

DELEGATED

AGENDA NO

PLANNING COMMITTEE

25 FEBRUARY 2015

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

14/3303/FUL

**Tees Barrage International White Water Centre, Tees Barrage Way, Stockton-On-Tees
Proposed Ropes Course and Climbing Attraction with New Detached Ancillary Building and
Associated Facilities**

Expiry Date : 17 February 2015

SUMMARY

This application is being brought to the Planning Committee for determination as it is the Council's own development.

Planning permission is sought for the development of a recreational 'Sky Trail' facility at the Tees Barrage International White Water Centre and will provide a new high profile venue for the Borough, which will complement the existing facilities at the Water Centre.

The Ropes Course structure is 17m high, which is the highest in the Country, and has four levels. There are two zip rails located at levels 1 and 2, and there is also a 10m high climbing wall at one end. Alongside the new structure will be a single storey detached building, which includes male and female toilets, storage and an admin/ticket office. Externally there are new hard standing areas to access the facilities.

It is considered the proposal is in line with general planning policies set out in the Development Plan; is acceptable in terms of highway safety and parking arrangements; does not adversely impact on the amenities of neighbouring users; does not adversely impact on ecological habitat and flooding and would complement the existing recreational uses in the area.

RECOMMENDATION

That planning application 14/3303/FUL be approved subject to the following conditions and informatives below;

01 *The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.*

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
TS10029/100	23 December 2014
TS10029/101	23 December 2014
TS10029/102	23 December 2014
TS10029/103	23 December 2014
TS10029/104	23 December 2014
TS10029/105	23 December 2014
TS10029/106	23 December 2014

Reason: To define the consent.

03 The final details of an appropriate foul and surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The proposed surface water solution should have sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage system can be stored on site without risk to people or property. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or the surrounding area and to prevent pollution of the waterway.

04 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement

05 No development shall take place until a plan detailing the protection and/or mitigation of damage to the population of otter, a protected species under The Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 for European Protected Species, and its associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: This condition is necessary to protect the otter and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Under section 40 of the National Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

06 Notwithstanding the plans submitted prior to the commencement of development, details of the proposed materials, including finish to be used in the construction of the rope course, climbing structure, security fence and ancillary buildings shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Waterside developments should be designed to provide an attractive façade and poor choice of materials to be used in the construction of a development can affect how the waterway corridor is perceived, particularly when viewed from the water and neighbouring land.

07 No development shall take place until details of the foundations have first been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: To protect the structural stability of the waterway infrastructure which could be adversely affected by the development.

08 Notwithstanding the plans submitted prior to the commencement of development, details of the proposed trees shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Trees have the potential to impact on the integrity of the waterway structure.

Informatives:

National Planning Policy Framework

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

Drainage

The FRA suggests that the point of discharge for the surface water drainage solution will be into River Tees, this is Main River and will require the consent of the Environment Agency. The Local Planning Authority will require confirmation of the approved discharge connection and the agreed discharge rate.

Flood Evacuation

A thorough and robust safe access and egress plan should be drawn up that details how the site should be evacuated prior to flood events. Staff operating the site should have a clear understanding of how to use the safe access and egress plan and how to react to EA flood warnings. The safe access and egress plan should be linked to the EA's flood warning system and approved by the Local Planning Authority.

Survey Licence Requirements

It should be noted that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. Further information and guidance on UK protected species and licensing can be found under the DEFRA web pages for the Wildlife and Countryside Act 1981.

Flood Risk

We are satisfied that the revised Flood Risk Assessment (FRA) demonstrates that the finished floor levels of the development will not be at risk from the 100 year flood level as demonstrated by

a comparison between topographic levels and hydraulic modelling data. However, it is strongly recommended that the safe egress and access plan as described in the mitigation section within the FRA is implemented as part of the development proposal.

Historic Landfill Site

The proposed development is partially located within the licenced area of a historic land fill site (waste management licence No CLE/R28). This was issued to Cleveland County Council for the deposit of uncontaminated clay, subsoil and construction wastes, between 1987 and 1990 at the former Malleable Works.

Although the development proposal is located within the boundary of the formally licenced area, it is our understanding that waste was not deposited on the area of land proposed for this development. It is also considered that the wastes types deposited under the terms of the licence would not have an adverse impact on the proposed development.

Land Contamination

Given the nature and scale of the proposed development, 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.

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 for more information.

Discharge of Foul Sewage

An acceptable method of foul drainage disposal would be connection to the foul sewer.

Car Parking Areas

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground and/or surface waters.

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.

BACKGROUND

1. The application site is in close proximity to the Tees Barrage White Water course which opened in 1994 and is now recognised as an international standard facility and is an important recreational attraction in the Borough.

SITE AND SURROUNDINGS

2. The application site is located to the east of the Tees Barrage on an island peninsular and currently has three detached wooden huts located on it, which are operated as holiday lets, although there is minimal use of these facilities. The ground around the huts is grass and gravel hard standing. The site also includes car parking bays and an access roadway. There are also shrub planting areas and two established trees which will remain in place.

3. To the north of the site there is the water access to the white water course and beyond this there is established tree planting and an existing car park. The site is surrounded on the south by the River Tees and also to the west, although this is a marina. To the east of the site is the Tees Barrage and access roadway and beyond this there is the white water course.

PROPOSAL

4. The proposal will provide a new high profile venue for Stockton, which will complement the existing facilities at the Tees White Water Centre. The Ropes Course structure is 17m high, which is the highest in the Country, and has four levels. There are two zip rails located at levels 1 and 2, and there is also a 10m high climbing wall at one end.

5. Alongside the new structure will be a single storey detached building, which includes male and female toilets, storage and an admin/ticket office. Externally there are new hard standing areas to access the facilities.

6. The 3 existing wooden hut buildings are to be demolished together with the small bin store. The gravel hard standing area between the buildings will also be removed, together with the section leading down to the tarmac access roadway. The timber gate and adjacent section of low level timber fence will also be removed.

7. The ropes course attraction in the centre of the application site is a steel structure including columns and beams supporting the climbing facilities. The structure extends over four levels and is in excess of 17m at its highest level. There are also four 2m high poles with flags located at the very top level of the structure. At ground floor level is a low height children's climbing structure accessed directly from the ground. Around this is a low level security fence. The main climbing structure is accessed via a secure staircase from ground level, then a multi-level staircase along the southern side from levels 1 to 4. Multiple ropes bridges, swing lines, bridges, ladders and steps etc. are located within the structure. There is a 10m high climbing wall at the eastern end of the structure and double zip wire rails located at level 1 and 2 along the northern side. From accessing the structure the user is constantly secured in a safety harness system at all times.

8. The new detached building is 4.68m x 10.33m with an adjacent external covered area 7.19m in length. The building will comprise a general office from which the tickets will be sold. There will also be ladies, gents and accessible toilets which can accommodate up to 100 site users. There is a store room which leads onto the covered area which will house some vending machines and lockers, and will allow non-users of the facility to stand or sit outside. The external finish of the building and covered area will be blue engineering facing brickwork and cedar cladding together with a concrete tiled pitched roof. The external doors and windows will be aluminium and there will be enclosed shutters to the ticket office window and along the front of the covered area. Two small detached storage sheds are to be provided along the southern boundary of the site adjacent to the climbing wall.

9. The ropes course structure is to be located on a structural concrete slab and this will form the finish to the ground below this. To gain access around the site there will be areas of coloured tarmac which will lead around the building and then along the north and west of the concrete. Along the

southern and eastern sides of the concrete will be an artificial grass surface which will lead customers into the attraction and also around to the climbing wall. An area of non-slip timber decking will be provided under the covered area. The remaining areas will be grass, or existing tarmac and block paving along the access roadway which is to remain unchanged.

10. The new hard standing areas will be permeable and drain into the ground. The new buildings will be positively drained into the existing underground systems.

11. The ancillary building will have amenity lighting only around the perimeter. The ropes course attraction will be subtly up lit so it is visible from the surrounding areas only.

12. The existing access roadway, parking bays and planting to the east of the application site will remain mostly unchanged with no boundary treatments required and existing fencing remaining in place. The main site area to the west of the application site will be surrounded by a 2.4m high weld mesh steel fence (colour green). A 3m wide gate will be provided adjacent to the building. The existing steel handrails along the riverside will have new weld mesh infill panels inserted between the uprights.

13. There are two rows of existing car parking bays located within the site boundary. The row to the south will not be accessible to vehicles after the installation of new road bollards and these will therefore be within the pedestrian area of the site. The row to the north is split into two, with one side (currently 5 spaces) to be re-allocated as 3 accessible parking bays and the other remaining 5 bays remaining for use by the marina and white water course users.

14. Users of the facility who visit in cars will park in Car Park 1 to the north of the site. Signage will be provided to guide visitors driving to this car park and not into the site. The site will provide 3 accessible parking bays close to the building. Car Park 1 is currently the car park for the White Water Centre and has a total of 116 places including 6 accessible bays, and drop off spaces. This car park is never fully occupied and has spare capacity to accommodate users of this facility. It is anticipated that up to 100 people will use the facility at any one time, with a maximum number of cars of between 25 and 30. Signage would encourage visitors to use the northern end of the Car Park 1. The White Water Centre and car parks are managed by Tees Active.

15. Pedestrian access from this car park will be via the existing network of footpaths which lead into the site. Pedestrians will then access along the southern roadway which is to become pedestrianized.

16. The proposed development will provide full access at ground floor level. All new external footpaths and level accesses to the building and other areas will be compliant with the relevant regulations.

17. The site includes and is surrounded by substantial and established tree and shrub planting and this will all remain in place as there are no plans to remove any planting. An area of new tree planting is proposed to the south west of the site and the remaining areas of soft landscaping will be grass.

18. A new cycle parking area will be provided within the application site. It will comprise Sheffield type stands on a new hard standing, surrounded by a 1.2m high timber post and rail fence formed into a circular shape.

19. The attraction will be primarily used in the Spring and Summer months when it will operate for at least 5 to 6 hours a day when open, and will also operate in Autumn and Winter months for less hours.

CONSULTATIONS

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

The Environment Agency

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

Condition

No development shall take place until a plan detailing the protection and/or mitigation of damage to the population of otter, a protected species under The Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010 for European Protected Species, and its associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reasons

This condition is necessary to protect the otter and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Under section 40 of the National Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

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

Survey Licence Requirements - Advice for Applicant

It should be noted that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. Further information and guidance on UK protected species and licensing can be found under the DEFRA web pages for the Wildlife and Countryside Act 1981.

Flood Risk - Advice to LPA

We are satisfied that the revised Flood Risk Assessment (FRA) demonstrates that the finished floor levels of the development will not be at risk from the 100 year flood level as demonstrated by a comparison between topographic levels and hydraulic modelling data. However, it is strongly recommended that the safe egress and access plan as described in the mitigation section within the FRA is implemented as part of the development proposal.

Historic Landfill Site - Advice to LPA/Applicant

The proposed development is partially located within the licenced area of a historic land fill site (waste management licence No CLE/R28). This was issued to Cleveland County Council for the deposit of uncontaminated clay, subsoil and construction wastes, between 1987 and 1990 at the former Malleable Works.

Although the development proposal is located within the boundary of the formally licenced area, it is our understanding that waste was not deposited on the area of land proposed for this development. It is also considered that the wastes types deposited under the terms of the licence would not have an adverse impact on the proposed development.

Land Contamination - Advice to LPA/Applicant

Given the nature and scale of the proposed development, 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.

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 for more information.

Discharge of Foul Sewage - Advice to LPA/Applicant

An acceptable method of foul drainage disposal would be connection to the foul sewer.

Car Parking Areas - Advice to LPA/Applicant

Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground and/or surface waters.

Decision Notice - Information for LPA

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Charging for Planning Advice - Advice to LPA/Applicant

The Environment Agency began charging for the planning advice we provide to developers and their consultants on 3 March 2014. We will continue to provide a free service to developers and their consultants in the form of a preliminary opinion. Should you require any further bespoke advice, we can provide this at a chargeable rate. Our charge will be £84 per hour and we do not charge VAT. Further information can be found on our website at <http://www.environment-agency.gov.uk/research/planning/33580.asp>

Head of Technical Services

General Summary

Subject to the comments below the Head of Technical services has no objections to this development.

Highways Comments

Access to the ropes course will be from Tees Barrage Way with signing directing visitors to park in car park 1 and then proceed on foot. Car park 1 provides 116 spaces, with accessible spaces provided adjacent to the ropes course, and currently serves the white water course. This car park has sufficient capacity to serve both the existing and proposed uses. Cycle parking is to be provided adjacent to the ropes course in the form of Sheffield stands. There are no highway objections.

Landscape & Visual Comments

This scheme would be broadly supported as offering a valuable recreational resource for the area. The 2.4m high weld mesh fence would be an acceptable boundary detail and the colour chosen for the fence, RAL 6003 olive green, would also be acceptable. The other hard landscape and soft landscape details are acceptable.

Flood Risk Management

The proposed site is located within a Flood Zone 3, however the proposed buildings are deemed to be "less vulnerable" and the recreational element is "water compatible". The Flood Risk Assessment provided highlights a number of mitigation measures that are to be implemented.

Details of the surface water drainage solution for this development have not yet been provided therefore the following condition is required:

CONDITION 1: The final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The proposed surface water solution should have sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage system can be stored on site without risk to people or property. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or the surrounding area

Other Relevant Comments:

-The FRA suggests that the point of discharge for the surface water drainage solution will be into River Tees, this is Main River and will require the consent of the Environment Agency. The Local Planning Authority will require confirmation of the approved discharge connection and the agreed discharge rate.

-A thorough and robust safe access and egress plan should be drawn up that details how the site should be evacuated prior to flood events. Staff operating the site should have a clear understanding of how to use the safe access and egress plan and how to react to EA flood warnings. The safe access and egress plan should be linked to the EA's flood warning system and approved by the Local Planning Authority.

Environmental Health Unit

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

Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Canal & River Trust (Former British Waterways)

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

The Trust owns the application site and we are undertaking discussions with the Applicant in relation to the lease arrangements for the site in the event that the scheme is approved by the Local Planning Authority.

However, in our capacity as a statutory consultee, we have reviewed the application details and have no objections to the proposed development but would wish to make the following comments.

Design issues

The Trust support the principle of the scheme which will provide a new leisure and recreational facility for the River Tees that will complement the existing leisure uses such as the white water course. We note that Policy CS6 of the adopted Core Strategy supports opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage.

However, we note the scale of the proposed scheme and recommend the following measures to help ensure that the visual impacts on the river corridor are mitigated.

Building materials and finish

We understand that the Applicant intends to use materials that acknowledge the existing built environment; for example, a 'natural' colour choice is proposed for the climbing structure and the security fence will be olive green in an attempt to complement the colour scheme for the Tees Barrage. Such an approach would help the scheme adapt to its surroundings.

In relation to the proposed security fence, we also note that the fence extends over the river, presumably to maintain security to the site. Although, we understand that security is an important issue for the scheme, we recommend further consideration of this design element and advise that the fence does not extend over the river.

We also understand that the Applicant cannot at this stage provide the exact technical specification for scheme and therefore we recommend the following condition.

Notwithstanding the plans submitted prior to the commencement of development, details of the proposed materials, including finish to be used in the construction of the rope course, climbing structure, security fence and ancillary buildings shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason

Waterside developments should be designed to provide an attractive façade and poor choice of materials to be used in the construction of a development can affect how the waterway corridor is perceived, particularly when viewed from the water and neighbouring land.

Such a condition would be consistent with paragraph 58 of the National Planning Policy Framework (NPPF) which aims to ensure that new development responds to local character by reflecting the identity of local surroundings and materials.

Furthermore, we recommend the omission of the proposed flags to the top of the climbing structure, as they only serve to add to the visual clutter of the scheme.

Foundations

We note that the Applicant has not submitted foundation details for the proposed scheme. As the rope course and climbing structure is a significant size, we would require further information on the foundation details to determine their potential impact on the waterway infrastructure. Therefore, we recommend the following condition should the LPA approve the scheme.

No development shall take place until details of the foundations have first been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason

To protect the structural stability of the waterway infrastructure which could be adversely affected by the development.

Such a condition would be consistent with paragraph 120 of the NPPF relating to land stability.

Furthermore, we note that several trees are proposed which will help soften the visual impact of the scheme. However, they are in close proximity to the waterway wall and therefore have the potential to impact on its structural integrity. As such we recommend the following condition should the application be approved.

Notwithstanding the plans submitted prior to the commencement of development, details of the proposed trees shall be submitted to and approved in writing by the Local Planning Authority.

Reason

Trees have the potential to impact on the integrity of the waterway structure.

Such a condition would be consistent with paragraph 120 of the NPPF relating to land stability.

Drainage

We understand that the existing log cabins, which are to be removed to accommodate the proposed scheme, have toilet and shower facilities that drain into the existing drainage system and that the proposed scheme will incorporate three customer toilets that will utilise the existing drainage system.

However, as no specific drainage details have been submitted we recommend the following condition should the LPA approve the scheme.

Details of the drainage arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the development hereby permitted and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason

In order to ensure that the development is drained in a satisfactory manner to prevent pollution of the waterway.

Such a condition would be consistent with paragraph 109 of the NPPF which requires that new development does not contribute to water pollution.

Other matters

Furthermore, if the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

“The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Northern Gas Networks

No objection

Northumbrian Water Limited

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

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

PUBLICITY

21. Neighbours were notified and comments received are set out below :-

J W Macfadyen, 14 Ivy Drive, Stockton-on-Tees

My only concern would be that access will be via Tees Barrage Way and not from Crofton Road. Traffic is light on Crofton Road. Although my address is in Ivy Drive, my new house is fronting Crofton Road and an increase in traffic would detract.

PLANNING POLICY

22. 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 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

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

National Planning Policy Framework

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;

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.

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.
4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:
 - i) The Tees Valley Metro;
 - ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
 - iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
 - iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.
5. Improvements to the road network will be required, as follows:
 - i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
 - ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
 - iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
 - iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.
7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.
8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

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

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
8. Additionally, in designing new development, proposals will:
 - _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
 - _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
 - _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
 - _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:
 - _ General Employment Land 255 hectares (ha)
 - _ Key Employment Location (Wynyard) 70 ha

- _ Durham Tees Valley Airport 50 ha
- _ Land for Chemical and Steel Industries, up to 445 ha

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

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

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

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

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

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

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

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

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

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

8. Additionally, support will be given to:

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

v) The creation of employment and training opportunities for residents by developers and employers.

Core Strategy Policy 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.
3. 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.
4. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.
5. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.
2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
 - i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
 - ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
 - iii) Urban open space and play space.
4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.
5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.
7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:
 - i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;

ii) Tees Heritage Park.

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

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

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

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

MATERIAL PLANNING CONSIDERATIONS

23. The main planning considerations with respect to this application are the principle of development, the impact on the character and appearance of the surrounding area and the impact on existing landscaping features. Other considerations include the impact on the amenity of neighbouring land users, the impact on highway and pedestrian safety, ecology and flooding issues and any other residual matters.

Principle of development

24. Core Strategy Policy CS4 (economic regeneration) supports growth in sustainable tourism, particularly in the River Tees as a leisure, recreation and water sports destination.

25. Core Strategy Policy CS6 (community facilities) states that "provision of and access to facilities underpin a number of Sustainable Community Strategy strands. Promoting health, well-being and achievement of children and young people involves good quality education and training facilities, together with chances for young people to enjoy culture, sport and leisure opportunities". Policy CS6 further notes that "opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage...will be supported".

26. Core Strategy Policy CS3 (Sustainable Living and Climate Change) states that new developments should "make a positive contribution to the local area".

27. It is considered that the proposal will provide a unique leisure facility for the Borough in close proximity to the Tees Barrage, which is identified as a key area identified in Policy CS6. It is therefore considered that the principle of development is acceptable, subject to the proposal satisfying other material considerations that are set out below.

Impact on character and appearance of surrounding area

28. The Ropes Course structure is 17m high and will be located on an island peninsular which currently has three detached wooden huts located on it. To the north of the site there is the water access to the white water course and beyond this there is established tree planting and an existing car park. The site is surrounded on the south by the River Tees and also to the west. To the east of the site is the Tees Barrage and access roadway and beyond this there is the white water course.

29. Whilst the structure is of a notable size and visible, it will be a relatively lightweight structure and lies within an established recreational area, next to the Tees Barrage and will be viewed against a backdrop of mature tree planting and other sizeable well-spaced out structures and therefore should be considered in this context. The site is surrounded by substantial and established tree

and shrub planting and this will all remain in place as there are no plans to remove any planting. An area of new tree planting is proposed to the south west of the site and the remaining areas of soft landscaping will be grass.

30. On this basis, it is considered that the proposal is appropriate in terms of the use and scale and whilst it will be visible there will be a degree of mitigation provided by the existing trees and form of the existing leisure facilities in the immediate area.

31. It is therefore considered that the proposal will not introduce an incongruous feature into the surrounding area and will have a positive impact on the Tees White Water Centre and will develop the offer in the area.

32. The Council's Landscape Officer has raised no objections to the development, commenting that this offers a valuable recreational resource for the area and the fence and hard landscape and soft landscape details are acceptable.

33. The Canal and Rivers Trust (formerly British Waterway) also acknowledge that the 'natural' colour choice is proposed for the climbing structure and the security fence will be olive green in an attempt to complement the colour scheme for the Tees Barrage. Such an approach would help the scheme adapt to its surroundings.

34. It is therefore considered that the naturalistic finishing colours and materials will further assist in assimilating the structure into the existing landscape, and that the proposal will not lead to an adverse loss of visual amenity and that the proposal accords with Core Strategy Policy CS3.

Impact on amenity of neighbouring land users

35. The immediate surrounding area consists of buildings and structures associated with the river leisure activities. Given that there are no sensitive/residential users in the immediate vicinity of the site, it is considered that the proposal will not lead to an adverse loss of amenity in terms of outlook, overlooking, overbearing and noise disturbance. The Environmental Health Unit has raised no objections to the scheme.

Impact on highway safety

36. The Head of Technical Services has raised no objections to the application, commenting that access to the ropes course will be from Tees Barrage Way with signing directing visitors to park in car park 1 and then proceed on foot. Car park 1 provides 116 spaces, with accessible spaces provided adjacent to the ropes course, and currently serves the white water course. This car park has sufficient capacity to serve both the existing and proposed uses. Cycle parking is to be provided adjacent to the ropes course in the form of Sheffield stands.

Flooding issues

37. The proposed site is located within a Flood Zone 3, however the proposed buildings are deemed to be "less vulnerable" and the recreational element is "water compatible". The Flood Risk Assessment provided highlights a number of mitigation measures that are to be implemented. The Environment Agency and the Council's Surface Water Management Team have no objection to the proposal subject to appropriate controlling conditions

Ecology

38. In respect of ecology and nature conservation the application site and its current condition has only very a low risk that it might provide habitat or any form of refuge for otter or any other protected species. Records show that otter use this stretch of the River Tees and that they have

visited Portrack Marsh which is 500 metres from the application site. The Marsh provides some 10 hectares of prime habitat for the species and is therefore likely to be used by them in preference to the hard-standing and open ground at the application site.

39. Since there is known activity by this European Protected Species in the area, it is recommended that new surveys and, if necessary, mitigation plans are made a condition of any planning permission.

40. A concern has been expressed by the occupant of 14 Ivy Drive regarding access will be via Tees Barrage Way and not from Crofton Road and traffic is light on Crofton Road and an increase in traffic would detract. From a Planning and highway viewpoint it is considered the proposal will not have a detrimental impact on traffic levels in the area.

CONCLUSION

41. Overall the nature and scale of the development is acceptable and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on ecological habitat and flooding. The proposed access and highway arrangements satisfies the requirements of Head of Technical Services and the proposal is in accordance with relevant planning policy and guidance and therefore it is recommended that the application be approved with conditions for the reasons specified above.

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

WARD AND WARD COUNCILLORS

Ward **Stockton Town Centre**
Ward Councillor **Councillor D. W. Coleman**

Ward **Stockton Town Centre**
Ward Councillor **Councillor P. Kirton**

IMPLICATIONS

Financial Implications: As Report

Environmental Implications: As Report

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

Community Safety Implications:

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

Background Papers

The Town and Country Planning Act 1990.
National Planning Policy Framework
Stockton on Tees Local Plan Adopted Version June 1997
Core Strategy Development Plan Document March 2010