

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
27<sup>th</sup> September 2017  
REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT**

**17/0775/OUT**

**Land Associated With Hunters Rest, Urlay Nook Road, Eaglescliffe  
Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the erection up to 130 dwellings, associated infrastructure including access road and public open space.  
Expiry Date: 6 September 2017**

**SUMMARY**

Outline planning permission is sought for the erection of up to 130 dwellings (including affordable housing) with the provision of on-site public open space. Access will be taken from Urlay Nook Road with all other matters reserved for later consideration.

A Hybrid Planning permission was approved on the adjacent site for 21 dwellings and outline permission for a further 2 dwellings which utilised the same access.

The application site is currently agricultural land on the edge of Eaglescliffe. There is a power line crossing the site and an existing farmstead, Hunters Rest, in the centre of the site which is locally listed. Hunters Rest currently operates as a riding school. This use would cease should the application be approved and the dwelling would be encompassed into the proposal. To the north west of the site are allotments with Nelly Burdon's Beck running around the west and southern perimeter of the site which is within Flood Zones 2 and 3. The application site is outside the limits to development.

70 objections have been received along with objections from the Parish Council.

The main considerations of this application relate to the principle of development, landscape and visual impact, indicative layout and design, impact on neighbouring properties, highway related provisions as well as the impacts on drainage and ecology.

The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing.

In terms of local planning policies there are no specific designations which apply to this site other than the site lies outside the limits to development, consequently the site forms part of the open countryside. Saved Policy EN13 seeks to strictly control development within the countryside beyond these limits however the proposed development should not be ruled out purely on the grounds of falling outside the settlement boundary and there are other factors to be weighed in the overall balance.

As members have previously been informed; the Council can demonstrate a 5 year supply however, as this is not yet at publication stage this can be given limited weight and the application will need to be determined in accordance with Paragraph 14 of the NPPF, although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Paragraph 215 states that

due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, i.e. the closer the policies in the plan to those in the Framework, the greater the weight that may be given.

In terms of impact; as Policy CS10 seeks to safeguard the countryside, it is broadly consistent with the core planning principles of the Framework, however the approach of Saved Policy EN13 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the approach set out in the Framework and where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date and the proposal should therefore be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework and only if the Council is able to demonstrate harm which “significantly and demonstrably” outweighs the benefits of the development should consent be refused.

In terms of Sustainability and proximity to services, the site lies adjacent to the existing settlement of Eaglescliffe and the existing Hunters Green Estate is immediately to the north and a housing site to the north west. The proposed site is approximately 0.5 -1 km from Tesco, Durham Lane Shops and Primary and Secondary Schools with adequate footpaths to access these services. There are also bus stops in close proximity although the service is limited and the rail station is within a 15-20 minute walk. In view of the proximity of reasonably accessible services and a choice of transport modes, it is considered that this site is in a sufficiently sustainable location to support new development and occupants would not necessarily need to solely rely on the private car.

It is recognised that a key benefit of the proposed development would be that it boosts the boroughs 5 year housing land supply, as well providing affordable housing units. These have both social and economic benefits as set out within the three elements of the definition of sustainable development. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to ‘drive and support’ economic development. The disadvantage would be the loss of this private open area and this matter is considered in more detail in the remainder of the report.

The application has been assessed by the Highways Transport and Design Team who generally raise no objections from a landscape perspective, acknowledging that whilst the proposal would result in a substantial change in character of the area it would have a lesser effect on the wider West Stockton Rural Fringe Landscape Character Area. There are limited opportunities to view the proposed development from the wider area due in part to intervening topography, vegetation and built form. However, where views are possible it is likely that there will be a noticeable change to the view. It is possible to view the North York Moors across the site from Urray Nook Road and once the development is constructed this view is likely to be obscured by built form within the development site. Nonetheless given the Highways Transport and Design Manager does not object on landscape grounds; it is considered that the proposed development will not have a significant adverse impact on the landscape character of the area to warrant refusal of the application.

The indicative plan shows a development which can be sensitively located to avoid any adverse impact on neighbouring properties whilst maintaining the majority of trees and woodland buffers and is broadly acceptable subject to the finer details which can be submitted at reserved matters stage should the application be approved.

Overhead power lines cross the proposed open space in the east of the site and no objections have been raised by National Grid. Guidance states the general recreational use of land beneath and alongside overhead lines is possible where appropriate safeguards are implemented which can be considered at reserved matters stage to ensure that any open space is located and designed so as not to result in an adverse impacts on safety. Neighbours have raised concerns regarding the location and use of the open space which will lead to potential anti-social behaviour,

however should the application be approved the final details of the open space will be dealt with at reserved matters stage along with any screening/planting that may be required. Anti-social behaviour would not be a reason to refuse the application as it can be dealt with by the relevant authorities should it occur.

The applicant has submitted a Transport Assessment (TA) and further information in support of the proposed development, which has been assessed by the Highways Transport and Design Manager also using the Council's Yarm Traffic Model. The modelling results show that there would be limited practical difference in terms of traffic impact on the local road network, within the Yarm area, with or without this application for the erection of up to 130 dwellings. This is because the development would be a small proportion of both the population and the overall future development proposals within the Yarm area and within this, it is reasonable to predict that 'peak spreading' would occur as users stagger journey times to avoid traffic congestion. It is, therefore, accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe.

Objections have been raised in relation the additional traffic entering what they perceive to be an already congested network and any associated risk to highway safety. Whilst comments have been noted, the impacts of traffic numbers have been assessed by professional officers and as detailed above there is no evidence to suggest severe impact on the highway network. In absence of this, in line with the NPPF, the proposal is supported on highway related matters.

Access from Urlay Nook Road and visibility is acceptable subject to the removal of the trees within the highway verge which has been conditioned Details of parking, layout, internal footpath links and highways can be considered at the reserved matters stage.

In terms of safety for children to walk or cycle to school, the Highways Transport and Design Manager have raised no concerns over safety and therefore this would not warrant refusal of the application.

Concerns have been raised over construction traffic, however a condition to ensure a suitable construction management plan be submitted prior to commencement of works has been recommended which will ensure the disruption is minimised for residents and suitable traffic controls, if required can be put in place.

A number of objections have been raised regarding drainage/flooding. No objections have been raised by Northumbrian Water or the Flood Risk Management Team subject to a number of conditions which have been recommended.

Matters in relation to Ecology; Contaminated Land; and Archaeology have been considered along with other material planning considerations and it is considered that no adverse impact will occur subject to a number of conditions which have been recommended.

Overall, it is considered that in the planning balance, although this proposal is out-with the limits for development, the proposed development is not considered to cause significant or demonstrable harm which would warrant refusal of the application .

For the reasons detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

## **RECOMMENDATION**

**That planning application 17/0775/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or other such terms as may be deemed necessary by the Director of Economic Growth and Development Services**

### **01 Approved Plans**

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

Plan Reference Number	Date on Plan
CJM/1	22 March 2017
CAL020616 01 REV G	23 March 2017
1701801F	28 June 2017

Reason: To define the consent.

### **02 Reserved Matters - Details**

Notwithstanding the submitted plans, approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

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

### **03 Period for Commencement**

The development hereby permitted shall be begun either before the expiration of three 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 Reserved Matters - Time Period for submission**

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.

### **05 Retention of existing trees shrubs hedge**

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans as part of the reserved matters application a plan shall be submitted identifying the trees and hedges to be retained on the site. Details of a long term maintenance strategy for all trees and hedges indicated for retention from practical completion of the development shall be submitted to and be approved by the Local Planning Authority with the associated landscaping features being retained and maintained in accordance with the agreed details thereafter. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority

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

**06 Tree Protection**

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters scheme. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) Operatives Handbook 19th November 2007). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

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

**07 Construction Management Plan**

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.

**08 Site Construction Access**

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Reason: In the interests of highway safety.

**09 Creation of visibility splays (Removal of trees within verge)**

Work shall not commence until visibility splays have been provided at the site entrance to the written satisfaction of the Local Planning Authority in accordance with a scheme of such which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

**10 Footpath Links**

As part of any reserved matters application precise details of a footway link to the perimeter of the site shall be submitted and approved in writing by the Local Planning Authority and implemented in accordance with the approved details

Reason: To enable the Local Planning Authority to control details of the proposed development.

**11 Drainage**

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 and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the national Planning Policy Framework.

**12. Discharge of Surface Water**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2017 Reference: H76116/FRA/001 Rev B dated 17th June, limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved by limiting surface water discharge from the development to 13.6l/sec. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

**13. Surface water management**

The development hereby approved shall not be commenced on site, until a scheme of '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.

**14 Discharge of Surface Water**

No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

Reason: To reduce flood risk during construction / development of the site

**15. Levels**

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be 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 the interests of amenity of the occupants of neighbouring properties

**16. 10% Renewables or fabric first**

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of promoting sustainable development in accordance with the requirements of Stockton on Tees Core Strategy Policy CS3(5) Sustainable living and climate change.

**16. Ecology and mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the Protected Species Surveys dated September 2017, undertaken by QUANTS Environmental Ltd and prior to development commencing on site an Ecological Mitigation and Compensation Strategy which includes a wildlife sensitive lighting strategy shall be submitted and approved by the local planning authority. Work shall be undertaken only in strict accordance with the agreed details.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

**17. Great Crested Newts**

Prior to the submission of details in relation to the reserved matters application details of the GCN licence from Natural England and associated mitigation shall be submitted to the

local planning authority for approval, thereafter the development shall be carried out in accordance with the approved document.

Reason: In order to ensure the appropriate compensation/mitigations to be provided on site is incorporated into the scheme and allow the detailed consideration of the reserved matters to be assessed against the approved document.

**18. Construction working Hours**

No construction/building works or deliveries associated with the construction phase of the development shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.

**19. Contaminated Land**

An Intrusive Ground Investigation Report 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) to include for ground contamination screening and ground gas production, and an appropriate risk assessment undertaken. 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:

- a survey of the extent, scale and nature of contamination;
- 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;
- 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'.

Reason: Contamination may exist at the site which will need to be satisfactorily dealt with.

**20. Unexpected Land Contamination**

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

Reason: Contamination may exist at the site which will need to be satisfactorily dealt with.

**INFORMATIVES**

**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 information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

### **Informative: Discharge of Surface Water**

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to 13.6 l/sec with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a “management train” is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS integrate into the landscape

An allowance of 10% should be included within the detailed surface water drainage design for “Urban Creep”,

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is 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.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
  2. 1 in 100 year plus 20% climate change;
  3. 1 in 100 year plus 40% climate change;
- Drainage systems can be designed to include a 20% allowance for climate change;
  - A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
  - If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the ‘Tees Valley Local Standards for Sustainable Drainage’. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

### **Informative: Northumbrian Water**

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public

sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and will be contacting the developer direct to establish the exact location of the assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

### **Informative: Reserved Matters**

When submitting the application(s) for reserved matters; the reserved matters should include the following details

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

## **HEADS OF TERMS**

### **Affordable Housing**

The provision of a minimum of 15% affordable housing to be provided on site.

### **Education**

Contribution for both primary & secondary school pupils based on the council's standard formula.

### **Open Space**

Contribution towards open space/play facilities should it not be provided on site and maintenance agreements to be agreed.

## **BACKGROUND**

1. A Hybrid Planning permission was approved on the adjacent site for 21 dwellings and outline permission for a further 2 dwellings. The properties proposed were a mix of detached, semi-detached and terraced, having driveways and garages, front and rear

gardens and served off a new road layout which would be taken from Urray Nook Road. Part of the site was shown as open space (Application 15/2752/FUL).

## **SITE AND SURROUNDINGS**

2. The application site is currently agricultural land on the edge of Eaglescliffe, beyond the existing built form on the south side of Urray Nook Road. There is a power line crossing the site and an existing farmstead, Hunters Rest, in the centre of the site which is locally listed. Hunters Rest currently operates as a riding school. This use would cease should the application be approved and the dwelling would be encompassed into the proposal.
3. To the north west of the site are allotments with Nelly Burdon's Beck running around the west and southern perimeter of the site which is within Flood Zones 2 and 3.
4. The application site is outside the limits to development.

## **PROPOSAL**

5. Outline planning permission is sought for the erection of upto 130 dwellings with the provision of on-site public open space.
6. Access will be taken from Urray Nook Road with all other matters reserved for later consideration.

## **CONSULTATIONS**

7. The following Consultations were notified and any comments received are set out below:-
8. Highways Transport and Design Manager  
Subject to the comments below the Highways, Transport and Design Manager has no objections to the outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the erection up to 130 dwellings, associated infrastructure including access road and public open space.  
The impact of the proposed application on the highway network has been assessed by the applicant, within the Transport Assessment (TA) submitted in support of the proposed development, and also using the Council's Yarm Traffic Model.  
The Yarm traffic modelling provides an informed response regarding the impact of this proposed development on the wider network and its impact as part of a cumulative assessment of highway impact from other planning applications that affect the same sections of highway.  
The modelling results show that there would be limited practical difference in terms of traffic impact on the local road network, within the Yarm area, with or without this application for the erection of up to 130 dwellings.  
This is because the development would be a small proportion of both the population and the overall future development proposals within the Yarm area and within this, it is reasonable to predict that 'peak spreading' would occur as users stagger journey times to avoid traffic congestion.  
It is, therefore, accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe.  
Taking the above into account the Highways, Transport and Design Manager is unable to object to the proposed development in relation the impact on the highway network.  
Details of the proposed site access arrangements are shown on drawing ref. 1701801f and these are considered to be acceptable.

An indicative site layout, drawing ref CAL020616–02–G, has been submitted and this is considered to be broadly acceptable. The details of the site layout will be considered fully should this application be approved and proceed to Reserved Matters. The interaction between the proposed site and the adjoining approved development (15/2752/FUL) must be fully considered at Reserved Matters stage.

A Construction Management should be secured by planning condition to minimise the impact of any construction works on the public highway.

There are no landscape and visual objections to the proposed development although some amendments to the layout will be required however, it is considered that internal landscape matters may be resolved as part of any Reserved Matters application.

Any Reserved Matters application should also take account of the recommendation made with the submitted Landscape and Visual Review, which include:

- opportunity to enhance existing hedgerows, hedgerow trees and specimen trees planting along the site boundaries, and utilise existing boundary planting to create a stronger landscape framework for development, and enhance Nelly Burdon Beck;
- appropriate siting of the proposed built form and proposed boundary treatments to minimise adverse visual impacts through careful consideration of existing topography within the site;
- retain the open character in the southeast corner of the site to respond to the existing landscape character; and
- improve public access through the site with additional Public Rights of Way.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition. Detailed comments are attached at Appendix 5.

9. Highways England Company Limited

I write on behalf of Highways England in response to the Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for the erection up to 130 dwellings, associated infrastructure including access road and public open space, on Land Associated With Hunters Rest, Uraly Nook Road, Eaglescliffe. We were disappointed that the Transport Assessment appears to be confined to whether road users turn left or right out of the site access road. No wider assessment is provided as to where these vehicles go to or come from. We do not know how many vehicles will go through Yarm, or how many will go to join the Strategic Road Network (A66) at Long Newton, Elton or Preston Farm, nor how many will seek to access the A19 at High Leven. Also of concern is the 19 trips who turn left out of the site access and head westwards along the A67 most likely to reach the A66 at Morton Palms junction. The Darlington Environment Transport Corridor is currently seeking contributions to improve this access and should be consulted on these trips, perhaps with more detailed data. Notwithstanding the points of concern made above, Highways England do not consider that this development will have a significant impact on the Strategic Road Network at the locations mentioned and accordingly we have no objections to this application as set out.

10. Parish Council

The parish council objects to the application having serious concerns relating to the impact of increased traffic on the A67 and surrounding roads and the impact of storm drainage into Nelly Burdon's Beck increasing the risk of flooding at housing downstream within the high-risk zone.

11. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory 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. I would also recommend the conditions as detailed be imposed on the development should it be approved.

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.

12. 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 particular relevance to this application which are considered in detail in this response are:

Core Strategy Policy CS10 Point 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.... Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

Local Plan Policy EN13: identifies what uses types of development are considered acceptable outside the limits to development which are identified around the main urban and the villages.

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.

13. Principal Environment Officer

The applicant will be required to submit an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development, and provide details of the fabric U-values for the proposed buildings in order to demonstrate compliance with Part L (2013) building regulations. In accordance with Core Strategic Policy 3 (CS3), the Energy Statement needs to identify 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, and these must exceed 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 and this should be secured by condition.

14. Northumbrian Water Limited

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

Northumbrian Water 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 and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

How to Satisfy the Condition: The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway, Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

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

15. Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

16. Tees Archaeology

The developer has provided a geophysical survey of the site. This identified the possible remains of occasional soil-filled features in the north western part of the site. My recommendations for further pre-determination evaluation would be to carry out trial trenching of the anomalies identified by the geophysical survey, in order to determine their form, extent, date, function, and level of survival. This will allow the significance of the remains to be properly assessed (NPPF para 128).

Updated comments: The applicant has provided a report on archaeological trial trenching at the site which demonstrates that the anomalies identified by the geophysical survey are the result of natural geological variations and a modern sewer pipe. The site is of low archaeological potential and the applicant has fulfilled the requirements of the NPPF regarding archaeology therefore no further work is required.

17. SBC Housing Services Manager

The Strategic Housing Market Assessment (SHMA) 2016 has identified an annual affordable housing need in the borough of 240 units, with the majority of need being for 2 and 3 bedroom 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.

We note from the Design and Access Statement that the developer is proposing to provide 20-26 affordable housing units within the site this will consist of 2, 3 bedroomed houses and bungalows but the type, mix and tenure is yet to be determined. Based on a market scheme of 130 proposed units, 20 affordable units equates to 15% and 26 units equates to 20% which is acceptable as it is in line with the need identified in the SHMA 2016 and is compliant with Policy CS8 as outlined above. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere. The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2016 a high priority will be accorded to the delivery of 2 and 3 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 target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on 20 affordable units or 15%: -

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

Proportion	No. of units	Tenure
70%	14 units	Rent
30%	6 units	Intermediate Tenure
100%	20 units	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	8 units
3 bed	50%	10 units
4 bed	12.5%	2 units
Total	100%	20 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
8 Units	2 bed	6 x Rented 2 x Intermediate Tenure
10 units	3 bed	7 x Rented 3 x Intermediate Tenure
2 units	4 bed	2 x Rented 0 x Intermediate Tenure

A worked example based on 26 affordable units or 20%: -

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

Proportion	No. of units	Tenure
70%	18 units	Rent
30%	8 units	Intermediate Tenure
100%	26 units	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	10 units
3 bed	50%	13 units
4 bed	12.5%	3 units
Total	100%	26 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
10 Units	2 bed	7 x Rented 3 x Intermediate Tenure
13 units	3 bed	9 x Rented 4 x Intermediate Tenure
3 units	4 bed	2 x Rented 1 x Intermediate Tenure

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency Level 1 Space standards and associated design and quality standards.

18. SBC Children, Education And Social Care  
 With regards this application for 130 dwellings the following 'Education Contributions' should be sought using the standard SPD6 formula, therefore:  
 Primary  
 Step 1 - Calculate pupil yield from development Eligible homes (2 or more bedrooms) x primary pupil yield ratio =  $130 \times 0.26 = 33.8$  additional pupils  
 Step 2 - Calculate potential contribution - Pupil yield x cost per place =  $33.8 \times \text{£}9,215 = \text{£}311,467$   
 Step 3 - Developer discount - Based on associated schools in the Eaglescliffe area these being Durham Lane Primary for community places and for a faith place St Cuthbert's RC Primary Calculated by the number of surplus places at associated schools listed above multiplied by the cost per place ( $\text{£}9,215$ ), subject to the number of places being divided, pro-rata amongst other Committed Developments  
 Secondary  
 Step 1 - Calculate pupil yield from development Eligible homes (2 or more bedrooms) x secondary pupil yield ratio =  $130 \times 0.20 = 26$  additional pupils  
 Step 2 - Calculate potential contribution Pupil yield x cost per place =  $26 \times \text{£}14,928 = \text{£}388,128$   
 Step 3 - Developer discount - Based on associated schools in the Eaglescliffe area these being Eggescliffe School for community places and for a faith place at Our Lady & St Bede Catholic Academy Calculated by the number of surplus places at associated schools listed above multiplied by the cost per place ( $\text{£}14,928$ ), subject to the number of places being divided, pro-rata amongst other Committed Developments  
 Stage 4: Total Contribution - The Primary Education Contribution equals the Total Primary School Provision less the Developer Discount (Primary).  
 The Secondary Education Contribution equals the Total Secondary School Provision less the Developer Discount (Secondary).  
 Also worth adding that subject to the agreed trigger /tranche point(s), that for the avoidance of doubt the Primary Education Contribution and the Secondary Education Contribution shall be reviewed at the time each tranche is due to reflect the current situation regarding school place availability, save that the sums due to be paid shall only be varied to reflect the difference in the number of surplus places since the last review so that the relevant discount shall be reduced or increased accordingly.
19. Councillors  
 No Comments received
20. National Grid  
 No comments received
21. Cleveland Police  
 No comments received
22. Northern Powergrid  
 No comments received
23. Stockton Police Station - Stephen Davies  
 No comments received
24. SBC Private Sector Housing  
 No comments received
25. Darlington Borough Council  
 No comments received

## **PUBLICITY**

26. Neighbours were notified and letters of objection were received from the addresses detailed below with the main objections summarised below. The full details of the objections can be viewed on line at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Mrs Helen Rhodes 47 Greenfield Drive Eaglescliffe
- Miss Alison Schofield 9 Coatham Vale Eaglescliffe
- Mr David Caddy 39 Coatham Vale Eaglescliffe
- Mrs Amy Morris 4 Hunters Green Eaglescliffe
- Mr John Walker 5 Hunters Green Eaglescliffe
- S Brooks 1 Hunters Green Eaglescliffe
- Mrs Tracey Wright 2 Hunters Green Eaglescliffe
- Ruth & Michael Cross 15 Egglestone Drive Eaglescliffe
- Cheryl Dean 11 Langdon Way Eaglescliffe
- Mr Ewan Wallace 22 Langdon Way Eaglescliffe
- Mrs Jane Nicholls 19 Valley Gardens Eaglescliffe
- Mr Elliott Routledge 19 Seymour Drive Eaglescliffe
- Mr Derek Forrest 23 Valley Gardens Eaglescliffe
- Ralph Pickles Bellmount Farm Aislaby Road
- Mrs Angela Williams 35 Coatham Vale Eaglescliffe
- Mike Brabanski 3 Cotherstone Close Eaglescliffe
- Dr Alastair Baines 12 Middleton Close Eaglescliffe
- Mr Michael Beaumont 32 Grassholme Way Eaglescliffe
- Mr Trevor Hodgson 16 Valley Gardens Eaglescliffe
- Mrs Joanne Davison 42 Grassholme Way Eaglescliffe
- Ms Charlotte Irving 18 Black Diamond Way Eaglescliffe
- Mr Ian Dickinson 44 Hangingstone Road Berry Brow
- Miss Katherine Johnson 28 Grassholme Way Eaglescliffe
- Mr Paul Veitch Windlestone Uray Nook Road
- Mr Denis Butler 21 Coatham Vale Eaglescliffe
- Ms Jessica Metcalfe 7 Egglestone Drive Eaglescliffe
- Mrs Lina Salvati 5 Sandy Flatts Lane Middlesbrough
- Mrs G Scott 1 Middleton Close Eaglescliffe
- Mr Luigi Salvati 5 Sandy Flatts Lane Blue Bell Park
- Mrs J Buttle 14 Coatham Vale Eaglescliffe
- Peter Dean 11 Langdon Way Eaglescliffe
- Mr Charles Watson 14 Valley Gardens Eaglescliffe
- Imelda Clarke 6 Mickleton Drive Eaglescliffe
- Mrs D L Copley 21 Uray Nook Road Eaglescliffe
- Mrs McGarthy 6 Newbiggin Close Eaglescliffe
- Owner/occupier 60 Grassholme Way Eaglescliffe
- Neil Holdsworth 5 Langdon Way Eaglescliffe
- Mr Ian Appleby 18 Black Diamond Way Eaglescliffe
- Dr stephen salvati 7 Egglestone Drive Eaglescliffe
- Mr A Brunton 20 Valley Gardens Eaglescliffe
- Mrs Jane Hodgson 16 Valley Gardens Eaglescliffe
- Owner/Occupier 6 Valley Gardens Eaglescliffe
- Mrs E Lowson 2 Valley Gardens Eaglescliffe
- Mr. J.M. Thompson 18 Valley Gardens Eaglescliffe
- Mrs Grace Watson 14 Valley Gardens Eaglescliffe
- Jane Akhtar 20 Uray Nook Road Eaglescliffe
- Mrs Kelly Johnson 22 Uray Nook Road Eaglescliffe

- Mrs Elaine Wells 12 Urlay Nook Road Eaglescliffe
- Mrs A Marshall The Gables Urlay Nook Road
- Mr H W Marshall 7 Chaldron Way Eaglescliffe
- Sheila Carr 46 Grassholme Way, Eaglescliffe,
- Mr Michael Williams 35 Coatham Vale Eaglescliffe
- Mr David Williams 35 Coatham Vale Eaglescliffe
- Mrs Elizabeth Rusk 11 Coatham Vale Eaglescliffe
- Mrs K Rye 30 Grassholme Way Eaglescliffe
- Karen Dunning 8 Middleton Close Eaglescliffe
- Mr Edward Cody 41 Coatham Vale Eaglescliffe
- Mr J Thompson 8 Coatham Vale Eaglescliffe
- Mrs Ruth Dawson 11 Newsam Road Eaglescliffe
- Mr Peter Dawson 1 Springfield Close Eaglescliffe
- Mr Thomas Ripley 3 Middleton Close Eaglescliffe
- Mrs Kathleen Thompson 18 Valley Gardens Eaglescliffe
- Mrs Anne Jones 13 Valley Gardens Eaglescliffe
- Mrs Penelope Ouda 22 Grassholme Way Eaglescliffe
- Mrs Angela Ballantyne 49 Coatham Vale Eaglescliffe
- Mr Michael Dickinson 9 Coatham Vale Eaglescliffe
- Mrs Diana Poles 39 Urlay Nook Road Eaglescliffe
- Mike Collins 11 Grassholme Way Eaglecliffe
- George Kipling 5 Newbiggin Close Eaglescliffe
- Mr Derek Underwood 54 Grassholme Way Eaglescliffe

The main reasons for objection are as follows

- Traffic / Congestion / Gridlock
- A responsible council should not agree to more building based on predictions and assumptions in traffic assessments. A responsible council will wait and see what actually transpires.
- The traffic survey has been carried out on a school half term holiday
- Transport /Footpath /Cycleway Improvements have not been delivered (from other sites)
- Incorrect Statements in the submitted documentation.
- Impact on Services, Schools, Doctors etc
- Over development of the area
- Impact on landscape / loss of greenspace
- Pollution from cars and large vehicles.
- Impact from Construction Traffic
- Safety implications with the footpath close to the Beck
- Increase in Noise
- Loss of privacy
- Anti-Social Behaviour from public open space
- Devaluation of properties
- Impact on Ecology and Wildlife
- Lack of a bus service
- Impact on Drainage and Pollution

**PLANNING POLICY**

27. 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

28. 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.

29. 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.

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

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

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

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

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

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
  - i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
  - ii) Green wedges within the conurbation, including:
    - .\* River Tees Valley from Surtees Bridge, Stockton to Yarm;
    - .\* Leven Valley between Yarm and Ingleby Barwick;
    - .\* Bassleton Beck Valley between Ingleby Barwick and Thornaby;
    - .\* Stainsby Beck Valley, Thornaby;
    - .\* Billingham Beck Valley;
    - .\* Between North Billingham and Cowpen Lane Industrial Estate.
  - iii) Urban open space and play space.

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.

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

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

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

#### Core Strategy Policy 11 (CS11) - Planning Obligations

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

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

\_ highways and transport infrastructure;

\_ affordable housing;

\_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

#### Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

(i) It is necessary for a farming or forestry operation; or

(ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

(iii) It contributes to the diversification of the rural economy; or

(iv) It is for sport or recreation; or

(v) It is a small scale facility for tourism.

### **MATERIAL PLANNING CONSIDERATIONS**

30. The main considerations of this application relate to the principle of development, landscape and visual impact, indicative layout and design, impact on neighbouring properties, highway related provisions as well as the impacts on drainage and ecology. These and other material planning considerations are considered as follows;

#### **Principle of Development**

31. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing.

32. In terms of local planning policies there are no specific designations which apply to this site other than the site lies outside the limits to development, consequently the site forms part of the open countryside. Saved Policy EN13 seeks to strictly control development within the countryside beyond these limits and is restricted to limited activities necessary for the continuation of farming and forestry, or where development would contribute to rural diversification or cater for tourism, sport or recreation provided it does not harm the appearance of the countryside. However, just because the site is outside the 'limits of

development', the proposed development should not be ruled out purely on the grounds of falling outside the settlement boundary and there are other factors to be weighed in the overall balance which are considered in more detail below.

#### 5 year housing supply

33. As members have previously been informed; the Council can demonstrate a 5 year supply for the purposes of the draft local plan; however, as this is not yet at publication stage this can be given limited weight and the application will need to be determined in accordance with Paragraph 14 of the NPPF which states "for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".
34. Although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, i.e. the closer the policies in the plan to those in the Framework, the greater the weight that may be given.
35. In terms of impact; Policy CS10 and EN13 are relevant and are detailed below. Policy CS10 (3) seeks to protect the separation between settlements, together with the quality of the urban environment, maintained through the protection and enhancement of the openness and amenity value of the strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George. Saved policy EN13 restricts development outside the village limits unless it meets certain criteria.
36. As policy CS10 seeks to safeguard the countryside, it is broadly consistent with the core planning principles at Paragraph 17 of the Framework, which, inter alia, recognises the intrinsic character and beauty of the Countryside.
37. However the approach of Saved Policy EN13 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date and the proposal should therefore be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework and only if the Council is able to demonstrate harm which "significantly and demonstrably" outweighs the benefits of the development should consent be refused.

#### Sustainability

38. One of the core land-use planning principles, in the National Planning Policy Framework is "*the need for planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable*". Objections have been received from residents commenting that the site has no regular bus service/links and this development will put pressure on the services.
39. In terms of proximity to services, the site lies adjacent to the existing settlement of Eaglescliffe and the existing Hunters Green Estate is immediately to the north and a housing site to the north west.

40. The proposed site is approximately 0.5 -1 km from Tesco, Durham Lane Shops and Primary and Secondary Schools with adequate footpaths to access these services. There are also bus stops in close proximity although the service is limited and the rail station is within a 15-20 minute walk
41. In view of the proximity of reasonably accessible services and a choice of transport modes, it is considered that this site is in a sufficiently sustainable location to support new development and occupants would not necessarily need to solely rely on the private car.
42. Concerns have been raised regarding the impact of the scheme on local infrastructure, notably shops, secondary schools, doctors and dentists. However, notwithstanding the lack of objection from these bodies, or substantive evidence to suggest that their capacity is limited, as reported in the Inspectors Appeal Decision for Little Maltby Farm "*any new housing development proposed within this area of the Borough, whether at the appeal site or not, would have a similar impact*". No evidence has been put forward to state the services cannot cope with the development, and therefore it is considered that this in itself would not warrant refusal of the application.

#### Economic/Social Benefits

43. It is recognised that a key benefit of the proposed development would be that it contributes towards the boroughs 5 year housing land supply, as well providing affordable housing units. These have both social and economic benefits as set out within the three elements of the definition of sustainable development. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to 'drive and support' economic development.
44. The disadvantage would be the loss of this private open area and this matter is considered in more detail in the remainder of the report.

#### Landscape Visual Impact

45. The site is currently used for grazing and exercising horses, and the land slopes relatively steeply down to the wooded Nelly Burdon Beck which is located outside of the application site to the south and west. The application site abuts the allotments on Urlay Nook Road and has a frontage along Urlay Nook Road which is bound by a gappy remnant hedgerow. The development would share an access onto Urlay Nook Road with the recently approved adjacent site which would minimise the impact on the existing planting along Urlay Nook Road, which should be maintained and protected during any construction works and should be enhanced with additional planting to help screen the development from the north and reflect the more substantial planting along Urlay Nook Road to the west. This can be conditioned.
46. A Landscape and Visual Impact Assessment accompanies the application which broadly follows the guidance set out in Guidelines for Landscape and Visual Impact Assessment 3rd Edition with the exception of the consideration of the sensitivity of the receptor which does not appear to have considered the value and susceptibility of the receptor. However, as advised by the Highways Transport and Design Manager this is unlikely to alter the overall findings of the assessment.
47. The site is located in the West Stockton Rural Fringe Landscape Character Area (LCA), and, at a more detailed level, the Hunters Rest Farmland landscape unit. The LVIA demonstrates that, while the proposed development would result in a substantial change in character of the site, it would have a lesser effect on the wider West Stockton Rural Fringe Landscape Character Area. There are limited opportunities to view the proposed development from the wider area due in part to intervening topography, vegetation and built form. However, where views are possible it is likely that there will be a noticeable change to

the view. It should be noted that it is possible to view the North York Moors across the site from Urlay Nook Road. Once the development is constructed this view is likely to be obscured by built form within the development site.

48. The LVIA refers to additional planting along Nelly Burdon's Beck as part of the mitigation for the site. Planting in this area would be welcomed to enhance the green corridor and reinforce the vegetation in this area; however, it must be designed to avoid conflict with the floodplain. This can be conditioned along with detailed of maintenance.
49. Overall, following the advice from the Highways Transport and Design Manager who does not object on landscape grounds; it is considered that the proposed development will not have a significant adverse impact on the landscape character of the area to warrant refusal of the application.

### **Indicative layout**

50. An indicative housing layout has not been provided however an indicative master plan accompanies the application outlining the areas to be developed for housing and areas of public open space with a protected area for newts and a pond.
51. Overhead power lines cross the proposed open space in the east of the site and no objections have been raised by National Grid. National Grids Sense of Place Guidance states the general recreational use of land beneath and alongside overhead lines is possible where appropriate safeguards are implemented and there are many examples around the country of where recreational uses sit very well with an overhead line route. These matters can be considered at reserved matters stage to ensure that any open space is located and designed so as not to result in an adverse impacts on safety. As the open space is to be provided on site, there is no requirement for contributions, however if the open space is not to be provided on site contributions to off-site provision and improvements will be sought and this can be dealt with as part of the Section 106 along with any future maintenance.
52. The proposed footpath link around the western side of the development is welcomed, although the feasibility of developing a footpath link that is closer to the alignment of the beck should be explored. A condition has been recommended to finalise these details. Furthermore, the Highways Transport and Design Manager has suggested the feasibility of securing either pedestrian or cycle access to Seymour Crescent through this corridor should be explored, however this involves land outside the ownership of the applicant and as it is only desirable it is not essential.
53. The indicative plan indicates a development which can be sensitively located whilst maintaining the majority of trees and woodland buffers and is broadly acceptable subject to the finer details which can be submitted at reserved matters stage should the application be approved.
54. 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 which the applicant has advised would be met. In order to achieve suitable provision of affordable housing the requirement would be placed within the Section 106 Agreement.

### **Impact on Neighbouring Properties**

55. The nearest neighbouring properties are located to the east and opposite the site. Whilst no housing layout has been submitted, the application includes an indicative master plan, albeit this is purely to demonstrate how a development can be achieved on site.

56. It is considered that a development could be designed which would achieve the required separation distances between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents although the detailed layout and design would require approval via reserved matters application/s were this outline application to be granted.
57. Neighbours have raised concerns regarding the location and use of the open space which will lead to potential anti-social behaviour. The open space has been indicated on site to provide a use for the land beneath the pylons and carries on from the previously approved scheme on the adjacent site. Whilst the concerns are noted should the application be approved the final details of the open space will be dealt with at reserved matters stage along with any screening/planting that may be required. Anti-social behaviour would not be a reason to refuse the application as it can be dealt with by the relevant authorities should it occur.
58. The Environmental Health Manager has requested a condition be imposed to limit the construction working hours to the site and a condition has been recommended accordingly.

#### **Highway related provisions**

59. The applicant has submitted a Transport Assessment (TA) and further information in support of the proposed development, which has been assessed by the Highways Transport and Design Manager also using the Council's Yarm Traffic Model.
60. The Yarm traffic modelling provides an informed response regarding the impact of this proposed development on the wider network and its impact as part of a cumulative assessment of highway impact from other planning applications that affect the same sections of highway. The modelling results show that there would be limited practical difference in terms of traffic impact on the local road network, within the Yarm area, with or without this application for the erection of up to 130 dwellings. This is because the development would be a small proportion of both the population and the overall future development proposals within the Yarm area and within this, it is reasonable to predict that 'peak spreading' would occur as users stagger journey times to avoid traffic congestion. It is, therefore, accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe.
61. Objections have been raised in relation the additional traffic entering what they perceive to be an already congested network and any associated risk to highway safety. Whilst comments have been noted, the impacts of traffic numbers have been assessed by professional officers and as detailed above there is no evidence to suggest severe impact on the highway network. In absence of this, in line with the NPPF, the proposal is supported on highway related matters.
62. Access from Urray Nook Road and visibility is acceptable subject to the removal of the trees within the highway verge which has been conditioned and should the application be approved. Details of parking, layout, internal footpath links and highways can be considered at the reserved matters stage.
63. In terms of safety for children to walk or cycle to school, the Highways Transport and Design Manager have raised no concerns over safety and therefore this would not warrant refusal of the application.

64. Concerns have been raised over construction traffic, however a condition to ensure a suitable construction management plan be submitted prior to commencement of works has been recommended which will ensure the disruption is minimised for residents and suitable traffic controls, if required can be put in place.

### **Flood Risk and Drainage**

65. A flood risk assessment and drainage strategy accompanies the application. The application site is located within flood zone 1 where development is generally directed, however the area around Nelly Burdons Beck is within flood zones 2 and 3.
66. Northumbrian Water raise no objections but do however request that a condition be recommended to ensure full drainage details are provided prior to commencement of works which has been recommended. They have also highlighted the presence of their assets on the site which has been brought to the attention of the applicant.
67. The local authority flood risk management team confirmed that the applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and requested that the information be secured by condition which has been recommended.
68. Overall it is considered that given the size and location of the development a satisfactory drainage scheme can be achieved subject to conditions and therefore the proposed development is considered to be acceptable in this regard.

### **Ecology**

69. An Ecological Assessment accompanies the application and confirms there are no designated Nature Conservation sites within 2km of the site although recognises that there is a population of Great Crested Newts (GCN's) at Eliffs Mill to the west of the site and hedges to the north west of the site which could be habitat for GCN's.
70. There are records of otters inhabiting Nelly Burdon's Beck, which runs to the west of the proposed development and the farm buildings, grass land and hedgerow field boundaries are likely to support a number of other species. Therefore, the proposed indicative masterplan shows that the red line boundary would be set in from a sufficient distance from the beck and the development includes an area of land adjacent to the allotment ponds to accommodate any potential GCN and otter populations. Furthermore, where possible all individual trees and boundary hedgerows will be preserved and supplemented, particularly those found in and around Hunters Rest Farm house buildings. A condition has been recommended in this regard.
71. A further protected species survey has recently been submitted. The surveys were conducted between 21st April and 6th September 2017. The results of the surveys showed that a small population of great crested newts were present in 4 of the adjacent ponds and considered it likely that great crested newts use the terrestrial habitats within the application site for foraging and sheltering purposes.
72. With great crested newt presence confirmed in adjacent ponds and no movement barriers between the application site these ponds, and with optimal terrestrial habitat on the application it is considered likely that great crested newts are present within the terrestrial habitats on the application site, and therefore a Natural England European Protected Species Mitigation Licence will be required prior to development works commencing. This can only be applied for once planning permission has been granted. Within the licence application, full details on the proposals for great crested newt mitigation and compensation input will be presented. Following discussions with Natural England they are generally

satisfied that appropriate mitigation and compensation can be provided through the licensing regime.

73. In addition bats are present along with numerous bird records within the local area, including several species noted on the RSPB and Birds of Conservation Concern Red Lists. Other species were surveyed and results noted.
74. The report acknowledges that some species will be impacted and makes a number of recommendations, such as the requirement for an Ecological Mitigation and Compensation Strategy along with a wildlife sensitive lighting strategy which has been conditioned. It is considered that with these controls along with the licences required from Natural England in relation to GCN and bats that appropriate mitigation can be provided and the impacts of the scheme can be reduced.

### **Contaminated Land**

75. A contaminated land survey accompanies the application which has identified agriculture as a potentially contaminative land use in the vicinity of the site. In addition there are a number of potentially contaminative industrial sites recorded within 1km of the site. Whilst the study has identified little evidence of any soil contamination in or adjacent to the site, it is recommended that a Phase 2 intrusive site investigation be undertaken which has been recommended along with a condition to adequately deal with any Unexpected Land Contamination.

### **Archaeology**

76. The results of a detailed geomagnetic survey report along with the results of archaeological trial trenching accompanies the application which has been assessed by Tees Archaeology who confirmed that the studies have demonstrated that the site is of low archaeological potential and the applicant has therefore satisfied the requirements of the NPPF and no further evaluation work is required.

### **Planning Contributions**

77. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations which have already been detailed in report in relation to open space and affordable housing. Contributions towards education can also be required to offset the demands placed on the surrounding educational provisions. The Councils education contribution is calculated at the time of the development commences and whether a payment is required is based on the capacity within schools at that time and will form part of the Section 106.

### **Other Matters**

78. In accordance with the requirements of Core Strategy Policy CS3(1) major residential development such as this would need to be built to Level 4 of the Code for sustainable homes and would also require renewables to be provided on site to ensure 10% of total predicted energy requirements would be provided on site. Code Construction is now getting phased out from the planning system and no such requirement is considered necessary in this regard although a condition is recommended relating to provision of renewables or equivalent.
79. Northern Gas Networks have raised no objections to the scheme although advised that there may be gas apparatus in the area and recommended the developer get in touch with them. Attaching an informative to the decision is recommended which will advise the developer to make suitable contact.

80. Objections in relation to devaluation are not a material planning consideration.

### **CONCLUSION**

81. The development is an unallocated site located outside the established limits to development and such a proposal would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework makes clear that housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered that there are important material benefits arising from the proposed development 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.
82. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding
83. It is considered that in the planning balance, although this proposal is out-with the limits for development, there are no designations on site and the Council is unable to demonstrate harm which significantly and demonstrably outweighs the benefits of the development when weighing up the contribution of new housing against the visual impacts on the open character of the countryside.
84. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

**Director of Economic Growth and Development**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Eaglescliffe</b>
<b>Ward Councillor(s)</b>	<b>Councillor Phillip Dennis</b>
<b>Ward Councillor(s)</b>	<b>Councillor Stefan Houghton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Laura Tunney</b>

### **IMPLICATIONS**

*There are no known financial implications in determining this application beyond those detailed in the Heads of Terms.*

#### ***Legal Implications:***

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

#### ***Environmental Implications:***

*The assessment of the application has taken into account the impacts on drainage wildlife and ecology, the general character and appearance of the area as well as impacts on adjoining properties and the adjacent landscaping. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within the report.*

#### ***Human Rights Implications:***

*The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report which has included an assessment of people's representations and*

*a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.*

**Community Safety Implications:**

*The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Within this report consideration has been given to implications of increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development*

**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 1– Sustainable Design Guide*

*Supplementary Planning Document 2 : Open Space, Recreation and Landscaping*

*Supplementary Planning Document 3: Parking Provision for New Developments*

*Supplementary Planning Document 6: Planning Obligations*

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