

DELEGATED

AGENDA NO  
PLANNING COMMITTEE  
17 FEBRUARY 2016  
REPORT OF DIRECTOR ECONOMIC  
GROWTH AND DEVELOPMENT SERVICES

15/1650/FUL

**Londonderry Bridge, Durham Road, Stockton-on-Tees  
Demolition and rebuilding of Londonderry Bridge as part of the wider Lustrum Beck Flood Alleviation Partnership Scheme, the purpose of which is to reduce the risk of flooding to the communities along Lustrum Beck.**

**Expiry Date: 31 March 2016**

**SUMMARY**

Planning permission is sought for the demolition and rebuilding of Londonderry Bridge as part of the wider Lustrum Beck Flood Alleviation Partnership Scheme, the purpose of which is to reduce the risk of flooding to the communities along Lustrum Becks.

8 individual letters and 83 proforma objection letters have been received which revolve mainly round the loss of a heritage asset, the design of the bridge and the impact of the proposed traffic diversions whilst works are being undertaken. In addition 1 letter of representation was received from an adjacent neighbour querying a number of points in relation to the proposed on site works.

Taking all the comments into account it is considered that whilst the bridge is a heritage asset its loss would not be sufficient to warrant refusal of the application as it has been significantly altered over the years. The proposed scheme will result in reducing the risk of flooding in the Lustrum Beck area and the benefits of the scheme will outweigh the harm and the application is recommended for approval with conditions

The impacts from the diversion of the traffic are not a planning consideration and will be dealt with under the Road Traffic Regulation Act 1984.

**RECOMMENDATION**

**That planning application 15/1650/FUL be approved subject to the following conditions and informatives;**

**01 Time Limit**

*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 Approved Plans**

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBR-SW-DE-S-1006</i>	<i>3 July 2015</i>
<i>SBR-SW-DE-S-1005</i>	<i>3 July 2015</i>
<i>SBR-SW-DE-S-1004</i>	<i>3 July 2015</i>
<i>SBR-SW-DE-S-1003</i>	<i>3 July 2015</i>

SBR-SW-DE-S-1002	3 July 2015
SBR-SW-DE-S-1001	3 July 2015
SBR-SW-DE-S-1000	3 July 2015

Reason: To define the consent.

### **03 Ecology**

Works should be undertaken in complete accordance with the method statement and mitigation measures as detailed in Section 6.2 and Appendix 4 of the submitted Preliminary Ecological Assessment dated 20 January 2016.

Reason: In the interests of protecting ecological species and habitats.

### **04 Recording of a heritage asset through a programme of archaeological works**

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

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

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

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

Reason: To ensure the significance and details of the heritage asset is accurately recorded

### **05 Invasive Species - Japanese Knotweed**

No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons: This condition is necessary to prevent the spread of Japanese knotweed which is an invasive species.

### **06 Invasive Species - Giant Hogweed**

No development shall commence until a detailed method statement for removing or the long-term management / control of Giant hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Giant hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

*Reasons: This condition is necessary to prevent the spread of Giant Hogweed which is an invasive species.*

#### **07 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.*

*Reason: To ensure that contamination is adequately dealt with should it be discovered during construction/demolition*

#### **08 Construction/Demolition Noise**

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

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

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

#### **Informative: Working Practices**

*The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application*

#### **Flood Defence Consent:**

*Under the terms of the Water Resources Act (1991) prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 5 metres of the top of the bank of the Lustrum Beck, a designated 'Main River'. The consent application must demonstrate that:*

- there is no increase in flood risk either upstream or downstream;*
- access to the main river network for maintenance and improvement is not prejudiced; and*
- works are carried out in such a way as to avoid unnecessary environmental damage.*

*Mitigation is likely to be required to control flood risk as a result of the temporary works necessary for the construction phase.*

#### **Otters**

*It is recommended that an otter pass is included as part of the design proposals. The otter pass should be either a ledge or a bolt on metal ledge preferably on the left bank as this will be less disturbed and less accessible for humans. Further information and guidance is available in the Design Manual for Roads and Bridges, volume 10 Environmental Design and Management, section 4 Nature Conservation, part 4, HA81/99 Nature Conservation Advice. This is available at <http://www.standardsforhighways.co.uk/dmrb/vol10/section4/ha8199.pdf>*

### **BACKGROUND**

1. The Lustrum Beck has flooded properties on a number of occasions in the past, most recently in 2012 when approximately 100 properties were flooded and power supplies affected for a week. Flooding is caused by a lack of channel capacity, constrictions of culverts and bridges and the blockage of a debris screen at Primrose Hill. A scheme involving linear defences, the replacement of Londonderry Bridge, and the replacement of Primrose Hill screen with a lifting structure (a security screen is required here owing to the death of a child in the culvert previously) and upstream storage gained approval for funding via the Environment Agency in 2014. It was agreed that Stockton Borough Council would

deliver the replacement of Londonderry Bridge owing to their expertise and their role as Highways Authority.

2. The two components that provide the greatest contribution to reducing the risk of flooding to properties are the lifting trash screen and the replacement of the Londonderry Bridge. The trash screen in its current format is a fixed screen which quickly blinds with debris brought downstream following high rainfall. Despite the best efforts of Environment Agency staff the screen becomes blocked and floods follow.

#### Scheme History

3. The original project dates back over ten years and was largely based around upstream storage costing circa £8m. It did not address issues around the trash screen or the bridge but relied heavily on a large storage facility with significant earthworks and a dam. The scheme would not have attracted sufficient grant funds to have been viable and therefore it was decided to take a completely fresh look at developing a solution which was achieved by the Environment Agency and Stockton Borough Council working collaboratively. The component problems were identified, solutions considered and options appraised and modelled. Over many months these options were refined before agreeing the best solution that can deliver a 1 in 100 year level of protection costing circa £3m.

#### Alternative options

4. A number of alternative options were investigated:
  - Alternative methods of bridge construction were considered, such as the use of box culverts, hydraulic modelling showed this would not provide the required standard of protection.
  - Modifying the existing bridge to open up a blocked bay. This would need to be combined with opening up the first section of the Primrose Hill culvert to achieve the 75 year standard of protection. Cost estimates however showed that this was not likely to reduce costs and would come with the significant risk of needing to modify existing structures. There would also be a residual risk of blockage due to the presence of bridge piers within the channel.
  - Raising the proposed hard defences was considered. These tie into metal plates on Browns Bridge upstream. A structural assessment has shown the bridge would be at risk of flotation if the plates were raised higher. This option was therefore unacceptable.
  - Withdrawing from delivering the bridge replacement but deliver other elements. The standard of protection offered by the scheme would be approximately 20 years, not significantly greater than without the scheme. There would also be significant abortive costs.
  - These considerations were in addition to over 30 modelled scenarios considered at the appraisal stage of the project.
5. Following a review of these alternative options, the preferred option is to continue with delivery of the new bridge and other scheme elements as originally proposed.
6. It should be noted that Londonderry Bridge is functioning perfectly well as a highway structure and could have done so for many years but its replacement is purely to achieve the flood risk reduction necessary to provide the 1 in 75 year level of protection for residents

#### **SITE AND SURROUNDINGS**

7. The application site is Londonderry Bridge which is located on Durham Road in Stockton and crosses Lustrum Beck. The bridge is used by vehicles and pedestrians and is largely of masonry construction.
8. The bridge is comprised of four "spans", one of which has been bricked up preventing flows through the opening, another is a solid abutment. At normal flow, the river channel is confined to one arch structure while in higher flows the river can also flow through an overflow channel.

9. Downstream of the bridge Lustrum Beck is bounded by a profiled river bank to the south and a series of historic retaining walls to the north. Upstream of the bridge the beck is bounded by a gabion retaining wall to the south and a series of historic masonry walls to the north.
10. To the north of the site are residential properties and Newtown Community Resource Centre. To the south are a number of commercial and residential properties.
11. The bridge is not listed or located in a Conservation Area but the beck is within flood zone 3 and the area beneath forms part of Hamilton Road Green Corridor.

### **PROPOSAL**

12. Planning permission is sought for the demolition and rebuilding of Londonderry Bridge as part of a wider flood alleviation scheme.
13. It is anticipated that all of the existing masonry arch bridge will be removed. The proposed replacement bridge is a single span integral bridge of precast pretensioned beams with an in-situ reinforced concrete topping. The deck will be connected to plain reinforced concrete abutments, each supported on a pile cap.
14. Parapets will be supported on a reinforced concrete edge beam and will be solid parapets clad in stone to resemble existing and where relevant will tie into existing walls and/or handrails. The proposed bridge will be around 12 metres wide with an 11 metre clear span opening. The height of the structure will be as existing at around 4.0 metres.
15. Other Works will comprise of utilities diversions, temporary water management, waterproofing and resurfacing works and completion of any landscaping, street furniture works.
16. It is proposed that the new bridge will have a design life of 120 years.

### **CONSULTATIONS**

17. The following Consultations were notified and any comments received are set out below:-
18. Highways Transport And Environment  
Highways Comments: In terms of the suitability of the scheme and its impact on the highway there is no objection to the proposal. During the period of construction works suitable diversion routes will be in place for all highway users, this will be undertaken with appropriate highway legislation under Part I, Part II or Part VI of the Road Traffic Regulation Act 1984.  
Landscape & Visual Comments: There is one tree being removed as a result of this proposal which has been assessed by the council's Principal Tree and Woodland Officer who has no objections to the removal. The submitted details are acceptable and there are no landscape or visual objections.
19. Tees Archaeology  
The bridge is early to mid-19th century in date. Its name possible relates to the Wynyard Estate and the activities of the 3rd Marquess of Londonderry (active from the 1820s) who made many improvements to the estate. The current application is for the demolition of the existing bridge and for its replacement. The bridge can be described as a heritage asset of local interest. I would recommend that a formal historic building record is compiled, prior to and during demolition, in order that a publicly accessible archive is created for the structure (NPPF para. 141).  
In order to secure this record I recommend a planning condition, the suggested wording for which I set out below:-  
Recording of a heritage asset through a programme of archaeological works  
A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

20. 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.

Construction/Demolition - Open burning: No waste products derived as a result of Construction Demolition operations hereby approved shall be burned on the site.

Construction/Demolition Noise: I am concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance. I would recommend working hours all Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00-18:00Hrs on weekdays, 09:00-13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

21. The Environment Agency

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

Condition 1 (Invasive Species - Japanese Knotweed)

No development until a detailed method statement for removing or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons: This condition is necessary to prevent the spread of Japanese knotweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to

conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The Preliminary Ecological Assessment (July 2015) indicates the presence of Japanese Knotweed at grid reference NZ43867, 19833. In addition, this condition reflects the recommendations detailed in the Preliminary Ecological Assessment, section 6.2 (pp33 -34) regarding the fencing of invasive species.

Condition 2 (Invasive Species - Giant Hogweed)

No development until a detailed method statement for removing or the long-term management / control of Giant hogweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Giant hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reasons: This condition is necessary to prevent the spread of Giant Hogweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The Preliminary Ecological Assessment (July 2015) indicates the presence of Giant hogweed at grid reference NZ43956, 19880. It is also found upstream on Lustrum Beck.

*Informative - Advice to LPA/Applicant*

The supporting documents show sheet piling on the right bank downstream of the bridge. Currently there is no piling. The Water Framework Directive (WFD) mitigation measures for Lustrum Beck include the removal of hard revetment such as piling.

If possible, it is recommended that the bank is battered back as existing in order to retain the berm feature. The width of the channel should not be increased as this will create a section which will be very shallow in low flows and may cause algal blooms in warm weather. Such a section would also promote deposition.

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

Flood Risk: The Flood Risk Assessment (FRA) demonstrates that as part of the wider Lustrum Beck Flood Alleviation Scheme, this development will not increase flood risk.

Flood Defence Consent- Under the terms of the Water Resources Act (1991) prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 5 metres of the top of the bank of the Lustrum Beck, a designated 'Main River'.

The consent application must demonstrate that there is no increase in flood risk either upstream or downstream; access to the main river network for maintenance and improvement is not prejudiced; and works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control flood risk as a result of the temporary works necessary for the construction phase.

22. Natural England

Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

23. Councillors  
Councillor Baker

I am not sure if you are aware of the historic significance of this bridge, this bridge which is a river crossing was built circa 1830 and is the oldest bridge in Stockton-on- Tees and is named after Lord Londonderry, the landmark commonly known as Londonderry Bridge is built from stone in which his own home Wynyard Hall is built from.

I feel that such a structure should undergo a constructional engineer's report, the two arches which have been bricked up, if these were restored to their original specification and the fourth arch was cleared of silt and rubbish, this bridge would operate for the capacity of water flow for which it is designed and will be in keeping with the street scene and surrounding properties

The impact of this bridge and associated works will have a detrimental effect to the nearby side streets that lead to Green Lane, the area is served by two schools, a care home and a community centre, and homes to many people who are old and infirm, the restrictions that will be imposed on them by SBC are in my opinion a trifle overzealous, cars having to park half on the pavement and half on the roads, then using enforcement if they do not comply with your request, this alone invalidates any insurance claims for damage to vehicles or people's homes, the pavement will be very restrictive to all pedestrians and mothers with prams and disabled people with wheel chairs. Over 600 children a day go to school in this area, this is a very dangerous practice, it is an accident waiting to happen

The service buses have expressed their views to using side streets to Green Lane, but have been told by SBC, that there is not an alternative route, I beg to differ, Ragworth bus to turn right off Appleton Road down Durham Road, then go down by pass or left down Bishopton Road, then left again at Sainsbury's, it is my belief that is the preferred option by the service buses.

The Victorian properties are built on shallow foundations which are approximately fourteen inches in depth, these properties are over a hundred and twenty year old and more importantly they are people's homes, their pride and joy, their investment for the future. Service buses are to use these streets from 06.30 hours till 23.30 hours seven days a week, these vehicles with passengers weigh 15 tons and a one way system for 173 double decker buses at low times per day, at high times whatever the service buses they please, this lasting six months, this will have devastating consequences to people, their property and privacy and the quiet community that they live, this is anti-social behaviour in the worst form. I have requested that an engineer's survey be carried out to all properties affected by the proposed plan. It would be polite for the service buses to give their insurance details as a matter of course for residents to make any due claims

24. Tees Valley Wildlife Trust  
No comments received

#### **PUBLICITY**

25. Neighbours were notified and 8 individual letters of objection and 83 proforma objection letters were received from the following addresses (some were without an address) with the main objections summarised below. In addition a letter of representation was received from an adjacent neighbour querying a number of points in relation to the proposed on site works.
26. The full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>
1. Mr Graham Newmarch, 54 Durham Road Stockton-on-Tees (no objection)
  2. Andrea Harburn 38 Glaisdale Avenue Stockton
  3. Julie Harrison BSc (Hons) 15 Castlereagh Road Stockton on Tees
  4. Mrs R Harrison 15 Castlereagh Road Stockton on Tees
  5. Owner/Occupier 41 Londonderry Road Stockton-on-Tees
  6. Rita McCartney 44 Londonderry Road Stockton-on-Tees
  7. Noreen Wood 9 Londonderry Road Stockton-on-Tees
  8. Freda Harburn 17 Londonderry Road Stockton-on-Tees
  9. Jimmy Howes 51 Londonderry Road Stockton-on-Tees
  10. Rebecca Boston 54 Londonderry Road Stockton-on-Tees
  11. Mr and Mrs Campbell 11 Londonderry Road Stockton-on-Tees
  12. Abbie Campbell 10 Londonderry Road Stockton-on-Tees



13. Kayley Aithwaite 10 Londonderry Road Stockton-on-Tees
14. Judith Aithwaite 36 Londonderry Road Stockton-on-Tees
15. Nicola Gilbert 43 Londonderry Road Stockton-on-Tees
16. Natalie Bruce 18 Londonderry Road Stockton-on-Tees
17. Gary Parkes 53 Londonderry Road Stockton-on-Tees
18. Vicky Renyard 45 Londonderry Road Stockton-on-Tees
19. J A Power 5 Londonderry Road Stockton-on-Tees
20. S Harcourt 25 Londonderry Road Stockton-on-Tees
21. Jade Spayne 30 Londonderry Road Stockton-on-Tees
22. Pauline McGlade 20 Londonderry Road Stockton-on-Tees
23. Hannah Thompson 14 Londonderry Road Stockton-on-Tees
24. Alan Swales 35 Londonderry Road Stockton-on-Tees
25. Kelly Mulgrew 55 Castlereagh Road Stockton-on-Tees
26. Paula Hemmings 18 Castlereagh Road Stockton-on-Tees
27. Simon Casling 16 Castlereagh Road Stockton-on-Tees
28. N Duncan 25 Castlereagh Road Stockton-on-Tees
29. S A Fisher 39 Castlereagh Road Stockton-on-Tees
30. Doreen Hill 26 Castlereagh Road Stockton-on-Tees
31. Angela Smith 40 Castlereagh Road Stockton-on-Tees
32. Peter Mulgrew 8 Castlereagh Road Stockton-on-Tees
33. Emily Rose Walsh 53 Castlereagh Road Stockton-on-Tees
34. Mick Place 2 Castlereagh Road Stockton-on-Tees
35. J Place 2 Castlereagh Road Stockton-on-Tees
36. John Burr 33 Castlereagh Road Stockton-on-Tees
37. Sylvia Burr 33 Castlereagh Road Stockton-on-Tees
38. Anthony Walker 41 Castlereagh Road Stockton-on-Tees
39. Irene Boddy 47 Castlereagh Road Stockton-on-Tees
40. Anthony Nicholson 47 Castlereagh Road Stockton-on-Tees
41. Julie Laverick 53 Castlereagh Road Stockton-on-Tees
42. Tracy Lamb 59 Castlereagh Road Stockton-on-Tees
43. D Mulgrew 8 Castlereagh Road Stockton-on-Tees
44. Maureen McDonald 12 Castlereagh Road Stockton-on-Tees
45. Brendon Boyle 28 Castlereagh Road Stockton-on-Tees
46. Joel Ord 24 Castlereagh Road Stockton-on-Tees
47. Helen Tomlinson 20 Castlereagh Road Stockton-on-Tees
48. Kevin Walsh 53 Castlereagh Road Stockton-on-Tees
49. Avril Hopewell 23 Castlereagh Road Stockton-on-Tees
50. John Hopewell 23 Castlereagh Road Stockton-on-Tees
51. Anthony Hope 27 Castlereagh Road Stockton-on-Tees
52. Faye Smith 6 Castlereagh Road Stockton-on-Tees
53. Nina Crowther 42 Castlereagh Road Stockton-on-Tees
54. Joan Boyer 13 Castlereagh Road Stockton-on-Tees
55. David Wathen 30 Castlereagh Road Stockton-on-Tees
56. Rosemary Bayman 51 Castlereagh Road Stockton-on-Tees
57. George McAley 51 Castlereagh Road Stockton-on-Tees
58. David Kirk 4 Castlereagh Road Stockton on Tees
59. Mrs R Harrison 15 Castlereagh Road Stockton on Tees
60. Helen O'Neil 34 Castlereagh Road Stockton-on-Tees
61. Michael Gray 44 Castlereagh Road Stockton-on-Tees
62. H Hancock 9 Green Lane Stockton-on-Tees
63. I Hancock 9 Green Lane Stockton-on-Tees
64. Joan Baldam 6 Green Lane Stockton-on-Tees
65. Christine Gregory 2 Green Lane Stockton-on-Tees
66. Gloria Clemmons 1 Green Lane Stockton-on-Tees
67. A Smith 11 Green Lane Stockton-on-Tees
68. A Lidford 6 Green Lane Stockton-on-Tees
69. E Harrison 3 Green Lane Stockton-on-Tees
70. J Aithwaite 36 Londonderry Road Stockton-on-Tees
71. Chris Calvert 37 Londonderry Road Stockton-on-Tees

72. Paul Harburn 17 Londonderry Road Stockton-on-Tees
73. Owner/Occupier 39 Londonderry Road Stockton-on-Tees
74. Alec McDonald 12 Castlereagh Road Stockton-on-Tees
75. John Moore 15 Londonderry Road Stockton-on-Tees

27 The Main objections in relation to the application are;

- The design of the bridge is too modern (in relation to the steel bridge)
- The loss of the heritage asset
- The lack of a constructional survey as the bridge will last for a number of years
- Traffic Diversions which will impact on foundations of houses, and highway safety
- Lack of consultation on the traffic diversions

### **PLANNING POLICY**

28. 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

### **National Planning Policy Framework**

29. 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.

#### **Para 135 of the National Planning Policy Framework**

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### **Para 141 of the National Planning Policy Framework**

Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

### **Local Planning Policy**

30. The following planning policies are considered to be relevant to the consideration of this application.

31. 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
  - iii) 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 transport network and to increase choice and use of alternative modes of travel.

32. 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.

33. 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**

34. The main material considerations of this application would be the need for the development, loss of a heritage asset, impact on the character and appearance of the area, impact on neighbours, ecology, flood risk, and any other residual issues

#### **Need for the development**

35. The need to replace the bridge is driven by flood risk issues. Over 150 residential properties in the Browns Bridge area are currently at significant and very significant risk of flooding along the Lustrum Beck river corridor. The Browns Bridge area has a history of flooding and has flooded in the 1970s, twice in the year 2000 and most recently in 2012.
36. Hydrological modelling has been used by the Environment Agency to test a range of potential flood defence options. Londonderry Bridge was shown to be a key cause of increased flood risk in the area. The simulations prepared by the Environment Agency show that to be able to protect residents in the Browns Bridge area, flow needs to be increased through Londonderry Bridge and the design of the proposed new bridge will allow this
37. The proposed bridge design will allow a 75 year flood event flow to pass. It is estimated that the current bridge cannot pass the flow of a 15 year flood event, as properties currently flood in the 20 year event (due to water backing up behind Londonderry Bridge).
38. The bridge is a critical element of the flood defence scheme and will contribute towards significantly increasing the standard of protection against flooding to over 150 residents.

#### **Loss of the heritage asset**

39. The bridge is early to mid-19th century in date and as confirmed by Tees Archaeology its name possible relates to the Wynyard Estate and the activities of the 3rd Marquess of Londonderry (active from the 1820s) who made many improvements to the estate and the bridge can be described as a heritage asset of local interest. Durham Road itself appears to be a turnpike or toll road, therefore there is potential that historically this was a toll bridge with a booth adjacent.
40. One of the core principles of the National Planning Policy Framework (NPPF) is to “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.*” Further advice in the

NPPF requires local planning authorities to take into account the significance of a non-designated heritage asset in determining the application and make a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. In addition developers should record and have advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible, noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

41. The bridge has been heavily altered and remodelled over the years with the addition of buttresses and a footpath, with steel beam supports for the stone parapet. Historic plans show a much narrower bridge and given these interventions it would be difficult for the local planning authority to insist on the physical retention of the bridge, however it is considered that the replacement bridge should be of a similar design and reuse some of the stone wherever possible (the design is considered in Paragraphs 44-46).
42. It is considered that whilst the loss of the heritage asset would be a disadvantage of the scheme, the replacement bridge will contribute towards increasing the standard of protection against flooding to over 150 residents which is a significant benefit to the scheme.
43. Overall it is considered that whilst the scheme will result in the loss of a non-designated heritage, the benefits of the scheme would outweigh the harm and in this instance the proposal can be supported.
44. Tees Archaeology recommended that a formal historic building record is compiled, prior to and during demolition, in order that a publicly accessible archive is created for the structure (NPPF Para 141) and a planning condition has been recommended to this effect.

#### Impact on the character and appearance of the area

45. The proposed plans show a bridge that will be rebuilt incorporating a stone faced parapet to reflect the visual appearance of the existing structure when viewed from Durham Road.
46. The lower half of the bridge is particularly functional in its appearance and design and as the lower parts of the bridge are not particularly open to key views along the beck then what is proposed is considered to be reasonable approach. The bridge will incorporate stone facing as a feature to reflect the bridges history and retain the bridge's character (from the street scene) and it is considered that with this design feature the proposed development will not adversely affect the character and appearance of the area.
47. It should be noted that the plans were changed to a modern steel structure which was selected on the basis of reducing the length of time the bridge would be closed, and neighbours were informed and objections received to the design, however after further consideration it was decided to revert to the original design as described above (which received no objections from neighbouring properties).

#### Impact on Neighbours

48. The actual replacement of the bridge will not have an adverse impact on neighbouring residential and commercial units other than short term construction disturbance. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) are not material planning considerations.
49. However as recommended by the Environmental Health Unit, to reduce the impact on neighbours from noise and disturbance a condition has been recommend limiting the working hours.

### Ecology

50. A preliminary ecological assessment and update report accompanies the application. The survey has shown potential ecological constraints in the form of roosting and foraging bats, nesting birds, otter movements (transit), increased sedimentation of a UK and Tees valley BAP priority habitat and the potential spread of invasive species (Japanese knotweed and giant hogweed).
51. A number of recommendations have been made and a method statement proposed and it is considered that subject to these recommendations being adhered to then there will be no significant effect on ecology. A condition has been recommended to this effect.
52. In relation to hogweed, the Environment Agency has suggested two conditions to ensure that this invasive species is adequately dealt with. These conditions have been recommended.
53. The Environment Agency recommended that an otter pass is included as part of the final design proposals, this has been added as an informative to the decision and the project manager has been informed.

### Flood Risk

54. A flood risk statement (FRS) has been prepared to support the application. The development is classified as "Essential Infrastructure" according to the Planning Practice Guidance on Flood Risk and the bridge is situated in Flood Zone 3.
55. Information in the FRS suggests that there is a low existing surface water flood risk at the site and the risk of groundwater flooding is assessed as being low, drainage at the proposed bridge is to be the same as the existing. It further states that the proposed bridge design will significantly increase the available space for flow below the structure and will allow the 75yr flow to pass plus 300mm of freeboard. As part of the Environment Agency's flood alleviation works in the catchment area, work to store water in the upper catchment will reduce flows in Lustrum Beck in the Browns Bridge area, meaning that upon completion of the scheme, the bridge should be able to pass the 100yr flood plus 300mm freeboard.
56. This information has been considered and no objections have been raised from the Environment Agency or the Council's flood risk management team.
57. Comments have been made with regards to sheet piling on the right bank downstream of the bridge and whilst not an objection, the Environment Agency have recommended that the bank is battered back as is existing in order to retain the berm feature. These comments have been noted and passed to the Project Manager who will consider these recommendations during the final design stage.

### Impacts from the Traffic Diversions

58. The main thrust of the objections relates to the diversion of the traffic and associated impacts during construction works. Whilst these comments are noted they are not a material consideration in the determination of this application.
59. Planning conditions are not an appropriate means of controlling the right of passage over public highways. During the period of construction works suitable diversion routes will be in place for all highway users, this will be undertaken with appropriate highway legislation under Part I, Part II or Part VI of the Road Traffic Regulation Act 1984.

### Other Matters

60. The Environmental Health Team requested that conditions in relation to land contamination and hours of construction are imposed. These conditions are considered reasonable and

have been recommended however the condition in relation to open burning has not been recommended as this can be controlled using other legislation.

61. An adjacent neighbour queried various constructional elements of the scheme. These comments have been passed to the Project Manager who has responded direct to the neighbour concerned.

## **CONCLUSION**

62. The development has been considered in the context of the need for the development and the loss of the heritage asset and it is considered that there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or the Development Plan.
63. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact, it does not adversely impact on the character of the area or the ecological habitat and matters of concern over temporary diversions are dealt with through other legislation and not the planning regime.
64. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Newtown</b>
<b>Ward Councillor(s)</b>	<b>Councillor Paul Baker</b>
<b>Ward Councillor(s)</b>	<b>Councillor Rachael Proud</b>

## **IMPLICATIONS**

**Financial Implications:** *The Council has obtained funding for the scheme and as detailed in the report this scheme is the preferred option to address the flooding issues in the area.*

**Legal Implications:** *There are no known legal implications in determining this application.*

**Environmental Implications:** *The assessment of the application has taken into account the impacts on flooding, ecology, the general character and appearance of the area and the loss of a heritage asset. It is considered that there would be no undue impacts and the scheme would improve flood defences in the area. Detailed considerations are listed within the 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. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.*

**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*

*Application File and Relevant History as referred to in the report.*



