

DELEGATED

AGENDA NO

PLANNING COMMITTEE

22 FEBRUARY 2017

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

16/1603/OUT

Car Park, Navigation Way, Thornaby

Outline application with some matters reserved except for access for the erection of up to 150 residential dwellings and associated access.

Expiry Date : 18 November 2016

SUMMARY

This is an outline application, with all matters reserved save for means of vehicular access. The application proposal is therefore to establish the principle of the development.

The proposal consists of up to 150 dwellings. A Design and Access Statement and an Illustrative Masterplan have been prepared to demonstrate the layout and design principles for the site with detailed plans submitted for the proposed means of access from the public highway.

The application site is currently an informal car park comprising of hardstanding and a network of pedestrian footpaths. A grassed area surrounds the hard standing. The site is previously developed brownfield land, formerly used for industrial uses.

The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring residents, the impact on the highway network and highway safety, flood risk, noise and other material planning considerations.

Core Strategy Policy CS1 states that new development should be located within the conurbation to assist with reducing the need to travel. The site is located within the core area as defined in the Core Strategy and is a highly sustainable site.

Core Strategy Policy CS7 – Housing Distribution and Phasing states that development in the Core Area should be prioritised, with 75% of dwellings on previously developed land. The application site is located on previously developed land within the Core Area.

Saved Policy En17B – Recycling Land of the Stockton Local Plan (1997) states that land is allocated at 'Teeside, Thornaby', which includes the application site, for a range of uses including, housing.

A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) provides that "Housing applications should be considered in the context of the

presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” (Para. 49).

The Council cannot demonstrate a 5 year supply of housing land and NPPF makes clear that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The benefits arising from the proposal in the context of housing are that it would align with NPPF aspiration for local authorities to boost significantly the supply of housing in their areas and contribute towards the five year supply of housing. It is considered that the application site is a sustainable development and the presumption in the NPPF that Planning should operate to encourage and not act as an impediment to sustainable growth must be applied. Significant weight is required to be placed on the need to support economic growth through the planning system. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF and that planning permission should or could be reasonably withheld.

Whilst it is recognised that the application site currently provides informal parking which supports the development of the cultural, sport and leisure offer of the Borough, the site is not in Council ownership and this informal arrangement could cease at any time. Furthermore it is considered that the proposed scheme does provide extensive public open space on the northern and western boundaries which would allow for public use.

Given the Local Plan Policy EN17 supports mixed used development, which includes housing and the NPPF supports the delivery of housing development, there is no objection in principle to the application.

Core Strategy Policy CS8 (Housing Mix and Affordable Housing Provision), states that affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable. The applicant has submitted an economic viability appraisal which demonstrated that it is not feasible to meet the level of affordable housing normally required for the scale of development and still be economically viable. On this basis the Housing Services Manager would not look to further pursue the delivery of affordable housing at this time.

Core Strategy Policy CS11 relates to planning obligations and sets out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. The applicant has indicated that they will enter into a Section 106 Agreement to provide a financial contribution for the additional school places should they be required. Furthermore the applicant will agree to a Local Labour Agreement.

The location of the development is sufficiently separated from existing dwellings and it is considered that the proposed dwellings would be sufficiently far apart to meet any visual privacy requirements and the site has a sufficient area to meet the amenity of the occupants and it is not considered that the application will have any significant impact upon the privacy and amenity of neighbouring residents.

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

A Design and Access statement accompanies the application, which provides some design principles and information on the proposed nature, form, scale and appearance of the development as a whole. A condition is imposed requiring the development to be carried out in broad accordance with this document to ensure that the dwellings, both individually and collectively, are in keeping with the location.

A Phase 1 Habitat Assessment and desk study was undertaken to investigate the potential of the application site to support any protected species. Habitats on application site consist of hard standing, amenity grassland, introduced shrubs and a few immature scattered trees. These are considered low quality habitats with a very low capacity for supporting protected mammals, and no signs of such were observed.

In terms of flood risk, a Flood Risk Assessment accompanies the application and identifies the site falls mainly within Flood Zone 1 (the lowest risk) with a need to demonstrate a satisfactory management of surface water. However, surrounding the edges of the proposed development, to the north and north-east, is a small area of land located in Flood Zone 2. Overall, the site is assessed to be at low risk of flooding from fluvial and tidal sources. Discharge to the surrounding watercourses (mainly the River Tees) will be maintained at the current run-off rate for the site, to ensure the risk of flooding is not increased elsewhere as a result of the development. In addition, appropriate allowance will be included to address the impact of potential climate change. The Council's Flood Risk Management section has considered the proposal and raises no objection subject to appropriate controlling conditions.

Based on the findings of the Geo Environmental Desk Study, the application site has a long history of industrial use, comprising buildings and slag heaps from a former iron works occupying the application site, landfilling including waste from a former asbestos insulation works and infilling of the former Channel of the River Tees. These uses have led to contaminated material being present on the application site and a significant thicknesses of made ground. The application site was subject to some remediation works undertaken by the Teesside Development Corporation in the 1990's which reclaimed the site for its current use as an informal car park and area of open space. The Council's Contaminated Land Officer has considered the proposal and raises no objection subject to appropriate controlling conditions and therefore the proposal does not conflict with Planning Guidance in respect of contaminated land.

Paragraph 109 of the NPPF states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. NPPF paragraph 123 outlines that decisions should aim to avoid, mitigate or reduce noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

An acoustic assessment of the site was undertaken in dialogue with the Council's Environmental Health Unit who had expressed concerns about industrial noise arising from the adjacent Johnson Matthey Davy Technologies Limited chemical R&D facility located to the west of the site. The assessment concluded that the source of noise was the Davy Process Technology building closest to the river. A noise emission constraints plan which detailed day and night time noise was produced as a result of the survey which highlighted areas that were subject to noise on the site. The masterplan takes into consideration noise constraints and has been amended to ensure that dwellings are not located in this area (which reduced the development from 150 to 96 homes). The area subject to constraint will be used as open space and will be heavily buffered to further reduce noise.

The acoustic assessment also proposed several other noise mitigation measures and a condition is recommended to secure the noise mitigation measures proposed. The Environmental Health Officer is satisfied the proposed mitigation measures will help to minimise the impact of the noise

from the nearby plant and states that the development has been assessed in line with Noise Policy Statement for England (NPSE) where it aims to determine the significance of noise impact on the residents. The significance of the impact is rated from No effect to Adverse effect and finally to Significant adverse effect. Where the impact is rated as adverse effect, appropriate mitigation must be put in place. The noise assessment for this development falls under the adverse effect due to industrial noise from Johnson Matthey. He agrees the effect can be reduced from adverse effect to no effect by increasing the separation distance between the houses and the industrial plant, also provision of enhanced glazing and acoustically treated ventilation for certain parts of the development. With the inclusion of these measures it is considered that the proposal would not result in unacceptable living conditions for future residents. The Environmental Health Unit has considered the proposal and raises no objection on these matters subject to a controlling condition.

The site does not lie within an AQMA (Air Quality Management Area) and the Environmental Health Unit raises no objection on this matter.

In respect of archaeology and heritage impact, Tees Archaeology has considered the proposal and stated that the site had low archaeological potential and confirms that the development should not have a significant impact on any known heritage assets.

In terms of Policy Core Strategy Policy CS3 and the reference to integrating of climate change mitigation and adaptation into housing design, in order to fully reflect the objectives of the Policy the development proposals should be energy efficient and this is secured by a planning condition.

The application is accompanied by a Transport Assessment in order to satisfy the Local Planning Authority that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network.

The Highways, Transport & Environment Manager has assessed the proposal and his detailed comments are set out in full in the consultation section of this report.

The proposed site access arrangements are considered to be acceptable and would be secured through a S278 Agreement.

In order to promote sustainable modes of travel a condition requiring a Residential Travel Plan is recommended.

A condition is also recommended to agree a Construction Management Plan prior to construction commencing on the site.

Therefore, taking account of the above, the Highways, Transport and Environment Manager does not object to the proposed development in relation to the predicted impact on the highways network. Highways England has also considered the scheme and raises no objection.

The proposed development has been considered in the context of the submitted information, consultee and consultation responses. The impacts of the proposal have been considered against national and local planning guidance; the development is proposed on an allocated site for mixed use development including housing and is a sustainable core brownfield site and housing applications are to be considered in the context of the presumption in favour of sustainable development.

Material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of highway safety, it does not adversely impact on neighbouring properties or flooding. Other material planning considerations including noise have been fully considered. It is considered that there are important material benefits arising from the proposed development and that the presumption in favour of sustainable development applies and

there are not any 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. Therefore the application is accordingly recommended for approval with conditions.

RECOMMENDATION

That planning application 16/1603/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement as detailed within the Heads of Terms within the main report or such other terms as may be deemed necessary by the Director of Economic Growth and Development Service.

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

Plan Reference Number	Date on Plan
C.950.SK.001	13 February 2017
FIGURE 1	20 June 2016
PRINCE-RYD-00-00-DR-A-1001 PL-2	10 November 2016

Reason: To define the consent.

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

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

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

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

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

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

05 The development hereby approved shall not be commenced on site, until a scheme of 'Foul and Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;

- (i) Detailed design of the surface water management system**
- (ii) A build program and timetable for the provision of the critical surface water drainage infrastructure**

- (iii) A management plan detailing how surface water runoff from the site will be managed during construction Phase
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

06 No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the routing of associated HGVs;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason : In the interests of highway safety and visual amenity.

07 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works

- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason :To establish measures to encourage more sustainable non-car modes of transport.

- 08 Prior to the erection of the buildings within any phase a report shall be submitted to the Local Planning Authority by the applicant identifying how the predicted fabric energy efficiency of the development (kWh/m²/yr) will (on average across the whole development phase) be improved by at least 10% on-site. The carbon energy efficiency savings which result from this fabric first approach will also be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the local planning authority shall be satisfied that the stated improvements against building regulations have been met and will reduce energy demand for the development.

Reason: In the interests of promoting sustainable development in accordance with Stockton on Tees Core Strategy Policy CS3 (Sustainable living and climate change).

- 09 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.

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

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

- 11 Notwithstanding any description of the materials in the application, no development shall commence on the erection of any dwellings (except up to damp proof course level) within each phase of development until precise details of the materials to be used in the construction of the external walls and roof of the dwellings for each phase or individual dwelling, as appropriate have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with Policy CS3 of the Stockton-on-Tees Core Strategy Development Plan and Part 7 of the National Planning Policy Framework.

- 12 Prior to the commencement of the first dwelling within each phase details of the finished floor levels shall be submitted to and approved in writing by the Local Planning Authority for each phase or individual dwelling, as appropriate. Thereafter, the development must be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity and in respect to flood risk, in accordance Policy CS10 of the Stockton-on-Tees Core Strategy Development Plan and Part 10 of the National Planning Policy Framework.

- 13 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

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

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

(Only clean subsoils/topsoils are imported for use in residential gardens and areas of landscaping. Further validation of this would be required upon completion of the development.)

Reason: The site has been subject to historical contaminative land-use. These conditions will ensure that the risks posed by the site to human health & controlled waters are assessed and addressed as part of the redevelopment.

- 14 In the event that contamination is found at any time that was not previously identified, (either during initial investigations or carrying out the approved development), 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.**

Reason: The site has been subject to historical contaminative land-use. These conditions will ensure that the risks posed by the site to human health & controlled waters are assessed and addressed as part of the redevelopment.

- 15 Prior to the commencement of the first dwelling within each phase a detailed scheme for the provision, maintenance and management of areas of open and play space**

(excluding private gardens) for each phase shall be submitted to and approved in writing by the Local Planning Authority. Details to be submitted shall include:

- i Details of landscape management and maintenance plans;
 - ii Details of planting, grass cutting, weeding and pruning;
 - iii Inspection, repair and maintenance of all hard landscaping and structures;
 - iv Management, monitoring and operational restrictions;
 - v Maintenance and planting replacement programme for the establishment period of landscaping; and
 - vi A procedure that would be implemented in the event of any tree (or item of soft landscaping) being removed, uprooted/ destroyed or dying.
- The development of each phase shall thereafter be carried out, maintained and managed in full accordance with the approved details.

Reason: To ensure appropriate maintenance and management of open space in accordance with Policy CS3 of the Stockton-on-Tees Core Strategy Development Plan and Part 11 of the National Planning Policy Framework.

- 16 All ecological mitigation measures within the 'Ecological Appraisal' (March 2016) shall be implemented throughout the development in full in accordance with the advice and recommendations contained within the document.

Reason: To conserve protected species and their habitats in accordance with the Stockton-on-Tees Core Strategy Development Plan Policies CS3 and CS10 and Part 11 of the National Planning Policy Framework.

- 17 As part of any application for reserved matters details of the construction and layout of the dwellings and boundary noise attenuation and predicted noise levels that indicate compliance with the following criteria shall be submitted to the local planning authority for approval:

- A maximum of 50dB(A) 16 hour LAeq 0700-2300 hours within back garden external amenity areas.
- A maximum of 35dB(A) 16 hour LAeq 0700-2300 hours within indoor living areas with windows shut.
- A maximum of 30dB(A) 16 hour LAeq 2300-0700 hours within bedrooms with windows shut.

Where properties are subject to industrial noise, the following adopted internal noise criteria shall be applied.

Adopted internal noise limit/dB	
Day time, LAeq, 16hr	Night time LAeq, 8hr
Living rooms	Bedrooms
35-13 ≤ 22	30-15 ≤ 15

None of the dwellings shall be occupied until the noise attenuation treatment has been provided in accordance with the approved details.

Reason: In the interests of residential amenity having regards to Part 11 of the National Planning Policy Framework.

- 18 Prior to the commencement of the first dwelling within each phase a scheme for the provision or a refuse storage area for each individual dwelling within that phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the

development shall be implemented in accordance with the approved scheme and be retained for the storage of refuse at all times.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with Part 4 of the National Planning Policy Framework

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

1. Finished ground floor levels are set no lower than 5.7 metres above Ordnance Datum (AOD);

Reason: The proposed development is predominantly sited in Flood Zone 1 however slightly encroaches upon Flood Zone 2 and therefore the probability of flooding is considered low to medium. Within the associated FRA, it is recommended that the finished floor level should be set 600mm above the 200 year tidal flood event level to allow for freeboard at 5.7m AOD. This 600mm freeboard is to mitigate against the effects of climate change.

- 20 Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable) .All trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations section 4.

The assessment should concur with the latest site plans and include for the following information:

- (i) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- (ii) A tree schedule as detailed in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations
- (iii) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- (iv) Details of any ground level changes or excavations within 5 metres of the Root Protection Area of any tree to be retained including those on adjacent land.
- (v) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- (vi) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Reason: To assess the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

HEADS OF TERMS

Education

Contribution for primary and secondary school places based on the Council's standard formula, to be calculated at commencement and reduced to take account of any vacant primary school places in Harewood and St Patrick's Catholic Academy for the primary

contribution and any vacant secondary school places in Thornaby Academy and St Patrick's Catholic College for the secondary contribution.

Local Labour Agreement

- **To use reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas**
- **To use reasonable endeavours to ensure that 10% of the total net value of the services and materials used in the development are provided by Businesses within the Target Areas**
- **To use reasonable steps to procure that any contractor and / or subcontractor nominate an individual to liaise with the Principal Employability Officer.**
- **Submit a Method Statement to the Council prior to the commencement of each Phase of the development which demonstrates that reasonable steps to be taken for each Job vacancy and opportunity for services and materials to be advertised and available to individuals and businesses within the Target Area and shall include details regarding the provision of monitoring information to be provided to the Principal Employability Officer**

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional and revised information to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative : Works Permit

Any works to be carried out within 16 metres of this tidal reach of the River Tees may require a Flood Risk Activity Environmental Permit. I would therefore advise the applicant to follow the guidance available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> to identify if a permit is required and for guidance on how to make an application.

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 has a long history of industrial use, comprising buildings and slag heaps from a former iron works occupying the application site, landfilling including waste from a former asbestos insulation works and infilling of the former Channel of the River Tees. The application site was subject to some remediation works undertaken by the Teesside Development Corporation in the 1990's which reclaimed the site for its current use as an informal car park.

SITE AND SURROUNDINGS

2. The site is located on the south bank of the River Tees in Stockton to the west of Navigation Way. The site is currently used as an informal car park and is bounded by the River Tees to the north, hard standing associated with the Tees Barrage to the north east, vacant land to the east, Princeton Drive to the south and the Johnson Matthey Davy Technologies building to the west of the site boundary.

3. The site is previously developed brownfield land having formerly been used for industrial purposes.

4. The main vehicular access to the site is from Princeton Drive which itself can be accessed

from the A1130, Durham Road and Crofton Road through Infinity Bridge and Tees Barrage. As a result of the university campus proximity to the site, the public transport links are already well established.

5. Davy Process Technology Research and Development Centre lies to the west of the site which is three storeys in height. Durham University's Queen's Campus is located to the west of the site. The Campus contains two of the University's colleges (John Snow and Stephenson), student accommodation, sports facilities, library, research institute, cafe and ancillary uses. The buildings at the campus range from one to four storeys in height. Stockton Riverside College is located to the south west of the site and is two storeys in height.

6. Vacant land adjoins to the eastern boundary of the application site. The land consists of grassland, shrubs and a small number of trees. Beyond this land is a small boat storage facility, three storey boat registration office and car park is located on Navigation Way. This is part of the Tees Barrage Navigation Lock and slipway. Tees Barrage is located to the east of the application site and comprises a river barrage, road bridge, footbridge, barge lock, fish pass and white water course.

PROPOSAL

7. Outline permission (all matters reserved except access) is sought for the residential development.

8. The site comprises of 3.97 hectares. It is envisaged that approximately 96 residential units will be provided over the developable area. This will result in a density of approximately 30-50 dwellings per hectare.

9. The proposed layout and residential grain has been determined following a series of detailed assessments of the surrounding context. The main influencing factor of the layout has been the adjacency of the site to the riverside and the desire to exploit this setting. The scheme predominantly comprises of clusters of housing arranged around landscaped homezone areas. Strong frontages are created to Princeton Drive and along the riverside walkway.

10. While the detailed house designs will be resolved through reserved matters applications, for the purposes of the outline application they are perceived as clusters, with interlocking forms that define external courtyard areas and provide opportunities for roof terraces to maximise the river views

11. The northern and western boundaries, rendered undevelopable by the noise constraints and the extent of site remediation, will be heavily buffered with landscaping containing recreational walks and generous public open space.

12. Landscaping forms a major component of the masterplan. This is realised through the use of landscaped buffers to the site perimeter which, along the western boundary, provides visual and acoustic screening from the adjacent industrial units. A generous swathe of landscaping is provided along the northern boundary to enhance the amenity of the riverside walkway and to act as a flood plain protecting the dwellings. The northern buffer is perceived as a tiered landscape gently stepping down towards the riverside, with a central belvedere and accessible ramps integrated into the cascading landform.

13. A new vehicular access junction with protected right turn will be created on Princeton Drive.

CONSULTATIONS

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

SBC Highways Transport and Environment

Executive Summary

Subject to the comments below Highways, Transport & Environment has no objections to the outline planning application with some matters reserved except for access for the erection of up to 150 residential dwellings and associated access.

The proposed site access would take the form of a Protected Right Turn junction, as shown on drawing ref c.950.SK.001 Rev P1, and this is considered acceptable for the scale of development. The provision of the site access junction would be secured through a s278 Agreement.

A Transport Statement (TS) has been submitted in support of the application and this has demonstrated that an additional 86 trips in the morning peak / 89 trips in the evening peak hour on Princeton Drive. This scale of trip generation would be unlikely to have a significantly adverse impact on the highway network, with the majority of vehicular trips generated by the proposed development entering / exiting the site via the A66, and therefore no objection is raised on highway capacity grounds.

The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

The development is well served by public transport options with the nearest bus stops being located on Princeton Drive and Harvard Avenue which provide access to services towards Stockton, Middlesbrough and Yarm and the site is also reasonably close to Thornaby Railway Station.

A Travel Plan should be secured by condition.

A Construction Management Plan should be agreed prior to construction commencing on the site and this should be secured by condition.

Further details of pedestrian routes, cycle routes, informal and formal play facilities will be required as well as a full landscaped scheme detailing hard and soft landscaping, boundary treatments, street furniture and lighting, as well as any proposed play equipment. A full tree survey should also be undertaken as well as a shade parameter plan to inform the development layout. Should the application be approved this information would form part of the proposals submitted at Reserved Matters and is therefore not a material consideration at this stage.

An Energy Statement is required identifying how the predicted CO2 emissions of the development will be reduced by at least 10%, through the use of onsite renewable energy equipment and/or design efficiencies, over and above what is required to comply with Part L (2013) building regulations. This information should be secured by condition.

The proposed development is in a flood zone 2 and must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Surface water should be managed to ensure that run-off from the site is restricted to existing greenfield runoff rates, with flows in excess of this rate attenuated on site for the 1 in 100 year storm event, plus an allowance for climate change. A detailed surface water management plan is yet to be submitted and this should be secured by condition.

Detailed comments and conditions are included below in Appendix 1 and 2 respectively

Appendix 1 – Detailed Comments

Highways Comments

All developments should be designed and constructed in accordance with SBC Design Guide and Specification (current edition) (Design Guide) and SPD3: Parking Provision for Developments 2011 (SPD3).

This is an outline application with some matters reserved except for access however indicative plans (drawing ref PRINCE-RYD-00-00-DR-A-1001 REV PL-2) have been submitted and comments are based on these.

A Construction Management Plan should be agreed, should the application be approved, prior to construction commencing on the site and this should be secured by condition.

Vehicle Access / Traffic Impact

The application is outline only with some matters reserved except for access and the applicant has submitted a Transport Statement (HS) in support of the application which includes the proposed site access arrangements (drawing ref c.950.SK.001 Rev P1) which would be taken from Princeton Drive. The proposed site access would take the form of a Protected Right Turn (PRT) and it is considered that, for the scale of development, this would be acceptable. The works to form the PRT will be subject to detailed design and will be secured via a s278 Agreement.

All traffic accessing the site would do so via Princeton Drive and vehicular trip generation from the site has been calculated using the following average trip rates derived from TRICS:

	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
	Arrivals	Departures	Arrivals	Departures
Vehicle Trip Rate	0.163	0.410	0.362	0.234
Vehicle Trips	24	62	54	35

Journey to work data, extracted from the 2011 UK Census, has been used to distribute the trips associated with the proposed development on to the surrounding highway network and this approach is considered to be acceptable.

The current trip assignment associate with Teesdale Park is set out in the table below.

Destination	Route	Number of Existing Trips	Proportion
Middlesbrough	A66 east	93	
			52%
Haverton Hill	A19 north via A66 east	57	
Teesside Industrial Estate	A19 south via A66 east	62	
Preston Farm / west Stockton	A66 west	96 (192 / 2)	24%
Stockton town centre	Princeton Drive (west)	96 (192 / 2)	24%
Total		404	100%

Applying the current trip assignment to the development traffic associated with the proposed development would result in the following trips being added to each route as set out in the table below.

Route	% of Trips	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
		IN	OUT	IN	OUT
A66 East	52%	12	32	28	19
A66 West	24%	6	15	13	8

Princeton Drive (west)	24%	6	15	13	8
Total	24	62	54	35	

The proposed development is forecast to generate 86 two-way car trips during the AM and 89 two-way car trips during PM peak hours on the local highway network which will not have a material adverse effect on the network.

It can be seen from the table above that the majority of vehicular trips generated by the proposed development will enter and exit the site via the A66. These trips will travel through the A66/Teesside Park Drive signalised interchange which provides access to the A66 and Teesside Retail Park.

It is considered that the additional trips generated by the development will be indiscernible from the total amount of traffic that travels through the junction and the flows associated with the proposed residential development will be outside the peak flows generated by the retail park.

Therefore the scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and is not considered to be severe within the context of NPPF.

Layout/Parking

The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

The applicant has submitted an Indicative Masterplan, drawing ref PRINCE-RYD-00-00-DR-A-1001, which is considered to be broadly acceptable.

Sustainable Links / PRoW

The development has a frontage with Princeton Drive which provides access to a segregated footway which provides access to the Teesdale and the wider area. There is also an on-street cycle route which provides access to national cycle routes 1, 14 and Three Rivers as well as the local route Tees Barrage ride.

The development is located within walking distance of bus stops on Princeton Drive and Harvard Avenue which provide access to service no. X7, X10 and X12. Details of the services available are included in the table below:

Service	Route	Daytime Frequency (minutes)		
		Monday-Friday	Saturday	Sunday
X7	Middlesbrough-Durham University College-Stockton High Street- Norton- Wingate- Peterlee-Seaham- Grangetown-Sunderland Interchange	60	60	-
X10	Middlesbrough-Teesdale Durham University-Stockton High Street- Norton-Billingham- Peterlee- Heworth-Gateshead Interchange- Newcastle	60	60	60
X12	Middlesbrough-Teesdale Durham University-Stockton High Street- Durham-Chester-le-Street-Low Fell-Gateshead-Newcastle	30	30	60

Thornaby Railway Station is also located approximately 1.1km from the site providing access to the following services:

Operator	Route	Frequency (minutes)	
		Monday – Saturday	Sunday
Northern Rail	Bishop Auckland – Darlington – Thornaby – Middlesbrough – Redcar		

– Marske – Saltburn 30 60
Northern Rail Newcastle – Sunderland – Hartlepool
– Thornaby – Middlesbrough – James Cook - Nunthorpe 60 60
TransPennine Express Liverpool – Manchester – Leeds – York – Thirsk – Thornaby –
Durham
- Newcastle 60 Approx. every 2 hours

The existing public transport, pedestrian and cycle connections make the site reasonably accessible by sustainable modes and promote the use of these alternative modes of travel a Travel Plan should be secured by condition.

Construction

A Construction Management Plan should be agreed prior to construction commencing on the site and this should include:

- Access proposals (including HGV routes) and HGV trip profile;
- Details of staff parking proposals during construction;
- Hours of construction; and
- Appropriate mitigation measures.

The implementation and approval of the final Construction Management Plan, should the development be approved, should be secured by condition to ensure the impact on the highway is minimised during the construction phase.

Landscape & Visual Comments

This is an outline application with some matters reserved except for access therefore, should the application be approved, details relating to the layout and landscaping of the development would be considered at Reserved Matters. However indicative plans have been submitted and comments, which are intended to inform the Reserved Matters proposals, are provided below.

The site is currently in use as an informal car park. Its character consists of a green field with large areas of loose stone and tarmac hard standing for parking and footpaths. The area slopes down to the River Tees in a series of steps in the northern part of the site and in a grass bank down toward the Davy Process Technology site on the western boundary. The site contains a number of large ornamental shrubberies and a number of semi mature trees. None of this planting has a high amenity or ecological value and was planted as part the site reclamation works of the old industrial site in the 1990s.

The development plans for approximately 150 residential units. Information provided in the Design and Access Statement demonstrates that the illustrative masterplan has been through a thorough urban design process resulting in a layout that responds to the sites prime riverside location. The layout offers opportunities to provide linear views along the home-zones and through to the river, with urban grain and building orientation mirroring the housing built on the North Shore site. The layout provides a strong built frontage to Princeton Drive combined the potential for a high quality home-zone, which will enhance the streetscape.

A wide swath of landscaped open space has been provided on both the northern and western site boundaries varying in width from 28 to over 70m. The western area has been generously planted with woodland block and specimen tree planting within linear grassed areas, to help create visual and acoustic screening of the industrial development to the west. Wildlife friendly species should be used to create the woodland buffer planting, and colour themes could be used within this planting to enhance the open space. The northern area is designed to enhance the amenity of the riverside walkway. It is stepped gently down towards the riverside with a central walkway, a 'belvedere' complete with accessible ramp, integrated into the slopes. Specimen tree planting of extra heavy standard boulevard type trees should be used to create an attractive edge to the

walkway and the use of wildflower meadows should be explored to enhance the character of the grass slopes.

The proposed scale and massing responds appropriately to the site context with a maximum height of 3 storeys addressing the river frontage to the north and road frontage to the south.

The Design and Access Statement provides some housing precedent studies, which seek to provide an indication of the architectural design intent for the scheme. This approach is supported and it is essential that this design thinking is carried through to the reserved matters stage should this outline application be approved.

Pedestrian access links should be provided from Princeton Drive into the housing areas at the south eastern and south western edges of the development as these are likely to become desire lines. A strong boundary treatment such as an ornamental wall and or metal fence should be provided along this southern boundary to prevent pedestrian trespass.

High quality hard and soft landscaping should be provided to enhance the quality of the development. A variety of hard surfacing and appropriate street furniture should be used to define the home zones, footways and parking areas. The layout allows for good space for tree and shrub/hedge planting. Tree species must be selected accordingly to allow for future canopy growth and all house foundations must be designed in line with NHBC standards chapter 4.2 Building near Trees. Where trees come within 6m of a building, appropriate fastigiated species should only be used. Maximum use must be made of spaces away from houses (10m plus) for larger trees such as Limes, Maples and Oaks to soften the development. All tree drawings should be informed by the lighting layout plans.

The PPG 17 contributions calculator requires that 0.62 ha of amenity green space are required for this development. The design and access statement states that 1.5 ha has been provided within the scheme consisting of the open space on the northern and western edges of the housing development and this is considered a suitable area of space for recreation. As there are no nearby play areas within this area (the nearest being only a small play area on the North shore housing site to the west along the river Tees), a small play area for young children should be provided within this development. This could be located within the western area of open space such as in the square shaped space just north of plot 1/ west of plots 7-10, or within the open space in the south west corner of the site set back from Princeton Drive.

Environmental Policy

An Energy Statement is required identifying how the predicted CO₂ emissions of the development will be reduced by at least 10%, through the use of onsite renewable energy equipment and/or design efficiencies, over and above what is required to comply with Part L (2013) building regulations.

These calculations will need to be assessed and agreed by the local authority prior to commencement, and before the development is occupied the equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy for the development for so long as it remains in existence.

This information should be secured by condition.

Flood Risk Management

The proposed development is in a flood zone 2 and must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Surface water should be managed to ensure that run-off from the site is restricted to existing greenfield runoff rates, with

flows in excess of this rate attenuated on site for the 1 in 100 year storm event, plus an allowance for climate change. A detailed surface water management plan is yet to be submitted and this should be secured by condition.

The Flood Risk Assessment/Statement should include the following:

- total area of the site,
- estimated impermeable surface area of the developed site existing Greenfield/Brownfield rates,
- proposed surface water discharge rates,
- point of discharge,
- estimated storage volumes
- A drainage statement with sketch layout plan including existing Green / Blue Corridors.
- Preliminary 'Outline' hydraulic calculations, this should include existing Greenfield/Brownfield runoff rates, proposed surface water discharge rates, estimated storage volumes.
- Evidence of third party agreement for discharge to their system (in principle or consent to discharge).

If the applicant proposes to discharge surface water into an ordinary watercourse this will require a land drainage consent to be issued, from the Lead Local Flood Authority (LLFA), which requires a separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

Appendix 2 - Conditions

Discharge of Surface Water; Construction Management Plan; Travel Plan; 10% Renewables; Tree Assessment.

Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following conditions:

-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. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

-Demolition and Dust Emissions

A scheme should be provided to control dust emissions, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.

-Contaminated Land

I have reviewed historical information held by this authority and documentation provided by the applicant. I do have some concerns relating to potential contamination therefore no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- Potential land contamination

Due to the historic use of the site, (1856 unknown fill feature, 1954 metal casting foundry and an 1895 Railway feature) it is likely that contamination associated with these processes will be present. Therefore all chemicals associated with these processes (using DOE profiles) must be assessed.

Due to the construction of historic buildings and the potential presence of asbestos, a full asbestos survey would be required.

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

GS3/Jan16

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

I would also recommend that only clean subsoils/topsoils are imported for use in residential gardens and areas of landscaping. Further validation of this would be required upon completion of the development.

- Unexpected land contamination

In the event that contamination is found at any time that was not previously identified, (either during initial investigations or carrying out the approved development), 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.

Reason: The site has been subject to historical contaminative land-use. These conditions will ensure that the risks posed by the site to human health & controlled waters are assessed and addressed as part of the redevelopment.

Noise

I have assessed the latest noise report dated 10 January 2017 and am satisfied the proposed mitigation measures will help to minimise the impact of the noise from the nearby chemical plant.

The development has been assessed in line with Noise Policy Statement for England (NPSE) where it aims to determine the significance of noise impact on the residents. The significance of the impact is rated from No effect to Adverse effect and finally to Significant adverse effect. Where the impact is rated as adverse effect, appropriate mitigation must be put in place. The noise assessment for this development falls under the adverse effect due to industrial noise from Johnson Matthey. I agree the effect can be reduced from adverse effect to no effect by increasing the separation distance between the houses and the industrial plant, also provision of enhanced glazing and acoustically treated ventilation for certain part of the development. I would therefore like to ask for the noise condition below to be added to the planning consent.

Noise condition

As part of any application for reserved matters details of the construction and layout of the

dwellings and boundary noise attenuation and predicted noise levels that indicate compliance with the following criteria shall be submitted to the local planning authority for approval:

- A maximum of 50dB(A) 16 hour LAeq 0700-2300 hours within back garden external amenity areas.
- A maximum of 35dB(A) 16 hour LAeq 0700-2300 hours within indoor living areas with windows shut.
- A maximum of 30dB(A) 16 hour LAeq 2300-0700 hours within bedrooms with windows shut.

Where properties are subject to industrial noise, the following adopted internal noise criteria shall be applied.

Adopted internal noise limit/dB
Day time, LAeq,16hr Night time LAeq, 8hr
Living rooms Bedrooms
35-13 ≤ 22 30-15 ≤ 15

None of the dwellings shall be occupied until the noise attenuation treatment has been provided in accordance with the approved details.

Spatial Planning & Regeneration

As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The development plan for Stockton on Tees Borough is made up of policies from the adopted Core Strategy (2010) and saved policies from the Local Plan (1997) and Local Plan Alteration Number One (2006).

Policies of relevance to this application which are considered in detail in this response are:

-Core Strategy Policy CS6: Point 2 which supports the development of the cultural, sport and leisure offer at the Tees Barrage.

-Local Plan Policy EN17 b states that land at Teesdale is appropriate for a range of uses including housing, education and recreation.

As you will be aware, the NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

In advance of the completion of evidence base review and the emerging Local Plan, the council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development.

In conclusion, the Local Plan Policy EN17 supports mixed used development, which includes housing and the NPPF supports the delivery of housing development. Therefore there is no objection in principle to the application. The determination of the application should also consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

SBC Housing Services Manager

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

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

Affordable housing provision within a target range of 15 – 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Off site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The Housing Service understands that the applicant has submitted a formal Viability Appraisal Report, which evidences that the scheme cannot support the delivery of affordable housing. On this basis we would not look to further pursue the delivery of affordable housing at this time.

Should the situation change in the future we would advise that the Council's requirement for affordable housing based on a scheme of 150 dwellings would be as follows:

Based on a requirement for 15% or 23 affordable units:

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

Proportion	No. of units	Tenure
70%	16 units	Rent
30%	7 units	Intermediate Tenure
100%	23 units	Total

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

Size	Proportion	No. of units
2 bed	91%	21 units
3 bed	9%	2 units
Total	100%	23 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
21 Units	2 bed	15 x Rented 6 x Intermediate Tenure
2 Units	2 bed	1 x Rented 1 x Intermediate Tenure

The Environment Agency

We have no objections and the proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

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

1. Finished ground floor levels are set no lower than 5.7 metres above Ordnance Datum (AOD);

Reason

The proposed development is predominantly sited in Flood Zone 1 however slightly encroaches upon Flood Zone 2 and therefore the probability of flooding is considered low to medium. Within the associated FRA, it is recommended that the finished floor level should be set 600mm above

the 200 year tidal flood event level to allow for freeboard at 5.7m AOD. This 600mm freeboard is to mitigate against the effects of climate change.

Further to the above condition we have the following advice:

Landfill - Advice to LPA/Applicant

The proposed development site covers an a number of recorded historic landfill sites. Wastes from these sites were subsequently removed under a land remediation project operated by the former Teesside Development Corporation (TDC). This material was incorporated into a series of landscaping mounds to the east of the proposed development site. The more problematic wastes encapsulated in a clay lined mound.

Consequently, from a proximity to historic landfill point of view, we have no concerns regarding the development proposal.

Canal & River Trust (Former British Waterways)

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) Impact on the structural integrity of the waterway infrastructure due to the proximity of the building works.
- b) Impact on the character and appearance of the waterway corridor.
- c) Impact on the biodiversity of the waterway corridor.
- d) Environmental impacts on the waterway.

On the basis of on the information available our advice is that suitably worded conditions are necessary to address these matters. Our advice and comments are detailed below.

However prior to our detailed comments we understand that the scheme was submitted at the pre application stage to the Council. In response, we note that the Council broadly accepted the principle of development of the site subject to a number of caveats including that no access was created from Navigation Way and careful consideration be given to the design of the development along the river frontage.

Following discussions with the Council, we understand that the principle of developing the land for residential use was accepted due to development plan being out of date and the inability to demonstrate a five year housing land supply. We acknowledge this but advise the Council to fully consider as to whether the proposed scheme would help promote the Green/Blue Heart concept as identified in the Adopted Stockton Core Strategy. The Green/Blue Heart incorporates the land and waterways along the River Tees between Stockton and Middlesbrough. The supporting text of the Vision section of the Core Strategy highlights that the implementation of proposals associated with the Stockton Middlesbrough Initiative, at North Shore and Stockton Riverside, and in the Green Blue Heart are to provide 21st century living, employment and leisure facilities. The River Tees and Tees Barrage areas are identified as hubs for leisure and recreational activities.

At present the application site is currently used as a car park and viewing area for water based events and we question whether the change of use would serve to diminish the functioning of the River Tees and Barrage area as an area for leisure and recreation. Although the Green/Blue Heart does encourage 21st century living as proposed in the current scheme, leisure facilities, which we consider the current use of the application site provides will be lost.

Impact on the structural integrity of the waterway infrastructure

The proposed built element of the scheme is set well back from the river wall and is unlikely to impact on its structural integrity. However, should the scheme be approved, we recommend that the Applicant contacts our Third Party Works Engineer to ensure that all works within 25 metres of the river accord with our Code of Practice. As such we recommend the following informative.

"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".

Impact on the character and appearance of the waterway corridor

Although, the scheme is an outline application with all matters reserved apart from access, the Applicant has included an illustrative masterplan and parameters.

In relation to these, we consider that the proposed scale of the river front properties would be appropriate for the location. The scale and suggested designs appear to reflect existing built riverside developments within the area. Furthermore, the built element appears to be set back from the river and the scheme includes a landscaped buffer strip to help soften the visual impact on the river.

Landscaping and boundary treatments will be a key component to ensuring that the scheme successfully integrates within the river front setting and careful consideration should be given to these areas as the scheme develops. We would wish to be consulted on these details as part of any future reserved matters scheme.

Please also note that we recommend that any landscaping scheme incorporates native species appropriate for their location in order to help promote biodiversity along the river.

In relation to the proposed layout and access arrangements, we welcome that access to the site will not be gained via Navigation Way. The Trust operate a slipway that is accessed by Navigation Way which is a vital operational element of the River Tees. The slipway is required to allow access to the river for Trust staff to help maintain the river for safe navigation and for emergency services, as well as the many recreational users of the river. The use of Navigation Way to access the site could have resulted in the slipway being impeded by vehicles using this access route to the site. Please also note that due to the increased number of residents associated with the proposed scheme accessing the river frontage, the Applicant should consider incorporating additional safety equipment to assist should someone enter the river. For example, life buoys, throw lines and safety signage. The Trust would be willing to offer advice to the Applicant on this matter.

Drainage and flood risk issues

In relation to the Applicant's Flood Risk Assessment, please note that the Tees Barrage does not provide complete protection from floods and there may be occasions where river flows combined with tidal surges will result in flooding in the vicinity. The Environment Agency can provide further information on this matter.

We also note that the applicant makes an assumption that surface water from the scheme will drain into the river via the existing drainage system. However, to clarify this position, we recommend a suitably worded condition to specify surface water drainage details. Furthermore, should surface water drain into the river, we recommend interceptors to ensure that the river does not incur pollution from the discharge.

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

In addition, we note that although the site underwent some decontamination during the 1990's by the Teesside Development Corporation, the Applicant confirms that contamination is likely to be still present. Therefore, we recommend a suitably worded condition specifying that the site is fully investigated to determine levels of contamination and appropriately remediated should it be necessary to maintain public health and protect the adjacent waterway.

Such a condition would be consistent with paragraphs 120 and 121 of the NPPF which seeks to ensure that sites are suitable for development and should be remediated where necessary to prevent pollution.

Other matters

We note that the site will be connected to the river footpath by the creation of new linkages. We welcome this approach which improves access and enjoyment of the river. As an access

agreement will be required to connect to our land, the Applicant is advised to contact Matthew Hart (0113 200 5732) in our estates Team to discuss this matter further.

Furthermore, the Applicant may wish to explore opportunities of increased interaction between the proposed scheme and the river to enable residents to take full advantage of the waterside setting. As such, please contact our Boating Business Development Manager, Richard Beardsley (07880 472 453) to discuss this further.

Further comments:

On 18 August 2016, the Trust provided comments relating to application 16/1603/OUT. We note that the Applicant has revised the scheme and reduced the number of residential units proposed which has created extra public open space along the river front. We welcome the revised scheme and would like to reiterate that our comments and condition requests submitted in our original response still stand.

Tees Archaeology

I have checked the HER and the development area is on land used in the nineteenth century for disposal of slag from nearby ironworks, and in the twentieth century for the expansion of Thornaby ironworks. I can confirm that the development should not have a significant impact on any known heritage assets.

Northumbrian Water Limited

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

In making our response Northumbrian Water (NW) 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 we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NW to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

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

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

Our response to the enquiry indicated that foul flows would be permitted to discharge to manhole 7601, whilst a restricted surface water rate of 16.48l/sec would be permitted to discharge to the surface water sewer at manhole 8902.

Northern Gas Networks

No objection and standard mains record shown

Natural England

No objection

Highway England

Highways England note that the layout has now been revised down to around 96 dwellings and the Transport Statement has been revised down accordingly. However, the comments made by Chris Bell on July 28 are still current: "we ask that the local authority ensure that a robust travel plan is implemented to minimise any impact." And we look forward to reviewing this in due course.

Highways England have no objections to this application as set out.

PUBLICITY

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

Mr Paul Maleary, 9 Myrtle Grove, Thornaby

I strongly object to the Planning application.

The area of land in the application is designated a "Events Car park" in an area predominantly used for leisure activities, and as such is a useful asset that enhances the area around the Barrage and River.

The site currently, consists of 270 Car parking Spaces, 2 Picnic area's, A reinforced Coach parking Area, a Play/Kick about area and Spectator Viewing area, all with-in close proximity to the river and the nearby slipway.

Being next to the slipway makes it an idea location, for when events, that are held on this area of river. This area of the river, just upstream of the Barrage, is the designated area for events and competitions involving water sports with speeds greater than the normal speed limits imposed on the rest of the river. Sports like Water Skiing, Jet-skiing. National Championships are regularly held in this area as well as European standard championship events. These events put Stockton put both on the national & international sporting maps and bring people to the area from far and wide, generating much needed tourist revenue and boosting the economy of the area.

As an example, The British Jet Ski racing Association (JSRA) held a round of the British Championship on the river, and the land in the application was used to hold the event as it provided the perfect location to Park all the Motorhome's, Caravans, Vans, Sponsor's paraphernalia etc associated with the event, whilst at the same time providing excellent viewing of the event from the purposely designed spectator viewing terracing.

If the Planning application is approved these National events would be lost to the area, along with the visitors these events bring to the area.

The area is well used for leisure activities, by both locals and visitor's alike

The river and it's environs should be treated as an asset and be added to the portfolio of useful assets, like the High street, the Globe theatre, the proposed Hilton hotel, the nearby Air-trail, the International White Water Course etc that bring tourist's to the area and boost the local economy.

Mr Paul Holtby, 31 Ilderton Road Stockton-on-Tees

I would like to support the development. I believe that additional development could, and should bring more investment, families, and activity to the area. I also believe that with this additional development, that the stakeholders involved should also be supporting leisure, education, and retail development in this beautiful part of Stockton too. I would like to see what plans there are to support this type of infrastructure within walking distance of developments on both sides of the Tees

Mr James Beall, 23 Laurelwood Road, Stockton-on-Tees

Our house overlooks the site albeit from the other side of the river. I observe regular use of the area as free open space mainly by walkers with and without dogs and people enjoying sitting and sometimes picnicking there. Visitors to the barrage area often park there as do motorhomes, especially at the weekend. There are infrequent but regular events like the recent prestigious British Jet Ski Racing Championship Round which fully use the space for competitors and supporters over the full weekend. This fits with the Council's strategy as an events destination and maximising river usage for leisure and sport. I appreciate the mixed use of the river margins but would suggest a development of this size would upset the balance given the ongoing housing developments on Northshore. I appreciate that this is a brownfield site (I recall that there was an asbestos dump in that vicinity!) and the National Planning Policy decree on a 5 yr supply of housing. Perhaps the solution might be to have a much smaller housing development preserving adequate events space.

Wardell Armstrong, On Behalf Of Johnson Matthey Davy Technologies Limited City Quadrant

Wardell Armstrong LLP has been instructed by our client, Johnson Matthey Davy Technologies Limited, to review the most recent acoustic site suitability assessment submitted in support of the outline planning application for residential housing development on land adjacent to the Technology Centre on Princeton Drive in Stockton-on-Tees (planning application reference 16/1603/0UT). The document for review was produced by Arup, dated 21 December 2016 and has a reference number AAc/242531-00/R01 Rev 2.

We provided reviews of the two previous noise assessments produced by Arup and raised concerns regarding this proposed development, namely that our client's facility had not been fully considered, with the following key issues raised, as taken from our last letter dated 24 November 2016: Noise limits: It is recommended that the noise limit provided by SBC is more specific to avoid any uncertainty and to ensure all industrial noise is considered, not only fixed plant noise and in accordance with the most appropriate methodology, considered to be BS4142:2014. In addition, the indoor noise limits proposed at the North Shore Homezone Phase 3 site should also be applied for this development, taking into consideration the sound characteristic penalties of the industrial noise and that this proposed development is closer in proximity.

Background and residual noise measurements: These may not be representative due to the monitoring periods used within the assessment. In addition, weekends were not considered. Justification for not assessing the impact at weekends is required as our client's facility is operational 24/7.

- Cumulative noise: Sources of noise associated with the committed development at our client's facility (planning reference 14/1582/FUL) also requires consideration.
- Mitigation: Demonstration that appropriate mitigation can be implemented which can achieve the more stringent noise limits stipulated by SBC for the proposed residential development at North Shore Homezone Phase 3, to maintain consistency.

A further noise assessment has been provided in support of the planning application, as referenced above and we have therefore been requested again by our client to review this report and provide an objective opinion of the noise assessment and mitigation measures proposed.

Wardell Armstrong LLP has not visited the site or undertaken any measurement investigations as part of this review.

Please note, the acoustic site suitability assessment undertaken by Arup included consideration of both transportation noise and industrial noise. This review only considers the industrial noise assessment on behalf of our client considered within the most recent noise assessment.

Consultation with Stockton Borough Council (SBC)

The limits agreed with SBC regarding fixed plant noise limits for the daytime and night time period remain unchanged from the previous report, as do the limits for bedrooms and

outdoor living areas.

We reiterate our concerns that more stringent criteria for indoor levels has been proposed and agreed by SBC for another planning application relating to residential development north of our client's facility (Planning reference 16/2306/FUL) at North Shore Homezone Phase 3. The criteria for indoor levels at this proposed residential development, located approximately 155m to the closest proposed dwelling from our client's facility, is based on BS8233 levels. Where noise from industry is significant, consideration should also be given to account for characteristics associated with the industrial noise such as tonality, impulsivity and intermittency. When penalties are applied for these acoustic features, the resultant internal noise levels will be lower than those for anonymous sources as defined in BS8233:2014.

Paragraph 7.7.1 of BS8233 states the following:

'Noise has a specific character if it contains features such as a distinguishable, discrete and continuous tone, is irregular enough to attract attention, or has strong low-frequency content, in which case lower noise limits might be appropriate.' To maintain consistency across both developments it is therefore recommended that these limits are also applied to this planning application for proposed residential development, also considering that this development is much closer in proximity to our client's facility than any other existing or proposed residential dwelling.

Baseline Noise Climate

Concerns were raised with the background noise measurements undertaken as part of the initial noise assessment. Monitoring Location 1 is deemed to be representative of the background noise in the absence of industrial noise and therefore is to be used to demonstrate the noise limits required by SBC can be achieved. Any reduction in the measured background or residual noise level for this location could result in the noise limit being exceeded for the daytime (0700 to 2300 hours) or night time (2300 to 0700 hours).

As no further noise monitoring has been undertaken as part of the most recent noise assessment, concerns still remain with regards to the background noise measurements being representative.

Assessment : Section 4.2 of the Arup report provides an assessment of the industrial noise at the development site. The limits requested by SBC with regards to the target levels for bedrooms and outdoor living areas can be achieved when considering the specific noise level from our client's facility, even when considering an open window.

However, as detailed above, more stringent internal noise levels have been agreed with SBC for proposed residential development north of our Client's facility. As a result, acoustic ventilation is proposed within the acoustic report prepared in support of the planning application to mitigate internal noise levels, as with open windows the limits would be exceeded.

To provide additional comfort to our client, bearing in mind that this proposed development is in closer proximity to our client's facility than any other existing or proposed residential dwellings, it is suggested that the same limits are applied to maintain a consistent approach and to ensure that adequate mitigation is incorporated into the scheme.

Mitigation

With regards to the mitigation of industrial noise associated with our client's facility, Arup has provided further options as follows:

- . Orientate the proposed dwellings such that external amenity spaces (e.g. back gardens) are acoustically screened from the industrial facility by the dwelling; and
- . Orientate the proposed dwellings such that windows to sensitive spaces (e.g. living rooms and bedrooms) are not facing towards the industrial facility. The Arup report concludes that the report demonstrates the acceptability of the proposed development in terms of noise impact and that as this is an outline planning application, layouts and detailed design will be approved through a reserved matters application.

It is appreciated that this is an outline planning application, however our client needs to be satisfied that no unreasonable restrictions will be put on them by introducing residential development closer in proximity than any existing dwellings.

Planning Practice Guidance recognises this and provides the following at paragraph 123:

"Planning policies and decisions should aim to...recognise that development will often create

same noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..."

The potential for noise, particularly of an industrial nature, to impact on the proposed residential development is a key consideration for this planning application. The demonstration that mitigation measures will be suitable and sufficient to attenuate the noise associated with our client's facility, is of great importance in order that our client can continue to operate without restriction.

Although it has been determined that the specific noise arising from our client's facility can meet the internal levels provided within BS8233:2014 for bedrooms during the night time period, even with an open window, we suggest that the limits are revised in line with those required for the proposed residential development to the north (North Shore Homezone Phase 3), which is located at a further distance. This will provide our client with additional comfort that industrial noise is adequately mitigated at the proposed development site and consider the sound characteristic penalties should the development be granted permission.

Summary

Outstanding concerns remain. The indoor noise limits proposed by SBC are not in line with those required to be met at the proposed residential development located at a further distance than this proposed development, to the north of the site at North Shore Homezone Phase 3. This would ensure that the sound characteristic penalties for industrial noise are also taken into consideration.

Our client's main concern is that the cumulative noise impact has still not been adequately addressed in relation to the permitted development (planning reference 14/1S82/FUL) to extend the existing Technology Centre to include a new office building, pilot plant building, storage building, gatehouse, gas meter house and an extension to the existing car park.

Condition 4 of this permission reads as follows:

"Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority. "

It is agreed that, providing any new plant to be installed does not increase the background noise levels, then the existing noise impact from our client's facility at the proposed development would not result in any increase as a result of the permitted development than that already assessed. However, the condition does allow for some flexibility and allows for an increase providing this is agreed with SBC.

Should this outline planning permission be granted, the presence of this residential development which is located even closer than any other existing or proposed residential dwelling, is likely to be of concern to SBC in the event that our client requests for any new plant to be installed. This is deemed to be an unreasonable restriction and therefore contrary to Planning Practice Guidance.

In addition, existing plant, namely the compressors, which are deemed by Arup to be the most dominant noise source from our client's facility, are not currently used at their full capacity. The permitted development will place a larger demand for compressed air and both compressors will be expected to operate at full capacity 24/7. This scenario has not been assessed by Arup.

Our client still maintains their objection to the proposed residential development. As reported previously, noise complaints associated with the operation of our client's facility have arisen from residential areas located at a further distance than the proposed residential development site. These issues have now been resolved, however as you can appreciate, our client is concerned that their operations could once again be affected and noise complaints experienced should residential dwellings be located closer to the facility than existing dwellings at present.

Our client requests that careful consideration be given to noise at the outline planning application stage of this proposed development to avoid unreasonable restrictions being placed on the operations at the facility as a result of residential development being brought closer in proximity.

Mr Luke Frost, 37 Diamond Road, Thornaby

I very strongly object to this application.

If building houses on our green wedges wasn't enough, developers now want to build on the banks of the River Tees. A river that has come along way from the dregs of time to be a river that has so much potential for uses in recreation as well as the environmental benefits.

This application goes to show that developers have free reign to build where ever they want. I say it must STOP.

Look ahead, in 20 years time there will be no green space and the lungs of our society will have been pulled from within. I urge council members to refuse this application. No more houses and no more damage to our environment.

Mr Edward Strike, 7 Claydon Grove, Ingleby Barwick

The developers are ruining Stockton South with the massive amount of housing being built on Greenfield sites. If this continues the whole of Teesside will be joined together with no green field sites between them. The Riverside area is an area that should be enjoyed by all and not spoiled by greedy developers increasing their profits by building on them.

There are lots of Brown field site in areas where housing, especially affordable social housing is required and these should be built on first.

Maybe this idiotic idea of borrowing £17m to build an unwanted unneeded hotel in Stockton should be stopped and the money spent on buying brownfield sites and building much needed social housing. That way the 5 year plan under the NPPF will be over subscribed and the planning officers can refuse applications like this without the worry of a costly appeal being launched on the basis that SBC do not have a suitable 5 year building plan.

I am an elected Town Councillor for Ingleby Barwick Town Council an area that developers have abused for years.

PLANNING POLICY

16. 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

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.

Local Planning Policy

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

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.
6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

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

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

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

i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;

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

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

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

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

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

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

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

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

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

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

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

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

_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

_ In the Core Area, the focus will be on town houses and other high density properties.

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

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision

at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.

9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.

10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.

12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.

13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

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

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

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

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

- ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

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

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

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

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

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

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

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

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

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

Core Strategy Policy 11 (CS11) - Planning Obligations

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

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy EN17

Within the Urban Development Area, land is allocated at the following sites as appropriate for a range of uses, including industry, commerce, housing, sport, recreation, tourism and education:

(b.) Teesdale, Thornaby;

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on the privacy and amenity of neighbouring residents, the impact on the highway network and highway safety, flood risk, noise and other material planning considerations.

18. The application site is located within the Core Area. Core Strategy Policy CS1 states that new development should be located within the conurbation to assist with reducing the need to travel. The site is located within the conurbation as defined in the Core Strategy.

19. Core Strategy Policy CS7 – Housing Distribution and Phasing states that development in the Core Area should be prioritised, with 75% of dwellings on previously developed land. The application site is located on previously developed land within the Core Area.

20. Saved Policy En17B – Recycling Land of the Stockton Local Plan (1997) states that land is allocated at ‘Teeside, Thornaby’, which includes the application site, for a range of uses including industry, commerce, housing, sport, recreation, tourism and education. The most recent evidence base documents including the SHLAA and Five Year Land Review also deem the application site suitable for housing although the emerging plan carries limited weight.

21. A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) provides that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” (Para. 49).

22. The Council cannot demonstrate a 5 year supply of housing land and NPPF makes clear that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

23. The benefits arising from the proposal in the context of housing are that it would align with NPPF aspiration for local authorities to boost significantly the supply of housing in their areas and contribute towards the five year supply of housing. It is considered that the application site is a sustainable development and the presumption in the NPPF that Planning should operate to encourage and not act as an impediment to sustainable growth must be applied. Significant weight is required to be placed on the need to support economic growth through the planning system. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF and that planning permission should or could be reasonably withheld.

24. Whilst it is recognised that the application site currently provides informal parking which supports the development of the cultural, sport and leisure offer of the Borough, the site is not in Council ownership and this informal arrangement could cease at any time. Furthermore it is considered that the proposed scheme does provide extensive public open space on the northern and western boundaries which would allow for public use.

25. Given the Local Plan Policy EN17 supports mixed used development, which includes housing and the NPPF supports the delivery of housing development, there is no objection in principle to the application.

26. Core Strategy Policy CS8 – Housing Mix and Affordable Housing Provision, states that affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable. The applicant has submitted an economic viability appraisal which demonstrated that it is not feasible to meet the level of affordable housing normally required for the scale of development and still be economically viable. On this basis the Housing Services Manager would not look to further pursue the delivery of affordable housing at this time.

27. Core Strategy Policy CS11 relates to planning obligations and sets out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. The applicant has indicated that they will enter into a Section 106 Agreement to provide a financial contribution for the additional school places should they be required. Furthermore the applicant will agree to a Local Labour Agreement.

28. The location of the development is sufficiently separated from existing dwellings and it is considered that the proposed dwellings would be sufficiently far apart to meet any visual privacy requirements and the site has a sufficient area to meet the amenity of the occupants and it is not considered that the application will have any significant impact upon the privacy and amenity of neighbouring residents.

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

30. A Design and Access statement accompanies the application, which provides some design principles and information on the proposed nature, form, scale and appearance of the development as a whole. A condition is imposed requiring the development to be carried out in broad accordance with this document to ensure that the dwellings, both individually and collectively, are in keeping with the location.

31. A Phase 1 Habitat Assessment and desk study was undertaken to investigate the potential of the application site to support any protected species. Habitats on application site consist of hard standing, amenity grassland, introduced shrubs and a few immature scattered trees. These are considered low quality habitats with a very low capacity for supporting protected mammals, and no signs of such were observed.

32. In terms of flood risk, a Flood Risk Assessment accompanies the application and identifies the site falls mainly within Flood Zone 1 (the lowest risk) with a need to demonstrate a satisfactory management of surface water. However, surrounding the edges of the proposed development, to the north and north-east, is a small area of land located in Flood Zone 2. Overall, the site is assessed to be at low risk of flooding from fluvial and tidal sources. Discharge to the surrounding watercourses (mainly the River Tees) will be maintained at the current run-off rate for the site, to ensure the risk of flooding is not increased elsewhere as a result of the development. In addition, appropriate allowance will be included to address the impact of potential climate change. The Council's Flood Risk Management section has considered the proposal and raises no objection subject to appropriate controlling conditions.

33. Based on the findings of the Geo Environmental Desk Study, the application site has a long history of industrial use, comprising buildings and slag heaps from a former iron works occupying the application site, landfilling including waste from a former asbestos insulation works and infilling of the former Channel of the River Tees. These uses have led to contaminated material being present on the application site and a significant thicknesses of made ground. The application site was subject to some remediation works undertaken by the Teesside Development Corporation in the 1990's which reclaimed the site for its current use as an informal car park and area of open space. The Council's Contaminated land Officer has considered the proposal and raises no objection subject to appropriate controlling condition and therefore the proposal does not conflict with Planning Guidance in respect of contaminated land.

34. Paragraph 109 of the NPPF states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. NPPF paragraph 123 outlines that decisions should aim to avoid, mitigate or reduce noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

35. An acoustic assessment of the site was undertaken in dialogue with the Council's Environmental Health Unit who had expressed concerns about industrial noise arising from the adjacent Johnson Matthey Davy Technologies Limited chemical R&D facility located to the west of the site. The assessment concluded that the source of noise was the Davy Process Technology building closest to the river. A noise emission constraints plan which detailed day and night time noise was produced as a result of the survey which highlighted areas that were subject to noise on the site. The masterplan takes into consideration noise constraints and has been amended to ensure that dwellings are not located in this area (which reduced the development from 150 to 96 homes). The area subject to constraint will be used as open space and will be heavily buffered to further reduce noise.

36. The acoustic assessment also proposed several other noise mitigation measures and a condition is recommended to secure the noise mitigation measures proposed. The Environmental Health Officer is satisfied the proposed mitigation measures will help to minimise the impact of the noise from the nearby chemical plant and states that the development has been assessed in line with Noise Policy Statement for England (NPSE) where it aims to determine the significance of noise impact on the residents. The significance of the impact is rated from No effect to Adverse effect and finally to Significant adverse effect. Where the impact is rated as adverse effect, appropriate mitigation must be put in place. The noise assessment for this development falls under the adverse effect due to industrial noise from Johnson Matthey. He agrees the effect can be reduced from adverse effect to no effect by increasing the separation distance between the houses and the industrial plant, also provision of enhanced glazing and acoustically treated ventilation for certain part of the development. With the inclusion of these measures it is considered that the proposal would not result in unacceptable living conditions for future residents. The Environmental Health Unit has considered the proposal and raises no objection on these matters subject to a controlling condition.

37. The site does not lie within an AQMA (Air Quality Management Area) and the Environmental Health Unit raises no objection on this matter.

38. In respect of archaeology and heritage impact, Tees Archaeology has considered the proposal and stated that the site had low archaeological potential and confirms that the development should not have a significant impact on any known heritage assets.

39. In terms of Policy Core Strategy Policy CS3 and the reference to integrating of climate change mitigation and adaptation into housing design, in order to fully reflect the objectives of the Policy the development proposals should be energy efficient and this is secured by a planning condition.

40. The application is accompanied by a Transport Assessment in order to satisfy the Local Planning Authority that the principle of the development and the subsequent movement of future traffic can be accommodated in and around the site on the surrounding road network.

41. The Highways, Transport & Environment Manager has assessed the proposal and his detailed comments are set out in full in the consultation section of this report.

42. The proposed site access arrangements are considered to be acceptable and would be secured through a S278 Agreement.

43. In order to promote sustainable modes of travel a condition requiring a Residential Travel Plan is recommended.

44. A condition is also recommended to agree a Construction Management Plan prior to construction commencing on the site.

45. Therefore, taking account of the above, the Highways, Transport and Environment Manager does not object to the proposed development in relation to the predicted impact on the highways network. Highways England has also considered the scheme and raises no objection.

CONCLUSION

46. The proposed development has been considered in the context of the submitted information, consultee and consultation responses. The impacts of the proposal have been considered against national and local planning guidance, the development is proposed on an allocated site for mixed use development including housing and is a sustainable core brownfield site and housing applications are to be considered in the context of the presumption in favour of sustainable development in economic social and environmental benefits.

47. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of highway safety, it does not adversely impact on neighbouring properties or flooding. Other material planning considerations including noise have been fully considered.

48. It is considered that there are important material benefits arising from the proposed development and that the presumption in favour of sustainable development applies and there are not any 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. Therefore the application is accordingly recommended for approval with conditions.

Director of Economic Growth and Development Services
Contact Officer Mr Gregory Archer Telephone No 01642 526052

WARD AND WARD COUNCILLORS

Ward **Mandale and Victoria**

Ward Councillor(s) **Councillor Tracey Stott**

Ward Councillor(s) **Councillor Sonia Bailey**

Ward Councillor(s) **Councillor Paul Rowling**

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

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document 6 : Planning Obligations