 106 agreement.
53. Whilst the various comments of the objectors have been noted and considered. The Head of Technical Services is satisfied that subject to appropriate mitigation measures the proposed development can be accommodated upon the highway network. In the absence of any objection from the Head of Technical Services the proposed development is not considered to pose any significant impacts on highway safety.

Protected Species;

54. Within the supporting information an Ecological Assessment Report has been submitted for consideration. It highlights that there is no evidence of protected species using the application site. Natural England has no objections to the application and their standing advice has been used to determine the impact of the development on Bats. In view of the information contained within the Ecological report and Standing advice, the findings of the report are accepted and it is concluded that the proposed residential development is unlikely to have any significant impact on either protected species or habitats, providing a series of mitigation measures as suggested within the accompanying report are adopted. A condition is recommended in this regard.
55. Natural England has also commented that the site has the potential for enhanced green infrastructure provision. Such matters would be formally considered at the reserved matters stage and are again covered within the mitigation measures of the submitted ecological report.

Flood Risk;

56. Although the site lies outside of the main flood risk zones (2 and 3), it is of such a scale that consideration needs to be given to limit any surface water that is generated from the site. The Environment Agency and Head of Technical Services have subsequently commented that they have no objections to the proposed development subject to a number of planning conditions being imposed. These are to cover matters such as; the development being in accordance with the submitted flood risk assessment, surface water drainage and land contamination. In view of the fact that these matters can satisfactorily be addressed via planning conditions the proposed development is considered to accord with guidance within the NPPF and does not pose any significant threat or increases in flood risk.

Archaeological Features;

57. Tees Archaeology has assessed the information submitted as part of the application. At their request the applicant has submitted geophysical and trial trenching survey's and result results which have indicated that the development is unlikely to have a significant impact on below ground heritage assets. Archaeological features in this case were limited to former field boundaries and a trench, possibly associated with the surviving pillbox on the northern boundary of the site. Consequently the site is considered to have limited potential for buried archaeological remains.
58. However, it is considered that a more detailed recording survey takes place for the remains of Summerville Farm and that the World War II Pillbox on the northern perimeter of the site is preserved given that it is a heritage asset of local or regional importance. Consequently it

is advised that the recording of the farm buildings and preservation of the World War II pillbox can be achieved by planning conditions and these are recommended accordingly. Subject to such conditions the proposed development is not considered to have an adverse impact on archaeological features and the proposal is considered to accord with saved policy EN30 and guidance within the NPPF.

Crime and Antisocial-behaviour;

59. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well maintained developments so that a sense of shared ownership and responsibility is created.
60. The final design of the scheme is yet to be established and opportunities for designing out crime would need to be fully considered at the reserved matters stage of the application. There is no evidence to suggest that the proposal will increase anti-social behaviour and careful consideration would need to be given to the overall layout and design of the development to ensure accordance with secure by design principles.

Residual matters;

61. Whilst it is noted that objectors questions the level of consultation carried out, particularly with regards to properties which have direct access onto Junction Road, those residents which are directly affected by the proposed development have been notified of the application. Wider publicity has also been given to the application through the display of a site notice, adjacent to the site and through a press advertisement. It is therefore considered that satisfactory publicity has been given to the application. As Members are aware planning decisions are based upon the individual merits of each case and their relationship with the adopted planning policies of the development plan, unless material planning considerations indicate otherwise, rather than the volume of comments which may support or object to a scheme.
62. Northumbrian Water has also made comments with regards to a raw water main crossing the site. They also advise that they will not permit a building over or close to their apparatus. Given that the current application is in outline the area for development it not yet known, though ultimately it may affect the overall yield of housing that is currently sought.
63. Network Rail have made commented that they have no objections to the proposed development with regards drainage, fencing, abnormal loads, noise and children's play play areas/open space. Such comments are noted and would be a matter for consideration as part of a future reserved matters application or conditions have been recommended to secure satisfactory details.

CONCLUSION

64. As detailed within the report, the application site is located outside of the defined limits to development, is classed as 'open countryside' and as a 'strategic gap' therefore the proposal is in conflict with the aims and considerations identified under saved policy EN13 and Core Strategy policy CS10. However, the Authority is not able to demonstrate a 5 year supply of housing land, and a major benefit of the proposal is that it will boost significantly the supply of housing, both in terms of the provision of affordable housing and in making a contribution towards the five year supply of housing. In addition there are also the economic benefits the scheme would have in terms of investment, employment opportunities and increased spending capacity generated from housing growth which may assist in supporting some existing business and neighbourhood centres

65. However, consideration also needs to be given to the harm that would arise and whether those adverse impacts of the scheme are outweighed by the benefits of the proposal. Although there are concerns regarding the prematurity of the proposed development given its intended allocation as part of the Harrowgate Lane housing site (as set out in emerging policy H1g) the site is separate from the wider allocation and therefore capable of functioning as a separate entity. Whilst lying outside the limits of development means the site is classed as open countryside and strategic gap, it is evident that the site lies adjacent to areas of built development and there would also remain over 1.5km between the site and the nearby settlements of Carlton, Redmarshall and Thorpe Thewles. A significant degree of separation would therefore remain and ensure that the predominate character and openness of the countryside is maintained.

66. The proposed development is also considered to be acceptable in all other regards and consequently the application is recommended for approval subject to the conditions set out within this report and the applicant entering into a section 106 agreement, in accordance with the heads of terms identified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

Ward **Hardwick and Salters Lane**
Ward Councillor **Councillor Nigel Cooke & Norma Stephenson**

IMPLICATIONS

Financial Implications

Section 143 of the Localism Act and planning obligations as set out in the report.

Environmental Implications

As report.

Community Safety Implications

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers

Stockton on Tees Core Strategy
Stockton on Tees Local Plan
Stockton on Tees Regeneration and Environment DPD (Preferred options)
National Planning Policy Framework (NPPF)