

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**3 DECEMBER 2014**

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

**14/2291/EIS**

**Tithebarn Land, Harrowgate Lane, Stockton-on-Tees  
Application for outline permission for residential development (340 dwellings) including  
access**

**Expiry Date 3 December 2014**

**SUMMARY**

The application site is a series of agricultural fields which lies on the western fringe of Stockton with the residential properties of Harrowgate Lane being situated opposite the site, further residential dwellings forming part of the Bishopsgarth estate lie beyond. To the west and south of the site lies further agricultural land and an electricity pylons also situated to the west. To the North lies Bishopsgarth School and associated playing fields.

Planning permission is sought of outline planning consent for a residential development of 340 dwellings. All matters are reserved for future consideration except for the access arrangements into the site.

The application is accompanied by an Environmental Statement and also includes an indicative plan demonstrating how the site could be laid out in terms of areas of built development, highways, landscaping and open space.

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, this approach is also reflected under emerging policy H1(h) for the Yarm Back Lane site.

As highlighted within this report, the proposed development has some significant material planning consideration which weight in its favour. These would include the contribution to the 5 year housing supply provision of affordable housing and its economic and social benefits.

However, there are some significant concerns that the approval of this scheme ahead of the masterplan would have some significant consequences for the proper planning of the wider Harrowgate Lane and Yarm Back Lane sites and also for the delivery of the required social

infrastructure, including highways, education and community/retail provision. The potential to undermine this essential infrastructure is therefore considered to carry such significant weight, that it would outweigh those benefits of the scheme and it is not considered that this development therefore represents 'sustainable development' the conflict with the wider definition set out in the NPPF (given its social and economic harm).

Notwithstanding the above, there are also a number of matters which are not considered to be satisfactorily addressed with regards to highway safety and flood risk. Without such matters being satisfactorily addressed it is not considered that the resultant impacts of the proposed development are either limited or that they could be satisfactorily remediated

## **RECOMMENDATION**

**That planning application 14/2291/EIS be Refused for the following reason(s);**

### **Development does not represent sustainable development**

**01 In the opinion of the Local Planning Authority the proposal in coming forward ahead of an established masterplan, could lead to an unfair distribution of uses and another developer coming forward later being asked to provide more than is justified by their own development. This could make some parcels unviable and risk necessary infrastructure not being provided for the proper planning of the area, resulting in significant social and economic harm which would be contrary to the definition and aims of sustainable development as set out in the NPPF (paragraph 7, 9 and 14).**

### **Highway Safety:**

**02 The applicant has failed to provide sufficient information to satisfactorily demonstrate that the proposed development would not have a detrimental impact on highway safety and the free flow of traffic to both the Local and Strategic Highway Networks or that the impact could be satisfactorily mitigated to the reasonable satisfaction of the Local Planning Authority and is therefore contrary to guidance within policy CS2 of the Core Strategy (1&2) and paragraph 32 of the National Planning Policy Framework (NPPF).**

### **Flood Risk:**

**03 The applicant has failed to provide sufficient information to satisfactorily demonstrate that the proposed development would not result in the increased risk of flooding or that the impact could be satisfactorily mitigated to the reasonable satisfaction of the Local Planning Authority and is therefore contrary to guidance within paragraphs 100 and 103 the National Planning Policy Framework (NPPF).**

## **BACKGROUND**

1. The application site has previously been subject to outline planning applications for residential developments in the past all of which have been refused. In April 1972 planning permission was sought for a residential development (ref no. 284/72) which included land which Bishopsgarth School is now situated, this application was refused on grounds that the land was not allocated for residential purposes within the development plan, that development was not anticipated on the site in the near future and that the development would be beyond existing and future limits to development.

2. In 1993 another outline application for residential development was also proposed (ref 93/1967/P). Again the application was refused as the site was not required to meet the housing requirements of the plan period; would have resulted in built development beyond the settlement limits; conflicted with the objectives of the Cleveland Community Forest; would have resulted in unacceptable access arrangements harming road safety; and, would have expanded the urban area beyond the settlement limits harming amenity and the character of the countryside.
3. A further application followed in 1994 (ref 94/2380/P), again in outline and seeking residential development and was refused for similar reasons. An appeal was lodged against this application with the Secretary of State recovering the appeal. Ultimately the Secretary of State dismissed the appeal and accepted the Inspectors conclusions. In reaching his recommendation, the Inspector gave considerable weight to the policies of the Structure Plan and the draft Local Plan and accepted that there was conflict with those policies and that sufficient land was available to meet the structure plan requirements for housing.
4. In terms of the current position, 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, this approach is also reflected under emerging policy H1(h) for the Yarm Back Lane site.
5. Given the fact that these two development sites (Harrowgate Lane and Yarm Back Lane) are considered to have impacts on similar infrastructure and there would be the opportunity to introduce connections between the sites, the Council approached the Homes and Communities Agencies, Advisory Team for Large Applications (ATLAS) to assist in delivering these two housing allocations as part of the Regeneration and Environment Local Development Document (LDD). As part of this exercise, it has since however, been advised that the highway infrastructure only appears capable of accommodating 2500 dwellings across the two site, before significant works are required.

## **SITE AND SURROUNDINGS**

6. The application site is a series of agricultural fields which lies on the western fringe of Stockton with the residential properties of Harrowgate Lane being situated opposite the site, further residential dwellings forming part of the Bishopsgarth estate lie beyond. To the west and south of the site lies further agricultural land and an electricity pylons also situated to the west. To the North lies Bishopsgarth School and associated playing fields.

## **PROPOSAL**

7. Planning permission is sought of outline planning consent for a residential development of 340 dwellings. All matters are reserved for future consideration except for the access arrangements into the site.

8. The application is accompanied by an Environmental Statement and also includes an indicative plan demonstrating how the site could be laid out in terms of areas of built development, highways, landscaping and open space.

## **CONSULTATIONS**

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

### **Local Ward Councillors Cherrett and Kennedy**

Cllr Kennedy and I both wish to object to this application on the grounds of prematurity. We accept the principle of development of the entire site along Harrowgate Lane from The Mitre to the Horse and Jockey Public Houses but believe that the development needs to be considered as an entirety rather than piecemeal developments.

There will be huge impacts on traffic at the Tesco roundabout on Harrowgate Lane, the Mile House junction and also Yarm Back Lane to A66 junctions that already struggle to cope with traffic volumes and are subject of many complaints even now.

Mitigation measures imposed on 340 houses cannot possibly take into account the full impact of several thousand new houses in this area.

How many visitor parking spaces will be created? Thinking of recent developments on Darlington Back Lane, there is nowhere for visitors to park. How has this been accommodated in this development?

The applicant has submitted 'Statement of Community Involvement' as a supporting document and refers to eliciting the maximum response from the local population. However, responses to their consultation document could only be made on line. There was no provision for those who did not have internet access. As ward councillors we, together with the chair of the local residents association, did ask how non internet users could make comment and asked for a public meeting but received absolutely no response. Therefore we do not believe that this document can be trusted as being truly representative of local views, as indicated by the number of resident objections already lodged to this application. It is interesting to note that the 25 responses allegedly received are not referenced within the application.

The Bishopsgarth Estate already has approx. 780 houses. There are no existing community facilities for those residents. At election time a mobile polling station is brought in. There is a real need to develop a community facility on the estate and again, this needs to be part of a masterplan with developer contribution which cannot be brought about by these piecemeal developments. School places, shopping facilities, access and egress routes all need to be considered in the whole so that we are not in danger of repeating the problems of over development as seen in Ingleby Barwick.

We urge that this application is refused at this point in time.

### **Spatial Plans**

Thank you for consulting the Spatial Planning team on this application. As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise.

It is understood that only the principle of development and means of access are being applied for, with other matters reserved for future consideration. This response focuses on the key spatial planning issues which relate to the application and the draft allocation of the wider area in the emerging Regeneration and Environment LDD.

#### The Development Plan- overview

The Development Plan currently comprises:

- Stockton-on-Tees Local Plan 1997 (Saved Policies)
- Stockton-on-Tees Local Plan Alteration Number One 2006 (Saved Policies)
- Stockton-on-Tees Core Strategy DPD 2010
- Tees Valley Joint Minerals and Waste LDD (September 2011)

The application site is located outside the defined limits to development and within the strategic gap. Therefore, saved Local Plan policy EN13 and point 3 of Core Strategy policy CS10 are relevant to the determination of the application.

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 (Policy H1g), for which this site forms a part. This emerging policy includes the requirement for development to be subject to a comprehensive masterplan. 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:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - Specific policies in this Framework indicate development should be restricted.

The 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. There are three dimensions to sustainable development: economic, social and environmental.

One of the NPPF core planning principles includes 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: 2014 – 2019“. The Report concludes that the Borough has a supply of deliverable housing land of 4.08 years with a 20% buffer added.

The five year supply assessment is also being updated every 3 months. The first quarterly update uses a base date of 30 June 2014. The report entitled Five Year Deliverable Housing Supply Final Assessment: 1st July 2014 to 30th June 2019 (1st quarterly update report) concludes that the borough has a supply of deliverable housing land of 4.86 years with a 20% buffer added.

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.

#### Relationship to the NPPF and the adopted Development Plan

##### *Limits to development*

Saved Policy „EN13 - Limits to Development“ in the adopted Local Plan (1997), seeks to control development within the countryside to that requiring such a location. In order to do this the policy sets out the categories of development that can be permitted outside the limits to development without compromising this objective. The proposal is contrary to Policy EN13.

##### *Sustainable transport and travel*

The proposal will need to be assessed in relation to Core Strategy Policy 2 (CS2) – Sustainable Transport and Travel. The response of the Head of Technical Services will assist in identifying any conflicts with this policy.

### *Sustainable living and climate change*

It will be necessary to consider the impact of the proposal against 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“.

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 low landscape capacity (Site SLCA0105 – Landscape Capacity Assessment). Landscape capacity is the ability for the landscape to accommodate change without significant impact.

### *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 states „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.

Based on the anticipated house types as identified within the submitted planning statement the on-site requirement for open space is identified as:

- Amenity Greenspace- 1.5 ha

- Allotments 0.8 ha

- The anticipated population is 1,088 people. In accordance with the SPD „Onsite outdoor sports facilities should only be considered for developments of over 1000 people. They should be planned strategically and in consultation with Leisure and Sports Development.“

### *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 states that „a mix of house types and sizes is considered to be viable on the basis of two-, three- and four-bedroom dwellings...“. 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 „within the overall mix, there will be provision for 15% of homes to be affordable“; therefore no evidence has been submitted with the application to justify a reduced provision. 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.

#### *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...” The proposal is contrary to point 3 of policy CS10.

#### *The quality of 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 LDD Preferred Options*

The Council recognise 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 housing element of the Core Strategy and this has been incorporated into the emerging Regeneration and Environment LDD which went out to preferred options consultation in summer 2012.

To deliver the housing requirement to 2030 the Regeneration and Environment LDD preferred options identified a number of urban extensions. Emerging Policy H1g proposes the allocation of land at Harrowgate Lane, which incorporates this proposal. This policy identifies that „development will be subject to a comprehensive masterplan detailing design, access arrangements and development phasing”. The policy continues to identify that the masterplan will include the provision of social infrastructure.



Other Regeneration and Local Plan policies of specific relevance are listed below. However, due to the provisions in paragraph 216 of the NPPF, only limited weight can be attached to these policies:

- SP1- Presumption in favour of sustainable development
- SP2- Housing spatial strategy
- SP3- Limits to development
- T1- Footpaths, cycle routes and bridleways
- S1- Development and amenity
- PF1- Open Space, sport and recreation facilities
- ENV1- Green infrastructure
- ENV2- Urban open space and local green space
- ENV5- Landscape character

*Requirement for collaborative working and the delivery of infrastructure*

Through the plan preparation process and as part of the Council's infrastructure delivery work it became apparent that there are numerous infrastructure requirements for the Harrowgate Lane and Yarm Back Lane sites which are shared. These include:

- Highways Infrastructure
- Education
- Retail

For this reason and as referenced in the preferred options policies the Council required development be subject to the comprehensive masterplanning of the sites. In response to this the Council approached the Homes and Communities Agencies, Advisory Team for Large Applications (ATLAS) to assist.

As a result collaborative working between the Council, ATLAS, landowners, developers and agents has progressed with the aim of bringing forward coordinated housing development and associated infrastructure on the two sites identified as Harrowgate Lane and Yarm Back Lane in the Council's Regeneration and Environment LDD preferred options.

Collaborative working began with an „inception meeting“ on the 9th December 2013 and a „Master Planning and Spatial Principles Workshop“ on 29 January 2014. It was agreed that a comprehensive masterplanning process was necessary to deliver the sites and to achieve this a three tier project management structure comprising a Core Project Group, a Steering Group and four Task and Finish Groups was established.

The purpose of the project management structure is to assist the interested parties in their shared vision to prepare a Development Framework Document (DFD) to ensure that there is a robust and comprehensive evidence base that can be presented to the Inspector at Examination in Public (EiP) to demonstrate the deliverability and viability of the sites. It is intended that the DFD will guide individual planning applications to ensure each contributes to achieving a legible and integrated place, and may be adopted by the Council as a Supplementary Planning Document (SPD).

Core Project Group meetings have been taking place on a monthly basis since April 2014 with Task and Finish Groups meeting as necessary to progress work on identified tasks.

*Collaborative work undertaken*

The following provides a progress update for each Task and Finish Group:

- Sustainable Design- as an output from the Master Planning and Spatial Principles Workshop on 29 January 2014 initial development principles and a Spatial Framework Plan were prepared. The group have taken this work forward to prepare updated development principles and a Spatial Framework Plan. The group have agreed fixes and flexes within the updated Spatial Framework Plan with a view to taking this forward within the DFD to prepare a Strategic Development Framework Plan.
- Viability- it has been agreed that the HCA DAT model will be used to assess the viability of the scheme and interested parties are in the process of submitting data/information for use as part of this process. It has been agreed that a collaboration agreement will be the most appropriate method for identifying contributions and delivery of required infrastructure in an equitable manner. No progress has been made on the formation of the collaboration agreement.
- Transport and Movement- early highways modelling undertaken by the Council and agreed by the Highways Agency, confirmed that 2,000 houses could be developed at Harrowgate Lane and 500 at Yarm Back Lane, subject to a programme of highways improvements. The group have undertaken further highways modelling work and recently agreed with the Highways Agency and Local Highways Authority that an alternative scenario (1,600 houses at Harrowgate Lane and 900 at Yarm Back Lane) can also be achieved.
- Development Framework Document- the group are seeking to commission consultants to prepare the DFD which will draw together the collaborative work being undertaken. However, at this stage no appointment has been made.

The above illustrates a clear and reasoned argument to the benefits of a masterplanned approach to the site and how the Council is seeking to work collaboratively with landowners, developers and agents to deliver sustainable urban extensions to the west of Stockton. It is considered that this process will ensure the successful and co-ordinated delivery of the site and necessary infrastructure.

*Proper masterplanning of the proposed allocations.*

Whilst the application is in outline the indicative layout has referenced and acknowledged the updated Spatial Framework Plan. However, whilst a number of fixes and flexes with this plan have been agreed within the Sustainable Design group, the DFD which will incorporate a Strategic Development Framework Plan has not been completed.

Given the shared infrastructure requirements and early stages in DFD preparation there is concern that approval of this application would prejudice the proper masterplanning of the proposed allocations. This concern includes the impact on the delivery of infrastructure and viability of the wider scheme.

The NPPF supports the inclusion of robust and comprehensive policies in local plans. The collaborative work being undertaken is assisting in the formulation of policy which will detail the essential infrastructure requirements to deliver a sustainable urban extension. These shared requirements include:

- 1.9 ha of land will be made available to deliver a primary school
- Neighbourhood Centre (0.5 ha)
- Highway improvements at:
  - o Elton Interchange
  - o Darlington Back Lane & Yarm Back Lane
  - o Durham Road, Junction Road & Harrowgate Lane

Whilst these infrastructure requirements are not identified as being located within the application site in the updated Spatial Framework Plan it is proposed that a collaboration agreement will be prepared regarding the phasing and delivery of infrastructure. Whilst the nature of infrastructure requirements has largely been identified the associated costs and dates/triggers at which this infrastructure is required have not been finalised. It is considered essential that this agreement is in place ahead of the granting of planning permission on any part of the site as there is concern that without this developers coming forward at a later date will be asked to provide more than is justified by their own development; this could make the remaining site unviable and risk necessary infrastructure not being provided.

Approval would set a precedent, which would likely lead to the remainder of the site coming forward as separate applications. In essence, the approval of this application would undermine the collaborative work being undertaken and be the catalyst for piecemeal development across the wider site. The Councils preference to deliver essential infrastructure via s106 contributions; there is concern that piecemeal development through numerous individual applications will restrict the opportunity to deliver essential infrastructure via s106 agreements as from April 2015 the „pooling of contributions“ for a specific project will be restricted to 5 contributions.

In addition to the highway improvements identified above, the Councils traffic modelling work indicates that a roundabout is required to access the site at this location to deliver the quantum of development proposed within the wider allocation. The proposal indicates the delivery of a signalised controlled junction at this location which would not be adequate to support additional residential development in the wider allocation. Should the application be approved with the current proposed access this would be an additional infrastructure requirement which would need to be delivered by the remaining landowners and will exacerbate earlier expressed concerns regarding site viability.

The proposed development is for up to 340 dwellings. Whilst the agreed apportionment of housing between development parcels or sites has not been agreed the Transport and Movement group have agreed that a split between the Harrowgate Lane and Yarm Back Lane site of 1,600 and 900 dwellings respectively is achievable in highways terms. Planning permission has been granted subject to s106 for 350 dwellings at Summerville Farm; this leaves 1,250 to be delivered across the remainder of the Harrowgate Lane site based on this scenario.

The gross area for the Harrowgate Lane site (omitting Summerville Farm) is 69.2 ha of which the application site totals 13.4 ha, representing 19.4%, whilst 340 dwellings equates to 27.2% of the 1,250 dwellings. In short, there is concern that the proposal does not have a proportionate amount of residential development and could reduce density levels across the wider site to unacceptable levels potentially prejudicing housing delivery.

The above concern is also identified when considering development parcels within the updated Spatial Framework Plan. Development plots for the Harrowgate Lane site total 64.4 ha of which the application site totals 11.6 ha, representing 18%.

Using the standards within the Open Space, Recreation and Landscaping SPD open space requirements for this proposal have been identified and referenced earlier in this response. However, it is noted that this proposal is part of a wider proposed allocation which requires an integrated approach to the delivery of green infrastructure. Whilst the indicative layout has referenced and acknowledged the updated Spatial Framework Plan this is not the finalised plan which will be delivered in the DFD. The majority of open space provision within

the proposed allocation was intended to be delivered on an area of land within the centre of the site which has now been omitted for the purposes of the DFD. As this omitted land will not be delivered within the short-medium term and the fact that the Council will be unable to insist that the landowner deliver open space beyond what is required for that development as specified within the Open Space, Recreation and Landscaping SPD there is a need to consider the approach to green infrastructure as the DFD is progressed. This may lead to a re-distribution of open space which would impact upon the dwelling yield achievable at this site.

Although the site is situated within flood zone 1, it is at significant risk of surface water flooding. Given the interrelationship between green infrastructure and the management of surface water it is considered necessary for a site wide drainage strategy to be prepared. It is intended that this will be prepared as part of the DFD and reflected within the emerging Strategic Development Framework Plan.

Parallels can be drawn between the arguments made above and those tested at appeal for a proposed development of 40 dwellings and a 70 bed care home on a site in Bracknell, which formed part of a wider allocation where the Council required a masterplanned approach. The following extracts from the inspectors report are of particular note:

“23. However rather than the complexity of development and its associated infrastructure requirements being a cause to reject the principle of masterplanning at Warfield and to go for an individual site approach, I share the Council’s view that the problems that would result from such piecemeal development, reinforce the need for a comprehensive approach. I am satisfied that masterplanning is justified here if the development of 2,200 houses is to proceed in a proper phased manner and for the landowners/developers to act together to deliver a well-planned urban extension that has the necessary infrastructure to include SANGs, new highways and new primary schools.”

“79. I consider that the Council should be supported in its efforts to discuss and negotiate with willing landowners and developers to deliver a comprehensive scheme at Warfield. It has previous experience of delivering a large urban extension. To allow the appeal scheme on a piecemeal basis could encourage others to pursue similar schemes on the smaller parcels of land, undermining the masterplanning process and prejudicing the delivery of a comprehensive scheme and the good planning of the area including the delivery of housing.”

(Appeal Ref: APP/R0335/A/13/2207932)

#### 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 second 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 and if implementation begins within a five year time frame, make a significant contribution towards the five year supply of housing. The provision of affordable housing would contribute to reducing the annual net shortfall of affordable housing identified in the TVSHMA.

The adverse impacts of the proposal are that it would prejudice the proper masterplanning of the wider proposed allocation including the delivery of infrastructure and has the potential to render the wider site unviable. These concerns indicate that approval of this application could actually serve to run contrary to the Government commitment to boost housing supply.

The Council remain committed to the allocation of Harrowgate Lane site through the Regeneration and Environment LDD and wish to continue the collaborative process to achieve allocation and subsequent delivery of a sustainable urban extension.

## **Head of Technical Services**

### Executive Summary

This development is one of a number of development sites that is anticipated to come forward in the West Stockton area. Subsequently, ATLAS (Advisory Team for Large Applications - Homes and Communities Agency) has been assisting in the preparation of a Strategic Framework and Masterplan for West Stockton. ATLAS encourages cooperation between the Local Authority, the applicant and the adjacent land owner's to create a sustainable community with good design and a sense of place. In light of this it is therefore considered that the proposed development would result in piecemeal development which would prejudice the delivery of land at Harrowgate Lane & Yarm Back Lane for a comprehensive, well designed urban extension with related highways and social infrastructure.

Whilst the principle of this housing application is acceptable, the application as submitted contains technical errors, proposes a design approach which is contrary to the principles set out in the Strategic Framework plan and has made other assumptions that require further details. Until such details are provided, and deemed acceptable, The Head of Technical Services cannot support this application.

Whilst the housing layout is considered to be in broad conformity with the Strategic Framework Plan for West Stockton, it is essential that the proposed development also contributes on an equitable basis to that Strategic Framework Plan and emerging Masterplan in terms of community facilities, Public Open Space (POS) provision, school and local shops. These need to be in the best location to create a sustainable community with good design, a sense of place and necessary linkages. The application does not specify how it will contribute to these essential community facilities. The provision of a roundabout within the site, POS, tree retention, areas for Sustainable Drainage and street scene requirements, as set out in the detailed comments, is likely to have an impact on housing yield.

As this development is one of a number of sites identified in the Strategic Framework Plan, Stockton Borough Council (SBC) has undertaken strategic transport modelling reviewing the impact of additional development traffic on the local road network. This AIMSUN traffic model developed by the Council for the West Stockton area focuses on key junctions and the submitted Transport Assessment (TA) makes reference to these junctions, however, it

does not assess the impact of the proposed development on these key junctions. The TA also fails to address the impact of the proposed development, as set out in the detailed comments, on the surrounding highway network. The TA as submitted is therefore not considered to be acceptable as it fails to address the impact of the proposed development on the highway network.

No details of the proposed access have been provided and the capacity assessment of this junction is considered to be inaccurate due to errors identified in the TA. The capacity assessment of this proposed junction also only takes account of the proposed development traffic and fails to assess the impact of the full quantum of development, for the West Stockton area, at this junction which has been identified as a roundabout within the AINSUM modelling work. As the application is in outline with all matters except access reserved the Head of Technical Services is unable to support the proposal until details of the proposed site access junction have been provided and agreed and an acceptable capacity assessment has been undertaken.

A Travel Plan (TP) has been submitted as a part of this application; however, it includes statements / assumptions which do not align with information provided within the TA or the wider emerging Master plan process and as such is not considered to be acceptable

The information submitted in relation to Flood Risk Management is considered to be inadequate and therefore cannot be supported by the Head of Technical Services for the following reasons:

- The greenfield run-off rates are based on the total site area and not the total impermeable area and therefore need to be re-calculated and the Flood Risk Assessment (FRA) updated accordingly;
- The discharge point identified in the FRA via an existing Northumbrian Water (NWL) manhole is considered to be inaccurate, due to the short period of time that the flows are contained within the NWL system, and that they should be viewed as a direct discharge into an ordinary watercourse. This will restrict the permitted discharge rate to existing greenfield rates and not those stated by NWL;
- The FRA fails to address how the existing flood risk will be managed or provide evidence of the existing systems available capacity in relation to the existing and proposed flows.

Details comments, in relation to issues highlighted above, are provided in Appendix 1 and, should the application be approved, the conditions required or informatives to be included in any approval are set out in Appendix 2.

### **Highways Agency**

Our consultants AECOM have undertaken a review of the Transport Assessment (TA) prepared by Tim Speed Consulting, dated August 2014 submitted in support of the above planning application. Can you please consider the following:

#### TRANSPORT ASSESSMENT

The proposed development comprises of a residential development of up to 340 dwellings, located on land west of Harrowgate Lane in Stockton-On-Tees, around 3.4km north of the SRN.

#### Traffic analysis

The TA states that Stockton-On-Tees Borough Council has commissioned a study of the highway effects of approximately 2,500 potential dwellings in the West Stockton area which

includes the application site area. The study considered the junction improvements necessary to satisfy the vehicle movements predicted to be associated with those potential dwellings during the weekday AM and PM hours.

The TA states that the following junctions are to be improved as part of the council's scheme:

- A177 Durham Road/B1274 Junction Road/Harrowgate Lane;
- Darlington Back Lane/Yarm Back Lane; and
- A66 Elton Interchange.
- 

Operational capacities of these junctions have not been considered within this TA. Therefore the development is potentially reliant on the other schemes coming forward, in order to provide the required mitigation on the wider highway network.

Although the cumulative impact should also be understood, all junctions should be modelled especially the junctions on the Strategic Road Network (SRN), to ascertain the impact from this development. Traffic count surveys were then undertaken on the remaining junctions on the local network in October/November 2013.

Assessment years

The TA sets out a year of completion for the whole development to be 2022, and has therefore used 2022 as the assessment year throughout the TA.

Traffic Generation

The vehicles trip rates for the site have been generated using the TRICS database. Tables 1 & 2 shows the generated trip rates and generation provided in the TA. We have recalculated trips rates with TRICS 7.1.1 where 6 sites have been identified. Whilst we cannot exactly replicate the traffic generation any difference is not material and therefore those given can be agreed in this report. For ease of reference, the trip rates generated by Tim Speed Consulting can be seen below:

**Table 1– Vehicle trip generation rates**

		Arrivals	Departures	Two Way
Tim Consulting	Speed Weekday AM Peak	0.286	0.588	0.874
	Weekday PM peak	0.556	0.346	0.902

Therefore for a development of 340 dwellings the trip generation can be given as follows.

**Table 2 – Vehicle trip generation**

		Arrivals	Departures	Two Way
Tim Speed Consulting	Weekday AM Peak	97	200	297
	Weekday PM peak	189	118	307

However, in accordance with the 2007 Guidelines for Transport Assessments (GTA) full person trips by all modes must be provided.

Growth factors

We require a network future year assessment of 10 years after the date of registration of the planning application, therefore the future year of assessment would be 2024. Therefore

2022 does not comply with the HA requirements as it is not 10 years after the date of registration. Therefore, we cannot agree the growth factors presented.

Traffic Distribution

The vehicle distribution within the TA was obtained from Journey to Work Data from the 2001 Census and considers the workplace destinations of residents living in the Bishopsgarth Ward. The use of census data is considered to be reasonable. However, the distribution given by Tim Speed Consulting, distributes the majority of the trips onto the SRN via Yarm Road rather than the Elton Interchange. However, there are no improvements proposed for Yarm Road as part of the outlined highway improvements which are part of the council's scheme.

We have therefore undertaken a review of the distribution as proposed for the wider West Stockton housing sites.

The below WeSAM distributions have been obtained for the Harrowgate Lane site, Central, the following distributions have been considered and applied to the vehicle trip generation;

- A66 (E) 16.8%
- A66 (W) 4.5%

Alongside this, the Highways Agency have provided data from their PENELOPE (Programme Evaluating North of England Land Use Options and Populations Effects) tool and suggests that the highest percentage distribution of traffic on to the SRN, due to the above development at Harrowgate Lane and Yarm Back Lane would be 15.5% and 55.5% respectively.

The total traffic on the SRN (A66W and A66E) can then be given as follows for each of the above methodologies:

**Table 3 - Traffic Generation on the SRN**

		Arrivals	Departures	2-Way
Penelope	AM Peak	15	31	46
	PM Peak	30	19	49
Tim Speed	AM Peak	23	46	69
	PM Peak	51	30	81
WeSAM	AM Peak	20	42	62
	PM Peak	37	25	62

Therefore, as can be seen there is potentially a material impact upon the SRN. Although further discussions regarding the distribution is required before this can be quantified.

Committed Developments.

Stockton-On-Tees Borough Council Highways have advised that the following committed developments should be included in the analysis;

- A) Blakeston Lane, Roseworth, 130 dwellings;
- B) Allens West, Eaglescliffe, mixed-use development including 612 dwellings and 12,200m2 of employment; And
- C) 6411m2 of employment at NIFCO UK Ltd, Eaglescliffe.

The TA states that development C does not affect the highway network being assessed for the Harrowgate Lane Development, and Developments A and B do not extend to the highway network being assessed for the Harrowgate Lane Development.



However when assessing the network diagram, both developments A and B are likely to have an impact on the road network surrounding the Harrowgate Lane development. Therefore, these traffic flows should be included within the modelling process.

### Summary and Conclusions Transport Assessment Review

Having reviewed the TA submitted by Tim Speed Consulting there a number of conclusions that can be made:

- Assessment of the Strategic Road Network (SRN) within the vicinity of the site that may be affected by the development on land off Harrowgate Lane should be undertaken;
- Despite the council schemes to improvement certain junctions within the vicinity of the site, all junctions should be modelled regardless of any developments that may come forward in the future;
- Review the growth year to 10 years following the submission of the planning application in line with Highway Authority guidance;
- The distribution of traffic within the TA is not clear;
- Majority of the traffic distribution within in the TA is at Yarm Road, not the Elton Interchange;
- A potential material impact could occur on the SRN, but distribution needs agreeing before this can be quantified;
- The trip generation figures cannot exactly be agreed, however are considered reasonable;

As the distribution towards the SRN requires further discussion and agreement it is therefore difficult at this stage to comment on the likelihood effects of the proposed development.

### **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

#### ' Low Frequency Noise from Norton Sub Station

I would request that consideration is given and an assessment undertaken by a suitably qualified person, to any potential impact of a low frequency hum from Norton electricity substation. The substation is located approximately 950 meters north of the proposed development and although in the past this Department has not received complaints of noise in this area, there is potential that a low frequency hum may on occasion be audible at this location, depending on the wind direction and load on the transformers.

#### ' Possible land contamination

If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining

land, groundwater and surface waters, ecological systems, archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

' Open burning

No waste products derived as a result of carrying out the business hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

' Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

### **Northern Gas Networks**

No objections

### **Northumbrian Water Limited**

Thank you for consulting Northumbrian Water on the above proposed development.

In making our response Northumbrian Water 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.

Having assessed the proposed development against the context outlined above NWL have the following comments to make:

The developer has made a pre-development enquiry to Northumbrian Water which we responded to on 24th January 2014. In this response, we stated the following:

Foul Water Discharge

The estimated foul flows of 13.8 l/sec can discharge into the 225mm diameter combined sewer at manhole 2601.

Surface Water Discharge

No surface water will be allowed to connect into the existing public sewerage system unless it is proven that the alternative options are not available. Should a sewer connection be the only option, then a restricted surface water flow of 100 l/sec can discharge into the 900mm diameter surface water sewer at manhole 2605. As this surface water sewer ultimately discharges to a watercourse, we suggest you contact either the Environment Agency or Lead Local Flood Authority, as appropriate, to discuss this in further detail.

The Flood Risk Assessment and Surface Water Management Strategy submitted with the planning application states in section 10.4 regarding foul discharge: "The site will be able to drain by gravity to this manhole..." It also states in section 10.11 regarding surface water discharge: "Flows from the site will therefore be restricted to 64.4 l/sec across all storms up

to the 1 in 100 year event". This discharge rate is below our required restriction for surface water flows, therefore we are satisfied that the development meets our requirements.

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document. We would therefore request that the Flood Risk Assessment and Surface Water Management Strategy form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me

### **Children, Education and Social Care**

Thank you for your consultation on the application. As you are aware, discussions have been held with a number of parties regarding school place provision along this area of Stockton as part of the housing allocation exercise. Individually this application impacts on a number of schools and will increase the pressure and demand for school places.

There is particular concern regarding the impact of the development on primary school provision as there are a number of primary schools that this and other applications impact upon regarding school places. These primary schools are almost full and close to their capacity and a desk-top feasibility study into expanding these schools has demonstrated that none of the schools are in position to be enlarged (primarily as a result of suitability issues or sites being of an insufficient size). In order to accommodate further demand for primary school places (including this proposal) it is essential that a new primary school is built.

This proposal would generate a demand for approximately 90 spaces and a new school as a direct requirement of this development would need to provide a single form entry school of 1.1ha (the minimum size for a new primary school) in order to accommodate the increased demand. However, it is also essential that any new school is provided in the correct and most suitable/sustainable location. In view of the wider aspirations for housing across the Harrowgate Lane/Yarm Back Lane sites the provision of a new primary school will also be required to be increased. As you may be aware, discussions on delivering this provision have been progressing through the working group in conjunction with ATLAS. The preferred approach to meeting the anticipated demand is therefore through the Master Planning exercise for the Harrowgate/Yarm Back Lane developments in terms of contributing to school places.

In terms of secondary school provision, this development also impacts on a number of secondary schools although current figures indicate that there are sufficient surplus places in the short term but as the current primary pupils on roll leave and enter secondary in Year 7 this will reduce. By 2020 we will see a 20% increase in the numbers of pupils entering secondary education from primary education. This will continue to increase thereafter adding to the pressure on places reducing the surplus spaces across the secondary schools and those secondary schools will require some expansion. Developments proposing new housing will therefore be required to provide commuted lump sums in accordance with the Council's SPD to mitigate their impacts.

### **Natural England**

Thank you for your consultation on the above which was dated 05 September 2014 and received by Natural England on 05 September 2014

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

Natural England's comments in relation to this application are provided in the following sections.

#### Statutory nature conservation sites - no objection

This application is in close proximity to the Briarcroft Pasture Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England. Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development. Evidence and

advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

#### Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

#### **The Environment Agency**

Following discussions between Darren Linklater of iD Civil Design and our Flood and Coastal Risk Management Officer, Alex Davies, the Environment Agency now wishes to withdraw the previous objection to the proposed development and has the following comments to make:

#### Environment Agency Position – Flood Risk/Surface Water Disposal

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted

with this application are implemented and secured by way of a planning condition on any planning permission.

#### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 4030/FRA1 and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the impermeable areas of the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The discharge rate will be restricted to 64.4 l/s across all storms up to and including the 100 year critical storm as stated in Section 10.11
- Confirmation of the opening up of any culverts across the site and other potential flood mitigation measures as described in Sections 8.2 and 8.3. These issues require further investigation and should be addressed at detailed design.

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.

#### Reasons

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To reduce the risk of flooding from blockages and surcharging of the existing culvert (s).
- To reduce the risk of flooding to the proposed development and future occupants.

#### Land Contamination

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters.

We do not consider this site a priority therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

However, the developer should be aware that the site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.'

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](http://www.environment-agency.gov.uk) for more information.

#### Disposal of Foul Sewage

As it is proposed to dispose of foul sewage via the mains system, 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.

### **Tees Archaeology**

Thank you for the consultation on this planning application.

The developer has assessed the archaeological potential of the site by means of a geophysical survey and trial trench evaluation. The documents submitted have been produced to a very high standard and meet the information requirements of the NPPF (para. 128) with regards to heritage assets of archaeological interest.

The results of the field evaluation have indicated that the archaeological potential of the site is low. The archaeological surveys are very detailed (for instance the instruments used to undertake the geomagnetic survey have taken twice as many data readings than is usually the case, giving a very detailed plot). Similarly the programme of trial trenching has been comprehensive. I feel confident in the results of the surveys.

The surveys failed to identify any archaeological features other than those relating to agriculture and drainage. In addition the site has suffered heavy truncation from ploughing.

In both the trial trenching report and Environmental Assessment the developer proposes to carry out further archaeological mitigation in the form of archaeological monitoring during the development. I have no objection to this work but suggest that it is elective on the developer's part rather than enforced by the local authority. The results of the fieldwork do not justify a planning condition given that no heritage assets were identified.

I have no objection to the application on archaeological grounds and have no further comments to make.

### **Development and Regeneration**

No comments received

### **Countryside and Green Space**

No comments received

### **The Ramblers Association**

The Ramblers thank the Council for consulting them on the above planning application.

We welcome the the comments in paragraphs 3.20 and 3.21 in the applicants Planning Statement.

With the likelihood of further applications for development to the north and south of the present site, we think that permission should be conditioned on production of specific plans to show the safe connection to the Castle Eden Walkway as well as possible connection to FP 6 and FP 8 to the southwest.

### **Private Sector Housing**

The Private Sector Housing Division has no comments to make on this 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. In addition the Stockton Rural Housing Needs Assessment (SRHNA) 2013 identified an annual affordable housing need in rural locations within the borough of 132 units, again with a 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 across the Borough.

It is noted from the submitted Design and Access Statement:

- (para. 4.5) that the applicant is proposing the inclusion of 15% affordable housing which is in line with the Council's borough-wide policy target range (as referenced above).
- (para. 4.6) that the applicant has suggested a variation to the amount of affordable housing to be constructed on site. As stated above the Council would expect the delivery of affordable housing to be on-site.
- (para 4.4) details the proposed type/size for the proposed units on the site and references the 'scope' for the inclusion of bungalow. The Housing Service would welcome the inclusion of bungalow units on site. The applicant is advised to consider the information below in relation to the size and tenure of affordable housing in this site.

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.

This application is for 340 units. A worked example based on a requirement of 15% (51 affordable units) is detailed below: -

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

Proportion	No. of units	Tenure
70%	36 units	Rent
30%	15 units	Intermediate Tenure
100%	51 units	Total

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



Size	Proportion	No. of units
1/2 bed	91%	46 units
3/4 bed	9%	5 unit
Total	100%	51 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
46 Units	1/2 bed	32 x Rented
14 X	Intermediate Tenure	
5 units	3/4 bed	4 x Rented
1 x	Intermediate Tenure	

To conclude:

- 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.
- 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.

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

(Please note: at the date of this planning application, affordable units will be benchmarked against the requirements of the Level 1 Space Standard set out at the consultation stage of the Housing Standards Review).

### **Stockton Police Station - Stephen Davies**

With regard this application I would like to make the applicant aware that I would like the opportunity to be consulted at an early stage to ensure that crime prevention and community safety are considered in this development and that crime prevention measures are put in place where appropriate.

### **Legislation and National Planning Guidance**

National Planning Guidance states that designing out crime and designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder

### **Secured by Design**

Secured by Design is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in those new developments. The principles of Secured by Design have proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance and defensible space

### **Campaign for the Protection of Rural England**

No comments received

### **Network Rail**

Thank you for your letter of 5 September 2014 providing Network Rail with an opportunity to comment on the abovementioned application.

In relation to the above application I can confirm that Network Rail has no observations to make.

### **Sport Development Officer**

No comments received

### **Ineos Manufacturing Scotland**

Please note that the proposed works do not affect SABIC/Ineos ethylene pipeline apparatus.

### **PUBLICITY**

10. Neighbours were notified and the application was also advertised within the local press and publicised through a site notice displayed near the site. A total of 34 objections have been received and those comments received in response to the application are set out below (in summary) along with details of those objectors;

Objections;

- This site is separate from the wider housing allocation and question raised as to whether it is capable of functioning as a separate entity
- Site lies outside of the limits to development
- Marketability may be the real cause of the change in emphasis from brownfield to greenfield urban extensions from Yarm to Norton
- Junction Road is not a sustainable artery to support significant developments
- New road from the A19, Crathorne interchange, to A66, Long Newton interchange, then onwards to A177, north of Thorpe Larches is required
- Will increase traffic and exacerbate existing congestion problems
- Will have an impact on pedestrian safety, particularly school children
- New homes are not needed/housing elsewhere isn't being sold
- Loss of green space
- Loss of outlook/view
- Loss of residential amenity – light, privacy and overlooking
- Does not fit with fully planned long term development
- Similar applications have been refused a number of years ago – consider there has been no change in circumstance
- Brownfield sites should be developed first
- Impact on house prices/loss of property value
- Harrowgate Lane already suffers from flooding problems, development will exacerbate this
- Increased noise resulting from increased traffic/construction work
- Lack of walkable amenities – increase parking problems at local shops
- Will have a harmful impact on trees/hedges, wildlife and the environment
- Lack of infrastructure - school places, doctors, dentists or public transport
- Lack of consultation with residents
- Existing drainage and sewage systems cannot cope
- Light pollution
- Council cannot maintain open areas as residents would like now given cutback, this will add to it.

- There is no assessment of impact on key highway junctions of Darlington Back Lane/Yarm Back Lane; A66 Elton interchange; Durham Road/Harrowgate lane/Junction Road.
- The remaining junctions modelled in the TA have not assessed cumulative impact of the additional 2160 units that comprise the overall allocation.
- The traffic distributions are not consistent with the AIMSUN modelling
- The trip rates do not accord with those applied within the AIMSUN modelling

Objectors:

John W Lattimer - Comondale House 1A, Countisbury Road  
 Mr and Mrs Davies - 64 Darlington Back Lane, Stockton-on-Tees  
 Mr and Mrs A Burton - 219 Harrowgate Lane, Stockton-on-Tees  
 Mrs A Bradley - 229 Harrowgate Lane, Stockton-on-Tees  
 Mr Terence Newman - 117 Wimpole Road, Stockton-on-Tees  
 B N Worthington - 11 Whinfield Close, Stockton-on-Tees  
 Mr and Mrs Clarke - 7 Powburn Close, Stockton-on-Tees  
 Mr Mark Mew - 175 Harrowgate Lane, Stockton-on-Tees  
 Kathryn Thew - 201 Harrowgate Lane, Stockton-on-Tees  
 Mr Joe Spiteri - 10 Widdrington Court, Stockton-on-Tees  
 Miss Penny Brimble - 14 Mowbray Grove, Stockton-on-Tees  
 Mr and Mrs P Robinson - 2 Widdrington Court, Stockton-on-Tees  
 Bernard Kelly - 40 Whinfield Close, Stockton-on-Tees  
 Mr Jonathan Atkinson - 4 Bothal Walk, Stockton-on-Tees  
 Mr and Mrs J Greaves - 9 Widdrington Court, Stockton-on-Tees  
 Mrs Sally Lowry - 21 Mitford Crescent, Stockton-on-Tees  
 Mrs J McCarthy - 211 Harrowgate Lane, Stockton-on-Tees  
 John Baillie - 28 Mowbray Grove, Stockton-on-Tees  
 R G Booth - 64 Briardene Court, Stockton-on-Tees  
 B Levin - 155 Harrowgate Lane, Stockton-on-Tees  
 Mrs Barbara Warren - 102 Marske Lane, Stockton-on-Tees  
 Mr Michael Marshall - 12 Marske Lane, Stockton-on-Tees  
 Paul and Patricia Wilkinson - 20 Marske Lane, Stockton-on-Tees  
 Carol Alderton - 149 Harrowgate Lane, Stockton-on-Tees  
 Margaret and Paul Notman - 143 Harrowgate Lane, Stockton-on-Tees  
 Mr Peter Wright - 137 Harrowgate Lane, Stockton-on-Tees  
 Mr John Moore - 5 Briardene Walk, Stockton-on-Tees  
 Tony Walker - 60 Cardinal Grove, Stockton-on-Tees  
 Winifred Heal - 17 Whinfield Close, Stockton-on-Tees  
 Mrs Norah Stockton - 217 Harrowgate Lane, Stockton-on-Tees  
 Mrs S Strike - 80 Marske Lane, Stockton-on-Tees  
 Joanne Baillie - 28 Mowbray Grove, Stockton-on-Tees  
 Persimmon Homes - Persimmon House, Bowburn North Industrial Estate  
 Taylor Wimpey - Taylor Wimpey House, Lockheed Court

11. In addition to the above, **the applicant Mr Roland Firby** has made the following comments;

Thank you for meeting us on the 7th. I hope the discussion clarified the situation in your mind; it certainly did in mine. It was good that the Home Builders Federation expert, Neil, could be there to analyse the current situation, direct the discussion so that the conflicting points of view could be given the correct weighting, and lead us all to accept your initial

views that Tithebarn Land is a stand-a-lone application and has to be dealt with solely on its own merits, as the other development sites may never come forward.

Before we met we had all considered the view of the forward planners that the TB application is a stand-a-lone application and if built then it will prevent the rest of a possible Masterplan happening. In fact the contrary is a more likely situation; if it only happens against SBC wishes, or is prevented completely, and then such a situation would throw such doubt into the scenario that I can envisage a lot of the land potentially/soon to be, under option not coming forward in the foreseeable future.

For example. It was 1972 when the Teesside draft Master Plan envisaged extensive housing in this area; when the big sewer was commissioned (and soon after installed) up to Harrowgate Lane to serve the proposed new housing. Forty years has easily slipped by. Stockton town and town centre have been the most dramatic losers due to a loss of an increase in the affluent hinterland.

Since we met we have all received another report, contrary to the forward planners in some respects mainly that it sought to regard TB as an integral part of the suggested Masterplan. Emphasis was placed on the provision of highway infrastructure and surface water disposal for suggested developments that in your words might never happen; in the opinion of Atlas, stated at the Core Group, housing that could be 40 to 50 years into the future. It is to be regretted that this report came so long after the 22cd August that my team will struggle to get their reasoned rebuttals to you in time for you to give them due consideration.

I believe that at our meeting with you a consensus was reached. This was in line with your original position, namely that TB is a stand-a-lone site, to be determined on its own merits.

You, Mike and Neil looked at the application as qualified planners, albeit that Neil's opinion was reinforced by his legal degree, and I believe that we agreed that in the absence of both an up to date plan, or a 5 year supply, that the NPPF contains a double presumption in favour of sustainable development, and that it is the Local Authorities' role to determine in favour of sustainable development without delay.

We agreed that the site was "green" in the SHLAA and in being "green"; it had been assessed for its suitability for housing by the Council. Being suitable also means I assume that it is sustainable. I recall Neil then saying if that is the case, and it must be, that the proposal should only then be rejected if harm is significant. The presumption in favour is strong.

I recall Neil saying before he left that it was for us and yourselves to address the individual issues that may result in harm, and he said it was for you as decision maker to weigh the harm to determine whether it is significant.

The issue spoken of in detail was Highways; therefore I assume other items such as ecology etc are acceptable.

Tim has correctly done the highway studies according to the current and most widely used and regarded standard methodology. His figures are correct for a stand-a-lone site, or as the central location of the suggested Master plan. That any party should suggest that in this instance alone the standard methodology be departed from to pander to other commercial interests is nonsensical. However, he has taken the detailed comments provided and is addressing them.

Our points are:-

1. The TB application is a document correctly reasoned in the standard manner.
2. The “Master plan” going forward carries little weight, because a) SBC have no five year supply of housing, b) the plan is too far off being agreed and accepted c) it is not certain that it will ever be agreed; d it is subject to repeated delays in anticipated examination by an Inspector; e) it is even less certain that it will be built within the foreseeable future.
3. The TB team has tried to work within SBC’s wider plan, but with the main emphasis on working with those parties with an equalization agreement across the TB site.
4. It is illegal for the Council to attach any weight in the decision making process to an offer of greater contributions to fancied infrastructure than our stand-a-lone site would be expected to do. (Tesco precedent).
5. My solicitor strongly advises against entering into 106 agreements until my application is approved.
6. The Islington case has demonstrated that it matters not whether there is a 4.99 supply or a 0.1 year supply. Indeed even if there is a 5 year supplies that is still not a reason to refuse a sustainable development.
8. Under the terms of the N.P.P.F. there is a double presumption of sustainable development for the Tithebarn planning application.
9. It is recognized that the site is “green” in the SHLAA.
10. I believe all of us at the meeting agreed that the TB site was suitable, sustainable, developable and deliverable.
11. Therefore the next step, as you said, is dealing with the TB site on its own merits – there is no prematurity issue. Our application is correct on its own merits and appropriate as the Local Plan carries little weight, having been over-ridden by the NPPF.
12. The only decisions for you to consider are matters of detail as an outline application, not principal. The application is good, sensible and sound with or without nearby land coming forward.
13. There is no adverse, severe, impact on anything.
14. A comprehensive list of studies with positive outcomes has been undertaken: - archaeology, topography, environment, noise impact, air pollution, community involvement, water supply and foul water discharges via a presentation to the Core Group by Northumbria Water, adequate services supply via information from the forward planners, surface water discharge issues planned into the site layout, green areas and cycle and walkways planned in, public transport use supported, a wide spread mail shot made and web site provided for public involvement.
15. The traffic flows have been correctly considered and nothing prevents immediate development on TBL.

16. The suggested access onto Harrowgate Lane is typical of the recently approved provision between Hardwick and the Summerville farm site onto Harrowgate Lane. Our suggested junction will much improve conditions for Bishopsgarth motorists.

17. If the Core Group in its suggested Master Plan should seek to make the Master Plan appear sensible to an EIP by including that land, being part of Coalgarth Farm and fronting Harrowgate Lane, at present so glaringly omitted when looking at the map, then my experts will no doubt consider the implications and advise me accordingly.

I am advised that I should suggest to you that all you need to consider is whether the Tithebarn application will cause such significant harm as to justify refusal.

## **PLANNING POLICY**

12. 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.

13. 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

14. 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**

15. 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;
16. 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.
17. 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**

18. The main planning considerations of this application are compliance with planning policy and the impacts of the development on character of the area; amenity of neighbouring occupiers, highway safety; flood risk; protected species; features of archaeological interest; and other matters arising out of consultation.

#### **Principle of development;**

19. 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).

20. 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

21. As Members are aware the five year housing supply assessment for the Borough is currently being updated on a quarterly basis the latest quarterly update concluding that the Borough has a supply of deliverable housing land of 4.86 years with a 20% buffer added (with the shortfall being 97 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 delivery of housing which will contribute towards the five year housing supply is therefore a significant benefit of this application. Whilst brownfield sites are available within the Borough that could accommodate a similar scale of development, the NPPF is clear that if a five year 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 or 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.

#### Housing mix and affordable housing

22. Core Strategy Policy 8 (CS8) sets out a requirement for a more balanced mix of housing types, which will need to be fully considered at the reserved matters stage. In addition it sets out a requirement for between 15-20% of the proposed dwellings to be affordable homes. The applicants supporting documents indicates that 15% of the proposed dwellings (51 units) would be affordable. This provision should be supplied in line with the Councils required tenure and bedroom mix and would need to be secured through a s.106 agreement. Nevertheless it is in-line with the target range of 15-20% as detailed within the Core Strategy and is therefore a material consideration which carries a significant amount of weight in support of the application.

#### Environmental protection and enhancement

23. As stated above 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.
24. 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) (discussed in greater detail below).
25. 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 in bringing forward developable housing land.

Relationship to the NPPF and the emerging Development Plan

26. 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 Harrogate Lane for 2500 dwellings (emerging policy H1g). Within the emerging policy it is identified that there is a need for a comprehensive masterplan, which would detail design, access arrangements and development phasing as well as the provision of social infrastructure.
27. Paragraph 216 of the NPPF, allows weight to be given to policies within emerging plans dependant on; the stage of preparation (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections; and the degree of consistency with the NPPF. Accordingly it is acknowledged that only limited weight can be attached to policy H1(g) at this stage.
28. On the face of it, the delivery of this site ahead of the proposed allocation to help meet the five year supply of housing would seem advantageous and in accordance with the Council's future aspirations. However, it has become readily apparent through the plan preparation process and as part of the Council's infrastructure delivery work (which supports the housing allocations) that there are numerous infrastructure requirements for both the Harrogate Lane and Yarm Back Lane sites which are shared, these include the provision of highways infrastructure; education and community/retail facilities.
29. In view of the emerging infrastructure requirements, the fragmented and numerous site ownerships across the two sites as well as the desire for a comprehensive masterplanning approach to the Harrogate Lane and Yarm Back Lane sites (as indicated in emerging policies H1(g) and H1(h) the Council approached the Homes and Communities Agencies, Advisory Team for Large Applications (ATLAS) to assist in delivering these housing allocations ahead of the examination in public (EiP) of the Regeneration and Environment DPD. To achieve this, a number of working groups have been established and a programme of collaborative working between Council Officers, ATLAS, landowners, developers and agents has progressed with the sole aim of bringing forward co-ordinated housing development and associated infrastructure on the two sites through ensuring that there is robust and comprehensive evidence to demonstrate to the Planning Inspector at the Examination in Public that these two sites are both deliverable and viable with the aim of delivering sustainable urban extensions to the west of Stockton.
30. The Local Planning Authority accept that in trying to achieve this aim progress may sometimes be slow or frustrating to the various parties, but it is perhaps indicative of the scale of the developments and the diversity of landowners. However, both the Council and ATLAS remain fully committed to this process and remain of the view that to deliver properly planned urban extensions of this scale (with the required social infrastructure) that the masterplan approach is essential.
31. It is acknowledged that the applicant and his agent have been part of this collaborative process and whilst the indicative plan to support this application may allow for connections within the intended wider allocation there remain fundamental concerns as to how this

development could prejudice the properly masterplanning of the allocation as well as undermine the successful and co-ordinated delivery of the necessary social infrastructure to deliver a truly sustainable form of development across the two sites. Although much of the infrastructure requirements has been identified the associated costs equalisation agreements and dates/triggers at which this infrastructure is required have not been finalised. It is considered that this could lead to an unfair distribution of uses and another developer coming forward later being asked to provide more than is justified by their own development. This could make some parcels unviable and risk necessary infrastructure not being provided for the proper planning of the area, resulting in significant social and economic harm which would be contrary to the definition and aims of sustainable development as set out in the NPPF (paragraph 7, 9 and 14). Consequently it is considered that approving this scheme ahead of reaching such agreements runs not only counter to the Council's aims, but will hinder the current process of collaborative working and runs significant risk of encouraging a piecemeal development which may fail to deliver the social infrastructure that is required.

32. With regards to specific infrastructure requirements of this site, the Council's traffic modelling work indicates that a roundabout is required to access the site at this location to deliver the level of development proposed within the wider allocation. The signal controlled junction (as proposed) would not be adequate to support additional residential development in the wider allocation, potentially adding additional costs to the remaining landowners. Furthermore this application seeks up to 340 dwellings at present no specific quantum's have been established for each individual site and whilst final agreement of any splits between the Harrowgate Lane and Yarm Back Lane sites are still to be agreed, a split between the Harrowgate Lane and Yarm Back Lane sites of 1,600 and 900 dwellings respectively is achievable in highways terms. This current application potentially represents 27% of the remaining allocation and significant concerns remain over the proportion of development this application seeks. These two aspects in particular demonstrate that the this proposal has the potential to undermine future housing delivery as well as impact on the potential viability of the remaining parcels of land.
33. Further highlighting the need for a comprehensive approach to infrastructure delivery, the education officer advises that this proposal will significantly impact on the need for additional school places. That need is all the more acute at primary school level where the ability to expand existing primary schools within the locality is extremely limited. Consequently a new primary school will be required. This scheme would, by itself, need to provide a single form entry primary school in order to accommodate the primary school pupil no's generated by this application. Contrary to the views of the applicant these matters are not yet agreed and discussions are on-going with the various land owners to deliver an appropriately sized school in the most suitable and sustainable location. The need to achieve a primary school on this site would undermine that aim.
34. Concerns also remain with regards to the provision of open space and surface water drainage. It is the intention the these two aspects are not only interdependent on one another through the delivery of green infrastructure and SUDs but also across the wider allocations as the various green infrastructure and surface water networks feed into and connect to existing spaces and waterways.
35. Comparisons are drawn to a recent appeal decision at a site in Bracknell which sought 40 dwellings and a 70 bed care home. It is only right to acknowledge that in that case that particular site had the benefit of an adopted policy to fall back on which carries a greater

degree of weight than this Council's policy position. Nevertheless that application sought development within a larger site of allocation of 2200 dwellings and employment, education and community facilities and there are some similarities with regards to the principle of the masterplan approach and the degree of infrastructure required. Particularly with regards the complexity of land ownership, difficulties with regards to infrastructure the need for 'equalisation' in mitigating the impacts and the implications for a piecemeal approach to development.

Other matters:

36. Matters relating to sustainable construction methods and provision of renewable energy can be secured through planning conditions as can the requirement for open space provision.
37. Questions over why a different approach was taken on the Summerville Farm site (to the north of this site) which is also identified as part of the Harrowgate Lane allocation are valid and understandable. However there are some fundamental difference between the two sites, largely as a result of their different locational characteristics particularly as the Summerville Farm site is largely separate with no way of introducing a direct linkage through that site into the wider allocation. Physically it is therefore capable of functioning as a standalone site and is also capable of mitigating its own impacts separate from the remaining allocation(s). However, this application site is centrally located within the wider allocation along Harrowgate Lane and requires a large degree of integration with the allocation both in terms of connectivity and as has been discussed above through the mitigation of its impacts on the wider infrastructure requirements.

Summary of Policy considerations:

38. As highlighted earlier the proposed development has some significant material planning consideration which weight in its favour. These would include the contribution to the 5 year housing supply provision of affordable housing and its economic and social benefits.
39. However, these must be weighed against the harm that approving this development would have ahead of any agreed master plan and the consequences it would have for the proper planning of the area and delivery of the required social infrastructure. Significant questions remain as to whether it constitutes sustainable development given the conflict with the wider definition set out in the NPPF (given its social and economic harm) and whether the benefits or this scheme truly outweigh the harm as required by paragraph 14 of the NPPF.

**Visual Impact;**

40. In weighing up all the planning considerations, it must be acknowledged that under saved Policy EN13 the site lies outside of the limits to development, meaning that it is classed as open countryside. Consequently 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, character of quality of the area as well as the separation between settlements.
41. Reflecting the approach taken for the Summerville Farm site, in assessing the impacts of this development on the open countryside and surrounding strategic gap, it is evident that the site lies adjacent to built development to the east and Bishopsgarth School to the north. However, the eastern and southern boundaries of site are much more open. With agricultural fields lying adjacent and fleeting views through hedges from an adjacent footpath and the main highway of Harrowgate Lane. Notwithstanding this, a separation distance of over 1.5km would remain between the site and Carlton (to the north-west) and a distance of approximately 2km to Redmarshall (to the west) would remain. Given that much

of this land is open and free from development a significant degree of separation would remain. The open, rural character of the surrounding countryside would therefore be maintained and only limited harm is considered to occur to the strategic gap.

42. Although the shortcomings of the scheme with regards to the preferred option for a housing allocation, masterplanning exercise and collaborative approach to place making have been outlined and considered above, it is readily acknowledged that the site in being considered as a 'preferred option' for a future housing allocation meaning that the potential loss of this wider greenfield site has been considered acceptable in principle in order to bring forward the homes that the borough needs. Notwithstanding the fact that developing this site ahead of any others within the wider Harrowgate Lane and Yarm Back Lane development, would mean that this site would be more prominent) within the immediate landscape due to its isolated nature, it would be a short term impact until any associated landscaping matures or the intended wider housing allocation comes forward (as proposed within the preferred issues and options for Harrowgate Lane).
43. It is noted that the Head of Technical Services considers that at the proposed masterplan needs further consideration with regards to high quality design, the need for green infrastructure and associated SUD's. Such aspirations are entirely consistent with the NPPF and adopted Core Strategy and would be perused at the reserved matters stage, conditions could also be imposed to ensure the retention of existing trees and hedges, tree survey as well as controls over the overall scale of the development.

**Amenity of neighbouring occupiers;**

44. Members may be aware that beyond Bishopsgarth School to the north lies a large electricity substation, the Council's Environmental Health Unit Manager has raised some concern regarding the impact of low frequency noise emanating from the substation on the proposed dwellings. Whilst it is noted that to date no complaints of noise have been received in this area, there is potential that a low frequency hum may on occasion be audible at this location, depending on the wind direction and load on the transformers. As a result, the Environmental Health unit have requested that an assessment be undertaken by a suitably qualified person, to identify and consider appropriate mitigation of any potential impact of a low frequency noise.
45. Although future housing may take place to the north of the application site, this application seeks development in advance of the wider aims to achieve housing for the Harrowgate Lane/Yarm Back Lane areas and therefore needs to ensure that its own impacts are adequately mitigated or alternatively, that mitigation is provided to protect future residents of the site. Although these impacts are considered to be insufficient to justify a refusal of the application on grounds of the impact on levels of residential amenity, in the event of any approval it is considered necessary to impose a planning condition to require a detailed assessment to help inform the reserved matters application and propose appropriate mitigation measures.
46. The indicative layout and concept drawings indicate that there will be an element of landscaping along the eastern boundary of the site, with the separation distance to the closest properties which front onto Harrowgate Lane being in excess of 50m from those properties, which is well in excess of the Council's minimum separation distances. Although final details would be a matter for future consideration the indicative 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 both existing and future residents.

47. 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 a residential scheme could be accommodated on the site, although the final layout would inform how many dwellings could be accommodated whilst ensuring that acceptable levels of amenity and social infrastructure are provided.
48. 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;**

49. In considering the proposed development and its impact on the highway network the Head of Technical Services has commented that housing growth in the west of Stockton has been considered within a traffic model (AIMSUN) to determine how much housing growth can be accommodated and what highway improvements would be necessary to accommodate the full quantum of development. Whilst the applicants Transport Assessment (TA) makes reference to the inclusion of a number of key junctions that have been identified within the AIMSUN traffic model, it does not assess the impact of the proposed development on these junctions. These include B1274 Junction Road / Blakeston Lane / Ragpath Lane signalised junction; A177 Durham Road / B1274 Junction Road / Harrowgate Lane four-arm roundabout; Darlington Back Lane / Yarm Back Lane three-arm priority junction; and the A66 Elton Interchange. In the opinion of the Head of Technical Services the base conditions in the AIMSUN model have been validated and the outputs from the AIMSUN model suggest the network is experiencing congested traffic conditions in the baseline scenario, therefore any additional traffic travelling through the modelled area would need to be mitigated.
50. It is noted that the applicants TA considers a number of alternative junctions and show that with the proposed development in place in 2022, that a number of those junctions will operate at a level approaching the theoretical capacity whilst some will operate at a level over and above the theoretical capacity. In all cases the impact is deemed by the applicant to not be severe. The Head of Technical Services disputes these conclusions and considers that the modelling work carried out by the Council demonstrates that the applicant needs to provide suitable mitigation at the junctions affected. In addition the submitted TA makes no account of the approved development at Summerville Farm (ref 12/2387/OUT) for approximately 350 dwellings which will bring forward highway improvements at the A177 Horse and Jockey Roundabout and the inclusion of a fourth arm to the Harrowgate Lane / Einstein Way signalised junction to provide a site access.
51. In terms of development layout it is noted that all matters are reserved with the exception of the means of access, which is proposed as a signalised junction on Harrowgate Lane at its junction with Leam Lane. However, the Head of Technical Services has advised that the Council's traffic modelling shows that a signalised junction would not be appropriate at this location if the full quantum of development within the West Stockton Masterplan is to be



accommodated and a roundabout would therefore be required. In addition, given the inaccuracies regarding the committed developments (used to assess the capacity of the proposed signalised junction within the TA) the capacity assessment of the proposed junction is also incorrect. On agreement of an acceptable access, the applicant would need to enter into a Section 278 Agreement for the proposed works on the adopted highway and the internal layout which would be subject to a reserved matters application would need to be designed in accordance with Manual for Streets guidance

52. In view of the above and with reference to the outputs from the AIMSUN model, it is the opinion of the Head of Technical Services that the existing highway network is experiencing congested traffic conditions and that mitigation is required to accommodate additional residential development. Given the methodology of the submitted TA, it is considered to be unsatisfactory and fails to address the impact of the proposed development on the highway. The Head of Technical Services is therefore unable to support the proposal until those technical errors within both the transport assessment and travel plan are resolved and a design approach which is consistent with the Strategic Framework plan for the west of Stockton is implemented.
53. In assessing the transport assessment on the Strategic Highway Network (SRN), the Highway Agency consider that the SRN within the vicinity of the site that may be affected by the development and that all despite the council schemes to improvement certain junctions within the vicinity of the site, all junctions should be modelled regardless of any developments that may come forward in the future. Concerns also remain with regards to the growth year and distribution of traffic. The HA therefore conclude that is difficult at this stage, to comment on the likelihood effects of the proposed development.

**Flood Risk;**

54. The Environment Agency (EA) has considered the information provided as part of the planning application and following further discussions with the applicant the Environment Agency has withdrawn its previous objection to the proposed development. They are now satisfied that subject to the development being carried out in accordance with the flood risk assessment and identified mitigation measures, that the proposed development would be acceptable and not pose any significant risk to flooding on site. The mitigation measures would include limiting the surface water run-off so that it will not exceed the run-off from the undeveloped site as well as including other potential flood mitigation measures.
55. However the Head of Technical Services objects to the application as it is considered that there are errors with the flood risk assessment and calculation of greenfield runoff rates. It is noted that there must be no increase in the risk of surface water runoff from the site and that any increase in surface water run-off is alleviated by the installation of appropriate sustainable drainage systems within the site. It is also considered that the Flood Risk Assessment fails to demonstrate that the existing 600mm Culvert will be able to cope with existing surface water flows or the additional flows from the proposed development. Although it is noted that the Head of Technical Services also draws attention to the potential wider housing development across Harrowgate Lane and Yarm Back Lane and the need for a drainage strategy to include the whole of the development area, although each application must be assessed on its own merits this highlights those earlier issues raised with regards to the proper masterplanning of the area.
56. Northumbrian Water has commented that they have been in discussions with the developer and have advised the applicant with regards to surface and foul water flows and

connections. Although it is noted that they have confirmed that the surface water sewer ultimately discharges to a watercourse. Notwithstanding this, the surface water discharge rate is below our required restriction for surface water flows (to enable connections into the existing surface water infrastructure), therefore they are satisfied that the development meets with their requirements but request that the Flood Risk Assessment and Surface Water Management Strategy form part of the approved documents of any planning approval.

57. In view of the above and in accordance with paragraphs 100 and 103 of the NPPF, Local Planning Authorities should ensure flood risk is not increased elsewhere by taking account of advice from flood risk management organisations such as the Environment Agency. At the time of writing this report, no further information has been received to address the issues and concerns of the Head of Technical Services with regards surface water drainage and potential flood risk and therefore the applicant has failed to adequately demonstrate that the application will not increase the risk of flooding elsewhere at this stage.

**Impact on features of archaeological interest;**

58. Tees Archaeology has considered the detailed information provided by the applicant in support of this application. The results of the field evaluation have indicated that the archaeological potential of the site is low. Although the recommendation contained within the accompanying Environmental Assessment states that archaeological monitoring will be carried out during the development, Tees Archaeology advise that the results of the fieldwork do not justify a planning condition and suggested that this would be a decision of the developer. The proposed development is therefore not considered to have a detrimental impact on archaeological remains and there would be no requirement for a planning condition in this instance.

**Protected Species;**

59. Natural England has considered the information submitted within the Environmental Statement and has commented that the proposed development is in close proximity to the Briarcroft Pasture Site of Special Scientific Interest (SSSI). However, they are satisfied that the proposal will not damage or destroy the interest features of the site.
60. With regards to individual protected species Natural England has Standing Advice which advises planners on determining the impacts of development on protected species and whether a mitigation strategy is likely to be required, the proposals have therefore been assessed against this advice which is a material planning consideration. The submitted Environmental Statement includes a habitat survey which is informed by three site surveys and concludes that the proposal would have “little or no adverse effects on any of the features of ecological value”. It is however recognised that there remains limited potential for roosting bats given that some trees display areas of decay and damage. Some priority bird species were also observed on or near the site.
61. Despite the limited harm, a number of recommendations are made to enhance and improve the nature value of the site. These include; further survey work for roosting bats to inform future development layout; native trees and shrub planting and infilling of gaps in the existing hedges; wildflower seeding at the edges of these areas of planting; any removal of vegetation to be outside the breeding bird season (March – August inclusive) unless checked by appropriately qualified ecologist; and, nest boxes being installed onto proposed buildings /retained trees.

62. Given that the survey information has been carried out by a suitably qualified ecologist and appears to be in broad accordance with Natural England's Standing advice it is considered reasonable to accept the findings of the ecologists surveys and also their recommendations, particularly as a result of the limited impacts on features of ecological value. Those identified recommendation would however need to inform any future reserved matters application, and such requirements could be secured through an appropriately worded planning condition.

**Residual issues;**

63. The Ramblers Association have made comments that with further applications for development to the north and south of the present site that permission should be conditioned to require specific plans to show the safe connection to the Castle Eden Walkway as well as possible connection to FP 6 and FP 8 to the southwest. These comments are noted and it is understand that the wider masterplan for the Yarm Back Lane and Harrowgate Lane site would address the area for connection to public rights of way. This development would have to allow for future connections to the north and south were it to be supported.

64. Whilst the concerns of the objectors with regards to a loss of view and a loss of property value are duly noted, these are not material planning considerations and consequently cannot be given any weight in the determination process.

65. The objection comments which relate to previous decisions are duly noted, whilst these are material planning considerations, this application must be assessed on its own merits and against the relevant national planning guidance and policies of the development plan.

66. Members should also be aware that the applicant's agent has questioned the methodology of the Head of Technical Services in assessing the impact of the development on the highway network and surface water drainage. He has requested the opportunity to respond, however in view of the fact that primary reason for refusing the application would not change the application is brought before members. Any comments received prior to the committee meeting will be brought to member's attention prior to a decision being made.

**CONCLUSION**

67. As highlighted earlier within this report, the proposed development has some significant material planning consideration which weight in its favour. These would include the contribution to the 5 year housing supply provision of affordable housing and its economic and social benefits.

68. However, these must be weighed against the harm that approving this development would have. The NPPF supports the inclusion of robust and comprehensive policies in local plans and collaborative work is being undertaken is assisting in the formulation of policy. As has been highlighted there are some significant concerns that the approval of this scheme ahead of the masterplan would have some significant consequences for the proper planning of the wider Harrowgate Lane and Yarm Back Lane sites and also for the delivery of the required social infrastructure, including highways, education and community/retail provision.

69. The potential to undermine this essential infrastructure is therefore considered to carry such significant weight, that it would outweigh those benefits of the scheme and it is not considered that this development therefore represents 'sustainable development' the conflict

with the wider definition set out in the NPPF (given its social and economic harm). Approval of this scheme could also set a precedent, which would likely lead to the remainder of the site coming forward as separate applications and acting as a catalyst for piecemeal development across the wider site.

70. Notwithstanding the above, there are also a number of matters which are not considered to be satisfactorily addressed with regards to highway safety and flood risk. Without such matters being satisfactorily addressed it is not considered that the resultant impacts of the proposed development are either limited or that they could be satisfactorily remediated

71. In view of the above, it is not considered that the proposed development fully accords with the definition of sustainable development as outlined within the NPPF, or that it would not have an adverse impact on highway safety or flood risk. The proposal is therefore considered to be contrary to guidance within the NPPF and the Council's development plan and is recommended for refusal.

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

#### **WARD AND WARD COUNCILLORS**

**Ward Bishopsgarth and Elm Tree**  
**Ward Councillor Councillor J M Cherrett & Elliot Kennedy**

#### **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)

Planning Applications; 284/72; 93/1967/P and 94/2380/P