

## APPENDIX 10 – OFFICER REPORT FOR OUTLINE APPLICATION

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 15<sup>th</sup> OCTOBER 2008**

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

**08/0241/OUT**

**Land at Urlay Nook, Urlay Nook Road, Eaglescliffe  
Outline application for industrial estate comprising the erection of B2 and B8  
use class units and associated means of access.**

**Expiry Date 1<sup>st</sup> May 2008**

### **Summary:**

Determination of this application has been delayed pending the submission of information relating to highway and nature conservation matters.

This application for outline planning permission seeks approval for access arrangements, layout and scale of the development for industrial development on land at Urlay Nook Road, with appearance, and landscaping reserved for future consideration. The submission is accompanied by a Market Assessment Report, Ecological Appraisal and Protected Species Survey, Mitigation Strategy, Travel Plan Framework, Design and Access Statement, Transport Assessment and Addendum, Flood Risk Assessment and Tree Survey.

The proposed development comprises 17 units for general industrial use (B2 use) and 13 for storage and distribution (B8). Access to the wider highway network is via a new access in the eastern wing of the site onto Urlay Nook Road. Landscaping and a new footpath link are proposed. Two new bus stops would be provided.

A previous application for this development was refused on the grounds that further information was required in respect of highway matters, nature conservation, public rights of way, surface water drainage; that the proposal would have an adverse impact on visual amenity and that inadequate provision had been made for contributions towards public transport facilities and traffic regulation orders.

The site is within the limits to development identified in the Stockton on Tees Local Plan and is identified in Policy IN2 (o.) as a site for general industry and storage and distribution. The Spatial Planning Manager maintains the view that the Council cannot oppose the principle of development at this site.

Objections and concerns have been received from Egglescliffe and Eaglescliffe and Long Newton and Elton Parish Councils. The Environment Agency objects to the proposal in terms of its impacts on Great Crested Newts, however, no objections arise from Natural England. There are no outstanding objections to the proposal from the remaining consultees.

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Comments and concerns have been received from Councillors Fletcher, Lewis and Mrs Rigg.

Sixty three representations have been received objecting to the proposal and commenting generally on matters relating to the principle of development, loss of amenity, visual impact and landscape, nature conservation, air, noise, light and water pollution, access and highway safety.

It is considered that the principle of development on this site has been established in the adopted Stockton on Tees Local Plan. It is not considered that the development will have an adverse impact on the amenity of the occupiers of nearby residential properties and users of other nearby properties or land, and the impact on landscape and visual amenity is considered acceptable.

It is considered that the development would have no long term adverse impact and on balance on the regeneration of the Durham Tees Valley Airport.

Furthermore, it is considered that the proposal adequately addresses the previous reasons for refusal and is now acceptable.

### **RECOMMENDATION**

**It is recommended that Planning application 07/0241/OUT be approved subject to completion of a unilateral undertaking securing the matters raised in the Heads of Terms and the conditions as set out below plus any additional arising:**

#### **Approved Documents**

**The development hereby approved shall be carried out in accordance with the following approved plans; unless otherwise agreed in writing with the Local Planning Authority:-**

**Drawing No. 3002/03 - Location Plan  
Drawing No. 3002/01G – Site Layout Plan  
Drawing No. 07164/100 Highways Improvements Combined Scheme A  
Drawing No. PWP/10070380/203 – Rev B – Topographical Survey  
Drawing No. PWP10070380/204 – Rev B Topographical Survey**

#### **Standard Time Limits Conditions**

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

**Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990**

**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: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990**

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### Standard Reserved Matters Conditions

Approval of the details of the external appearance of the buildings and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is for outline permission with these matters reserved for subsequent development.

Plans and particulars of the reserved matters referred to in condition 2 above relating to the external appearance of the buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: The application is for outline permission with these matters reserved for subsequent development.

### Masterplan

The development shall be implemented in general conformity with the approved “Illustrative Built Form Masterplan” submitted with the planning application unless otherwise agreed in writing by the Local Planning Authority. Nothing in this consent shall be construed as authorising the illustrative details submitted with the application other than the layout, means of access and scale for which approval was sought.

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

## MATTERS REQUIRING SUBMISSION OF FURTHER DETAILS

### Materials

Samples of all materials to be used in the construction of the external surfaces of each phase of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. Each phase of development shall be constructed in accordance with the agreed details.

Reason: To ensure a satisfactory external appearance of the development, in the interests of visual amenity.

### Means of Enclosure and Street Furniture

No phase of development shall commence until detailed plans showing the design, location and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and agreed in writing with the Local Planning Authority. Each phase of development shall be implemented in accordance with the agreed

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details. The boundary treatments so approved shall be completed prior to the first use of the building(s) and retained thereafter.

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

### Existing and Proposed Levels

Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Attention should be given to existing vegetation and surrounding landform.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features and habitats.

### Earthworks

No development shall commence on any phase of the development until details of the earth works have been submitted and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, including the relationship of proposed mounding to existing vegetation and surrounding landform and a timetable for their implementation, which in the case of the mounds on the east and western boundaries of the site shall be prior to the commencement of development of any construction activities on site.

### Lighting

Prior to installation, full details of the method of illumination (light colour and luminance) of the external areas of the site, including parking courts, floodlighting and lit signage shall be submitted to and agreed in writing by the Local Planning Authority and the lighting shall be implemented wholly in accordance with the agreed scheme.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents.

### Landscaping – Softworks

No development shall commence until full details of Soft Landscaping including aquatic planting has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the Council's Design Guide, Specification (Residential and Industrial Estates Development) current edition BS4428:1989, Code of practice for General Landscape operations. All existing or proposed utility services that may

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influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

### Maintenance- Softworks

A soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. The landscape management plan shall be carried out as approved.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

### Landscaping – Hardworks

The development shall not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths has been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development, and to improve the appearance of the site in the interests of visual amenity.

### Tree Survey

All trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should concur with the latest site plans and include for the following information:

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm.
- b) A tree schedule as detailed in BS5837:2005

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- c) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- d) Details of any ground level changes or excavations within 5m of the Root Protection Area of any tree to be retained including those on adjacent land.
- e) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.

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

### Tree Protection

No development shall commence until a scheme for the protection of trees prepared in accordance with BS5837: 2005 has been submitted to and approved in writing by the Local Planning Authority. 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 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 which should be appropriately maintained and protected.

### Retention of Existing Trees, Shrubs and Hedges

No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. 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.

### Water Features

No development approved by this permission shall be commenced until a detailed design scheme for the proposed balancing pond (SUD) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved plans and retained throughout the life of the development.

Reason: To protect the water environment, and in the interest of the visual amenities of the locality.

### Surface Water Drainage

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No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage and regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

### Oil Interceptor

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

### Land Contamination

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1 A preliminary risk assessment, which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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**Reason:** The site may be subject to contamination. There is a need to protect local surface watercourses and the underlying Sherwood Sandstone primary aquifer

### **Land Contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

**Reason:** To ensure the site is remediated to the appropriate standard

### **Piling**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** If the site is contaminated piling may allow migration of contaminants to the underlying aquifer

### **Safety Audit**

A Stage 1 Safety Audit should be undertaken in line with national guidance in order to inform the Highway Authority on the safe operation of the proposed development. Particular account should be taken on the proposed location of any trees to ensure adequate forward visibility at bends is maintained.

**Reason:** To achieve a satisfactory form of development, in the interests of highway safety and the free flow of traffic.

### **Bus Stops**

Concurrent with the first occupation of the first building on the site, two bus stops and connecting footpath as shown on Drawing No. 3002/01G received 6<sup>th</sup> May 2008 shall be available for use. The bus stop and path shall be retained for the life of the development hereby permitted, unless with the prior written consent of the Local Planning Authority to any variation.

**Reason:** To facilitate the use of a sustainable mode of transport.

### **Cycle Parking**

Concurrent with the first use of each building or phase of development hereby approved, the cycle parking agreed in relation to that building or phase of development shall be available for use. The cycle parking shall thereafter be retained for the life of the relevant building or phase



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development unless with the prior written agreement of the Local Planning Authority to any variation.

Reason: To facilitate the use of a sustainable mode of transport

### Measures to prevent dirt mud debris on the highway

Measures shall be taken to prevent any mud, dirt and debris being carried on to the adjoining highway as a result of site construction works. Details of the preventative measures shall be submitted to and agreed in writing by the Local Planning Authority before any phase of the development commences. The facilities so provided shall be maintained whenever the approved construction activities are carried out.

Reason: In the interests of highway safety

### Airborne Dust

No development shall commence until a programme of measures to minimise the spread of airborne dust from the site during the construction period has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme.

Reason: In the interests of the amenities of the area.

### Paint Spraying

No paint spraying equipment shall be used unless in a properly constructed part of any building to which suitable filtration equipment has been fitted to the satisfaction of the Local Planning Authority.

Reason: In the interests of the local amenity.

### Waste Oil

No sump oil, gearbox oil, hydraulic fluids and battery acids shall be drained from any vehicle unless in a bonded impervious area which is drained to an interceptor constructed to retain all such fluids until removed by a licensed waste transport carrier.

Reason: To protect the water environment

### Use of Solvents

No engine cleaning using solvents shall take place unless where an extraction system is in place in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed scheme shall be retained thereafter for the life of the use to which the extraction system is required.

Reason: In the interests of local amenity

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### Noise Protection

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

Reason: To prevent noise pollution in the interests of aural amenity.

### Construction Logistics

Prior to commencement of any phase of the development, a scheme detailing the area to be used for on-site staff accommodation, storage of plant and materials, parking and manoeuvring of site operatives and visitor vehicles, together with the unloading and loading of goods vehicles for the period of construction of any phase of development shall be submitted to for consideration and agreement of the Local Planning Authority. The agreed scheme shall thereafter be implemented in full and available for use concurrent with the commencement of development.

Reason: In the interests of highway safety

### No outside storage

No goods, refuse, plant machinery or packing materials shall be stored outside the confines of the building(s) other than in a screened area, the location and details of which shall be submitted and agreed in writing by the Local Planning Authority before the screening has been erected.

Reason: To preserve the visual amenities of the area.

### Renewable Energy

No development shall take place until the Local Planning Authority has approved a report provided by the developer of each phase of the development identifying how the predicted CO<sub>2</sub> emissions for the development will be reduced by 10% through use of on site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L of the Building Regulations. Before the development is occupied, the renewable energy equipment 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 the life of the development.

Reason: In the interests of facilitating sustainable development.

### Highway works conditions

Other conditions relating to highway works, means of access, access general, preserving sightlines, parking, public right of way, refuse management, footpath and travel plan provision and any other matters arising to be finalised for an Update Report.

**INFORMATIVES**

*The proposal has been considered against the policies below and it is considered that the principle of development on this site has been established in the adopted Stockton on Tees Local Plan. It is not considered that the development will have an adverse impact on the amenity of the occupiers of nearby residential properties and users of other nearby properties or land, and the impact on landscape and visual amenity is considered acceptable. It is considered that the development would have no long term adverse impact on nature conservation interests, public rights of way, flood risk, water quality, public rights of way, recreation and access and highway safety, and no adverse impact on the development objectives of Durham Tees Valley Airport, and there are no material considerations that indicate a decision should be otherwise.*

*Adopted Stockton on Tees Local Plan (June 1997)*

*GP1 – General Principles  
EN38 – Hazardous Installations  
IN2 (o) Industrial Development  
TR15 – Highway Design*

*Planning Policy Statement 1: Delivering Sustainable Communities  
Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms  
Planning Policy Guidance Note 13 Transport  
Planning Policy Statement 23 Planning and Pollution Control  
Planning Policy Statement 25 Development and Flood Risk  
Regional Planning Guidance for the North East (RPG1) Policies DP1, EL2, EL3, EN1, EN7  
Draft Regional Spatial Strategy for the North East (RSS) Policies 18, 37, 39, and 40*

*The planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act dated X October 2008.*

*Planning permission does not absolve the applicant from complying with the relevant law; including obtaining and complying with the terms and conditions of any licences the developer may need to obtain from Natural England prior to commencement of development.*

*The Environment Agency recommends that developers should:*

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.*
- Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.*
- Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.*
- It is recommended that the requirements of PPS23 should also be followed.*

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- *The principles outlined in the flood risk assessment ref 07164/FRA dated June 2007 are generally acceptable, but because of the high risk of flooding elsewhere in the catchment surface water run-off should be attenuated to the 1:1 year greenfield rate. Also, the existing greenfield discharge route should be confirmed.*

### Heads of Terms

*As drafted:*

*“The Owner covenants with the Council to pay the following Contributions prior to commencement of the Development:*

- a) To the Council the sum of £12,000.00 in respect of low floor bus stops and shelters on Urlay Nook Road.  
This Contribution is to facilitate access to the Development by public transport, enable convenient use of public transport and encourage more sustainable travel to and from the Application Site, in accordance with the Council’s Local Plan and LTP2.*
  - b) To the Council the sum of £5,000.00 in respect of implementing TRO’s [Traffic Regulation Orders] for various weight restrictions.  
This Contribution is towards the implementation of TROs to introduce weighting restrictions on local roads, as proposed by SBC, to ensure HGVs use major routes, alleviating congestion and unsuitable use of local roads, in conjunction with the opening of the proposed Long Newton Interchange.*
  - c) To the Council the sum of £1,100.00 in respect of signing and lining traffic calming scheme at the A67/Urlay Nook Road Priority Junction.  
This Contribution is to implement the proposed scheme as shown on Drawing 07164/03 Rev A and approved by SBC, to warn drivers of the need to reduce speed on the approach to the A67/Urlay Nook Road priority junction (part of a route to/from the development).*
  - d) To Darlington Borough Council the sum of £20,000.00 in respect of a contribution towards the A67 improvement works.  
This Contribution is towards highway improvement works on the A67, in accordance with TTHC drawing no: M05016-A-033 Rev A and M05016-A-034 Rev A, approved by DBC.*
  - e) To the Council the sum of £1,510.00 in respect of a contribution towards the A67 improvement works.  
This Contribution is towards resurfacing works in conjunction with those referred to in d) above in so far as they relate to that part of the A67 which is within the boundary of the Council.*
- 4.2 The Owner covenants with the Council to enter into an agreement pursuant to section 278 of the Highways Act 1980 in the form, or substantially in the form, of the agreement annexed to this Deed as Appendix 4 prior to Commencement of the Development in order to commit to pay to the Council the costs of the Highway Works*

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- 4.3 ***The Owner covenants with the Council not to occupy or permit to be occupied any part of the Development until the Highway Works are completed ”***

### **BACKGROUND**

A previous outline planning application (Planning Application Reference Number 07/2437/OUT) for industrial estate comprising the erection of B2 and B8 use class units and associated means of access on this site was refused for the following reason(s)

1. Insufficient information has been provided in respect of a travel plan framework, trip rates, traffic routeing, network capacity and design, vehicle and cycle parking, and manoeuvring to enable a full assessment of the proposal in respect of the likely impacts on access and highway safety, contrary to policies GP1, TR15 and Supplementary Planning Document 3: Parking Provision for New Developments
2. Insufficient information has been provided in order to assess the likely impact of the proposal on protected species and nature conservation interests contrary to policy GP1 of the adopted Stockton on Tees Local Plan and advice given in Planning Policy Statement 9 Biodiversity and Geological Conservation.
3. Insufficient information has been provided in respect of the level and detail of the impact of the development upon Public Right of Way Footpath No 7 to enable an assessment of the impact of the development on that Public Right of Way contrary to Policy GP1 of the adopted Stockton on Tees Local Plan.
4. Insufficient information has been provided in respect of surface water drainage to enable an assessment of the impact of the development on water resources contrary to advice given in Planning Policy Statement 25: Development and Flood Risk
5. In the opinion of the Local Planning Authority, the proposed development would by virtue of the layout and scale would have an unacceptable visual impact contrary to policies GP1 and IN2 of the adopted Stockton on Tees Local Plan.
6. In the opinion of the Local Planning Authority, the proposed development does not adequately provide for contributions to public transport facilities and traffic regulation orders (weight limit restriction) contrary to Policy GP1 of the Stockton on Tees Local Plan.

### **SITE AND SURROUNDINGS**

1. The application site comprises 17.85 hectares of fairly level farmland and scrub between the road A67 to the south and Uray Nook Road to the north and east. The site is 'U' shaped and partially encloses the Police Tactical Training Facility, the Old Offices and a playing field.

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2. To the north is the rail link between Darlington and the east, Urlay Nook Road, beyond which is Elementis Chromium (chromium product manufacture). To the east are open fields and neighbouring residential properties in Eaglescliffe. To the south is the road A67. To the west are open fields.
3. The site is crossed by hedges and trees of varying maturity, bounded to the south by a substantial tree belt.
4. The site is within the limits to development identified in the Stockton on Tees Local Plan and is identified in Policy IN2 (o.) as a site for general industry and storage and distribution.

### **PROPOSAL**

5. This application for outline planning permission seeks approval for access arrangements, layout and scale of the development for industrial development on land at Urlay Nook Road, with appearance, and landscaping reserved for future consideration.
6. The submission is accompanied by a Transport Assessment, a Travel Plan, Flood Risk Assessment and Drainage Strategy, Tree Survey, Ecological Survey and Great Crested Newt Mitigation Strategy, Market Assessment Report and a Design and Access Statement.
7. The proposed development comprises 17 units for general industrial use (B2 use) ranging from 650sq.m to 1150 sq.m, and 13 units for storage and distribution ranging (B8 use) from 2100sq.m to 3,400sq.m. The proposed development amounts to 44,500sq.m, with a split of 73% B8 use and 27% B2 use across 30 units. The submission indicates eaves heights ranging from 6.5 metres to 10.5 metres.
8. The general appearance of the buildings is not detailed but the design and access statement makes mention of opportunities for solar heating and photovoltaic electricity generation, and wind turbine generation where appropriate. A schedule of materials envisages facing bricks, smooth and split face blockwork, profiled built-up cladding, flat and micro composite cladding, thermally broken coloured aluminium windows and doors, exposed steel detailing, co-ordinated signage, and macadam and block paving.
9. Access to the wider highway network would be via a new access in the eastern wing of the site onto Urlay Nook Road. An internal loop road negates the need for a further access to be provided in the western wing of the site. Internal manoeuvring areas are provided and dedicated vehicle and cycle parking is proposed. A new footpath link is also proposed to the existing right of way along the southern boundary of the site. Two new bus stops are proposed outwith the site.
10. A balancing pond, as part of a sustainable drainage system is shown towards the southern boundary of the site, and a wildlife corridor is also proposed along that boundary.
11. In terms of landscaping new tree belts with bunding are proposed along the east and western boundaries of the site with some retention of existing

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vegetation, in particular the coppice to the north. New planting is proposed throughout the site.

12. The applicant envisages the creation of 500 jobs.

### Accompanying Documents

#### Travel Plan Framework

13. The Travel Plan Framework document concludes that the site is in a sustainable location with access to a comprehensive variety of modes of transport, and potential to improve the travel options. The document sets out that detailed travel plans will be implemented by each occupier on the site, and as agreed with Stockton Borough Council the plans would be submitted within 6 months of the occupation of the site.

#### Transport Assessment and Addendum Report

14. The transport Assessment reviews proposals for the site off Urray Nook Road in Stockton, in terms of highway issues. It considers the accessibility of the site, in terms of existing and proposed highway links, public transport services, and facilities for walking and cycling, and establishes the continued work proposed through the Travel Plan Framework for the site and individual Travel plans to be implemented by the end users of the development. It considers the impact of the development generated traffic on the local highway network, in terms of junction capacity and highway safety. As a result of the above assessments, proposed mitigation measures and highway contributions, the document concludes that the proposed development is acceptable in highway terms.

#### Ecological Report for High Great Crested Newt Population

15. Various ecological information has been submitted. Latterly, and in an approach discussed with Natural England, the applicant has submitted Mitigation Proposals for High Great Crested Newt Population. The report outlines a mitigation strategy for a theorised large population of Great Crested Newts in an aquatic habitat approximately 200 metres from the application site. This includes fencing, pitfalls, trapping recommendations, torchlight searches, landscape ecology and meta-population studies, habitat creation and restoration, and population monitoring

#### Market Assessment Report

16. The report discusses the possible adverse impacts of the development on the Durham Tees Valley Airport (DTVA) development. It concludes that the proposal is for B2 and B8 uses, with identified sizes, and that the DTVA is for a wider spectrum of B1, B2 and B8 uses which are yet uncertain. The report states that there is no evidence to support an argument that there may be an adverse impact generated by the Urray Nook proposals, and point out that there is evidence from many other airports in the UK including Liverpool and Doncaster, of private development sitting alongside airport based development.

#### Flood Risk Assessment

17. The Assessment concludes that the flood risk management measures have demonstrated that the development will be safe without increasing flood risk elsewhere, and that no further residual risks will affect the proposed development. The report recommends restrictions to surface water discharge,

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surface water drainage system and the feasibility of the SUDS technique be investigated.

### CONSULTATIONS

18. The following consultees were notified and any comments received are set out below:-

#### Councillor J Fletcher

19. I do not feel that this development is needed, as there is plenty of other employment land available in the Borough & in Eaglescliffe in particular (Durham Lane Industrial Park, Allen's West). In assessing the employment land available at Allen's W, I do not think that we can take cognisance of the proposals for mixed development there, as (so far as I am aware) a formal planning application has not been made & there is no guarantee that such would be approved.
20. However, I note that on the previous application for S Urray Nook Farm, you advised that there was no objection in principle to development, because for this purpose the Local Plan was still in force & the deletion of the site as employment land had not become legally final & conclusive.
21. Can you please advise me whether the statement in Para. 3.31 of the Market Assessment Report (that SBC have agreed that the Site will not be de-allocated as employment land) is correct? If so, as the de-allocation was a decision approved by Council, when was the reversal of it taken to Members?
22. I cannot see in anything I have read any comment on the effect on the western junction of the A67 & Urray Nook Road (W of the railway over-bridge) of the new junction which is authorised to be inserted just E of the railway bridge to serve the DTVA S Side development.
23. The section of the Arriva Service 20 'bus route serving Urray Nook Road & Long Newton Lane is subsidized through SBC & is liable to change when Longnewton can be served by a different route following the opening of the grade-separated junction on the A66.
24. The following comments are for the sake of accuracy & are unlikely to affect the outcome of the Application.
25. Para. 3.2.7 of the Travel Plan Framework & Para's 4.1.7 & 8.10 of the Transport Assessment Revision B are incorrect insofar as 'bus Service 20 does not serve Eaglescliffe Station.
26. Para. 8.8 of the Transport Assessment Revision B are incorrect insofar as 'bus Service 20 does not connect with other services on Durham Lane, Eaglescliffe, because the other services operate at different times of the day/week.
27. The Bus Route Plan at Fig. 2 of the Transport Assessment Revision B & the Travel plan Framework are incorrect insofar as:
- 'Bus Service 20 journeys which serve Eaglescliffe, Yarm, Longnewton & DTVA do not operate via Elton village;
  - 'Bus service 20 does not go S of Yarm Town Hall &



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- 'Bus Service 7a does not go round the loops of side-streets on both sides of Durham Lane, Eaglescliffe.

### Councillor Mrs M Rigg

17. "I still have reservations about the road safety impact of encouraging significantly more HGV traffic to pass the Hunters Green housing estate"

### Councillor A L Lewis

18. "I have strong reservations about the road safety impact of significantly more HGV traffic having to pass the Hunters Green housing estate."

### Long Newton Parish Council

19. The Council have the following comments to make regarding the above application: -
20. The Council strongly oppose this application. This proposal to create an industrial estate on this site will have a detrimental environmental impact on the village of Long Newton as well as the surrounding areas of Eaglescliffe (especially Hunters Green) and Yarm.
21. The statement cites the new A66 interchange at Long Newton to have a positive impact on the accessibility of the development and the safety of highway routes to and from the site. The Council are dismayed that it is envisaged that the route to and from the site via the A66 will be along Long Newton Lane and through the village. The residents and Parish Council have campaigned for over 20 years for this junction to be built not only to enable a safer crossing of the A66 but in more recent years to take traffic away from the village. Traffic through the village has risen significantly over the past 10 years and this proposal will increase traffic, not only employees (500) but visitors/deliveries to the site. The A67 Yarm/Eaglescliffe area is a bottle neck and often grid locked throughout the day, especially from 3pm onwards. Traffic heading east, west, north or even south to the A19 is likely to travel via Long Newton and Elton to avoid the hold ups. Conclusion - the quickest route to the main highways will be via Long Newton Lane and Long Newton Village, from a safety aspect this is not acceptable, residents do not want extra traffic through the village.
22. Long Newton Lane is a narrow country lane with no drainage, is extremely prone to flooding and has been the scene of many accidents over the years including fatalities. It is not a suitable road to access an industrial site. The T junction with Darlington Rd has extremely poor sight lines, the property on the corner having planning restrictions on planting allowed in the garden because of this.
23. There is a problem at present with vehicles speeding through the village both the Police and Stockton Borough Council are involved in attempting to curb this, vehicles from this site may exacerbate this.
24. The development is also nearly identical to the one proposed at the 20 hectare site at Durham Tees Valley Airport which is much better located, has better infrastructure and should not involve traffic accessing the site directly through a residential area. It is also similar to the potential development at Allens West

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and the potential expansion of Eaglescliffe Industrial Estate; this would mean four large industrial estates and the associated traffic in the area.

25. The Council also feel that there should be the availability of sufficient brown field sites within the Borough for a site of this nature, the proposal at the Airport of 20 hectares is within a very short distance, has a rail halt, and should be enough provision for industrial use as well as the proposed commercial freight activity.
26. The additional bus stops for employees only work if there are buses to serve the estate; currently the no 20 service runs one bus an hour (none on Sundays and after 6.30pm). The Travel Framework states that it is not considered necessary to provide any additional improvement of this service, how is it envisaged that employees/visitors will access the site by public transport given the current infrequent service? To access rail links via public transport from the site is completely impractical. A Travel Plan Framework will only be successful if there is frequent reliable public transport and also the full agreement of employees to manage travel and actually partake of such a scheme.

### The Environment Agency

27. Objection due to the likely impact of the proposed development on Great Crested Newts and its habitat. Should the objection be resolved conditions in respect of surface water drainage and regulation system, drainage through oil interceptors, contaminated land, piling and foundations, and informative relating to flood risk, land contamination

### Health and Safety Executive

28. Using the PADHI+ system the Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case.

### Spatial Planning Manager

The Spatial Planning Manager has not commented upon this application, however below are her previous views, from which it is understood there has been no divergence.

29. Established planning law set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise. The current development plan consists of the Tees Valley Structure Plan (2004) and the Stockton on Tees Borough Local Plan (1997).
30. The site is allocated under policy IN2 of the Stockton on Tees Local Plan for general employment and storage and distribution uses. I can confirm that policy IN2 has been saved and remains part of the development plan.
31. It should be noted that no relevant policy exists or has been saved in the Tees Valley Structure Plan, which identifies the general area for employment use. However, policy Strat 1 of this document has been saved. This provides guidance on the strategic location of future development and states:

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32. The majority of future development will be located in urban areas with preference given to:

- Previously developed sites within urban areas, particularly along the Tees Corridor between the A66 crossing in Stockton on Tees and the Tees Barrage and between Teesport and the Tees Barrage; and
- In the town and district centres list in policy T3.

In the event that such areas yield insufficient capacity then the development will be located along public transport corridors on the edge of the Teesside conurbation, Darlington or Hartlepool. Proposals must satisfy the sustainability criteria set out in policy Sus2 (this policy has not been saved).

33. You will be aware that the Planning and Compulsory Purchase Act 2004 has brought in the legislative requirement for a new style of development plan called the Local Development Framework. These documents are currently being prepared however; as the documents progress through the various stages of production they gain more weight. At the time of writing the documents are still emerging and it is likely that they would be given limited weight in determining this application.

34. An important component of the evidence base for the Local Development Framework is the Employment Land Review (ELR), which is currently being carried out. The review will set out the amount of land required within the borough and will finalise the employment land portfolio which will be taken forward through the LDF. The initial stage of the ELR assessed the initial fitness for purpose of employment sites in the borough and advised that the Uray Nook site should be considered for de-allocation via the LDF process.

35. The Council has commissioned consultants to undertake work on the second stage of the ELR involving forecasting the amount of land required and a draft report has been passed to the Council. Whilst this evidence will build the policy position for the Local Development Framework it is considered that these can only be given very limited weight. The Government has recognised that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question (The Planning System: General Principles).

36. It is therefore considered that as things stand the Council cannot oppose the principle of development at this site. The site is formally allocated within the adopted development plan and whilst there is some evidence to suggest that the site should not be taken forwards it is considered that this is not an overwhelming reason to override the adopted Local Plan.

37. You will appreciate that this policy position may change over time as the DPDs progress through the preparation stages.

### Elton Parish Council

#### *Initial Response*

38. Concern is felt by Councillors regarding the potential for increased traffic affecting the parish of Elton, especially in view of the expansion at Durham Tees Valley Airport. In particular they are concerned that insufficient attention

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has been given in the transport assessment to the use of Long Newton Lane as a route to avoid congestion at the Durham Lane/A67 roundabout and at the Durham Lane/A66 roundabouts at peak times. At both of these points existing traffic is regularly delayed for more than 10 minutes. We would like you to give careful consideration to the use of traffic calming measures on Long Newton Lane to discourage its use as a rat run.

39. We would like you to give careful consideration to the impact of increased traffic due to the development of this area and implement the appropriate control measures.

### *Further Response*

40. Concern was voiced by Councillors regarding the potential for increased traffic affecting the Parish of Elton, especially in view of the expansion at Durham Tees Valley Airport. This is of further concern with respect to the proposed development at Allens West. We would like you to give careful consideration to the impact of the developments in this area to the traffic density on local roads.

### Urban Design Manager

#### *General Summary*

41. Urban Design can support this application as previous concerns regarding screening of the development in particular units 15 and 19 has now been achieved and concerns regarding traffic at A67/Durham Lane roundabout have been mitigated as described below.

Should consent be granted then appropriate conditions should be placed on the approval. Suggested wording for conditions are attached as informative.

#### *Highways Comments*

42. An Addendum report to the Transport Assessment for the development of land at Uraly Nook has been received that considers the impact of the development at Durham Lane roundabout.
43. The traffic count data provided is acceptable, re-routing of HGV traffic in line with proposed waiting restrictions is acceptable and the proposed peak hour traffic distribution showing 59% of traffic leaving the development heading to Durham Lane roundabout. This figure is acceptable based on a Gravity Model minus HGV trips. Traffic Growth factors used are acceptable as they are in line with NRTF. (National Road Traffic Forecasts).

#### *Arcady roundabout assessment.*

44. Arcady assessments for the roundabout undertaken by the consultant are accurate as all geometries have been measured on site and the predicted trip rates are acceptable.

#### *Mitigation*

45. Improvements have been designed to accommodate the impact of the Uraly Nook development on A67 (south), A67 (west) and Durham Lane. The improvements on Durham Lane and A67 (W) are linked to the already

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approved Allens West development. Further improvements on A67 (S) are proposed as part of this development by reducing the width of the existing bus lay-by to 2m in order to increase the flare length of the roundabout approach on this arm. This will increase capacity at the roundabout and it reflects the width of the bus lay-by on the opposite side of the A67 (S). This has been agreed in principle with the bus operators.

46. As an example of how the improvements at the roundabout will operate in the Design year of 2019 with all committed developments and the proposed developments, queue lengths will reduce from 57 vehicles to 15 vehicles in the evening peak on the A67(W)
47. The results show that the effect of the improvements mitigates against the combined effect of the Uray Nook and Allens West proposals at the A67/Durham Lane roundabout.

### *Additional Highway Contributions*

- (i) Darlington Borough Council has requested an S106 contribution of £20,000 toward a resurfacing scheme, which apparently is 15% of the total scheme cost. SBC are undertaking a similar scheme with an approximate cost of £10k (to be confirmed) and hence a £1,510 contribution is requested based on the same percentage as DBC.
- (ii) A contribution of £12 000 towards low floor bus stops and shelters on Uray Nook Road is required.
- (iii) A contribution of £5000 towards Traffic Regulation Orders for implementing weight restrictions is also required.
- (iv) A contribution of £1100 for signing and lining at the A67/Uray Nook Road priority junction is also required.
- (v) Full details of cycle storage, including location and means of enclosure, should be submitted to and agreed in writing by the LPA, prior to development commencing.
- (vi) The table on drawing no. 3002/01G shows car parking in accordance with SPD3, I am now satisfied that the appropriate parking level for each unit is achieved.

As part of this development a Travel Plan Framework has been submitted that includes a summary of the current bus services. A full Travel Plan should be submitted within 6 months of occupation and should be conditioned as part of any approval.

### *Landscape & Visual Comments*

48. Urban Design can support this application as previous concerns regarding screening of the development in particular units 15 and 19 has now been achieved and concerns regarding traffic at A67/Durham Lane roundabout have been mitigated as described below.
49. The Urban Design Manager recommends conditions in respect of the Masterplan, Enclosure and Street Furniture, Safety Audit, Lighting, Existing and

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Proposed Levels, Landscaping Soft and Hard, Maintenance Plan, Tree Survey, Retention of Existing Trees, Shrubs and Hedges, Tree Protection and Water Features.

### Environmental Health Unit

50. No objection in principle subject to conditions in respect of noise disturbance from plant, noise disturbance from access and egress to premises, possible land contamination - Condition C407, nuisance from paint spraying, waste oil and use of solvents.

### Northern Gas Networks

51. No objections and encloses main records for the site. A plan attached to the letter shows the line of a gas main through Long Newton.

### NEDL

52. No objections and encloses mains records.

### Northumbrian Water

53. Explains that a trunk main crosses the site (northern boundary) and the measures that must be taken to ensure the integrity of the water main.

### Tees Archaeology

54. There are no known archaeological sites in the area indicated. I therefore have no objection to the works and no further comments to make.

### Stockton on Tees Borough Council - Business Development

55. No response received.

### Natural England

56. Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions (with reasons):

- No development shall take place unless in accordance with the mitigation detailed within the protected species report Ecological Appraisal and Protected Species Surveys A Report for West Raynham Developments Ltd dated July 2008, author Clear Ecology; and for great crested newts Mitigation Proposals for High Great Crested Newt Population (CONFIDENTIAL) dated August 2008, author Clear Ecology and Urray Nook GCN Mitigation Proposals - Tabular Summarisation of Proposed Habitat Dynamics dated September 2008, including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation and compensatory habitats in advance; undertaking confirming surveys as stated and adherence to precautionary working methods.
- An appropriate and detailed scheme of habitat conservation, enhancement and creation informed by the recommendations of the documents referenced above, to be produced and agreed by the Local

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Planning Authority as Reserved Matters, or prior to determination of a full planning application.

- An appropriate and detailed habitat management plan and commitment for its delivery informed by the recommendations of the documents referenced above, to be produced and agreed by the Local Planning Authority as reserved matters or prior to determination of a full planning application.

Reason: To conserve protected species and their habitat.

The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System.

An informative should be attached to any planning permission advising that the developer may need to obtain a Natural England licence prior to commencement of work. The developer should be advised by their ecologist with respect of this issue.

As all UK bats and great crested newts are European Protected Species, Natural England would advise that subject to these conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitats Regulations)

### National Grid

57. Comments that based on the information provided and the proximity and sensitivity of national transmission gas pipes and overhead lines, the risk to those installations from the development is negligible.

### Highways Agency

58. No response received.

### Durham and Tees Valley Airport

59. Durham Tees Valley Airport has no objection to the above proposal subject to the relevant crane legislation regarding working in close proximity to airports. The developer should consult document BS Code of Practice for safe use of cranes BS 7121 Part 1 paragraph 9.3.3.

At least one month before the commencing of work the developer must contact DTVA with a written request to operate a crane within the vicinity of the airport.

### One North East

60. The application is a resubmission of an application refused on 1 November 2007. As stated in response to the consultation on the original application, it is noted that the application site is allocated for general industrial or storage and distribution (use classes B2 and B8) within the Stockton Borough Council Adopted Local Plan 1997. It is understood that this allocation has been saved.

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61. It is understood that the Local Planning Authority is currently in the process of undertaking an Employment Land Review. In the context of the acknowledged oversupply of general employment land in the North East, as outlined in the Secretary of State's further proposed changes to the Regional Spatial Strategy (RSS) View: Shaping the Region, the Agency supports Stockton Borough Council in undertaking an evidence based appraisal of employment land to inform the Local Development Framework production process, and is supportive of the Local Authority in prioritising the sites which should come forward for development in order to progress the economic development of the Tees Valley Area.
62. The Design and Access Statement, submitted as part of the application, states that the proposal site is situated within 3 miles of Durham Tees Valley Airport. As stated in response to the original application One NorthEast and Tees Valley Regeneration are working with Peel Holdings Plc to realise the further expansion of Durham Tees Valley Airport, one of Tees Valley Regeneration and the Agency's five strategic regeneration sites in Tees Valley, via a Joint Venture.
63. Whilst, One NorthEast has no objections to the application, as stated in response to the consultation on the original application the Agency would urge the Local Planning Authority, if minded to approve, to be satisfied that the proposed development would have no adverse impacts upon established regeneration objectives at the airport.
64. I am aware, that one of the reasons for refusal of the original application related to the potential impact of the proposals upon the development objectives for Durham Tees Valley Airport. It is understood that the applicant has liaised with the Council and has produced a Market Assessment Report to accompany the resubmitted application and in order to seek to address the Council's concerns.
65. The Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, if minded to approve the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BREEAM, Building for Life and Secured by Design.
66. In line with the Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application should also provide details regarding the provision of renewable energy measures within the scheme.

### North East Assembly

67. The application is a revised outline planning application for an industrial estate comprising the erection of B2 and B8 use class units and associated means of access.
68. The location of this proposed development of employment uses is an allocated employment site, the development of which would be consistent with the provision made for this in the Stockton on Tees Local Plan. However, in terms of consistency with Policy DP1 of RPG 1, the site is Greenfield and would represent a westward extension of the existing built-up area of Stockton on Tees.



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69. Therefore it would not be considered as the most appropriate location for such a development since those sites within the urban areas, particularly those which are previously developed land, are afforded greater priority in RPG 1 and the further changes to the RSS. However, in assessing the suitability of such a development in this location, it is important to consider the proximity of other related uses; including the police training centre that would be immediately adjacent to the new development and the Elementis Chrome complex to the north of Uray Nook Road. These developments currently provide employment in the area, and as a result of this proposal it is likely that there would be a potential for viable public transport services to and from the site.
70. Policy EL2 of RPG1 requires local authorities to undertake a rigorous assessment of the amount of employment land required in order to provide sufficient flexibility and choice to potential investors. This policy states that where new Greenfield sites are required, their provision does not lead to the economic disadvantage of brownfield sites. Therefore, the local planning authority should be satisfied that there would not be any sequentially preferable sites that could accommodate this form and scale of development in the immediate area. Policy 18 of the further proposed changes to RSS makes provision for 255 hectares of general employment land in Stockton on Tees, which reflects the scale of existing allocations and land availability. The development of the site of the site would be consistent with the RSS objective of providing a range of sites and premises, if the local planning authority is satisfied that this site form part of the employment land portfolio.
71. Policy EL3 of RPG1 identified a key objective of regional planning policy as facilitating the renewal and modernising of existing employment areas. Although this site may not be a regional priority or have a major impact on the physical regeneration of the immediate area or wider Tees Valley City Region, the nature of the location and the type of development proposed would help to ensure that there is a good range of sites and premises to provide opportunities for sustainable economic development in Stockton on Tees and the wider Tees Valley area.
72. Policy 18 of the further proposed changes to RSS contains a presumption in favour of upgrading existing employment sites in advance of allocating new sites, particularly where this would be in advance of allocating new sites n Greenfield land. In addition, the further proposed changes to RSS identifies the need to protect employment land for existing uses, where these are an essential part of the long term employment land and premises portfolio. In this case, the local authority should be satisfied that there is a need for development of the scale and nature proposed in this location, and that the development of this site will deliver sufficient benefits in order to achieve other regeneration objectives.
73. RPG1 policies EN1 and EN7 encourage the incorporation of renewable energy and energy efficiency measures within new development. Policy 39 of the further proposed changes to RSS goes a step further, by requiring the incorporation of embedded renewable energy in major new development. The NEA would therefore support the inclusion of these measures, to reflect the objectives of RPG1 policies EN1 and EN7, and RSS further proposed changes Policies 39 and 40. RSS further changes policy 39 also places the requirement on new development to meet the Energy Efficiency Best Practice Standard and achieve BREEM 'very good' or 'excellent' rating. The development proposal

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would better reflect the objectives of regional planning policy if these measures were incorporated into the scheme.

74. RSS further proposed changes policy 37 requires that, in considering planning proposals, a sequential risk based approach to development and flooding should be adopted as set out in PPS25. It will be necessary to ensure that the Environment Agency is satisfied that these requirements have been met to ensure general conformity with the objectives of the policy.
75. The proposed development of land at Urray Nook Road is not considered to be a priority for development given the location of the site and the fact that this is greenfield land. However, this represents part of the existing portfolio of sites allocated for employment uses in the Tees Valley. The proposals are for B2 and B8 uses, which are less easily accommodated within and around city and town centres or as part of mixed use developments. Therefore the principle of development is considered to be in general conformity with RPG1 and further proposed changes to RSS
76. The proposals would better reflect the requirements of regional policies if the concerns raised by NEA about the need for embedded renewable energy and energy efficiency measures are taken into account. It would also be necessary for the drainage and flood risk measures to be put into place to the satisfaction of the Environment Agency.

### Tees Valley Wildlife Trust

77. No response received.

### Egglecliffe and Eaglescliffe Parish Council

78. The above revised application for major industrial estate at Urray Nook was discussed at a recent meeting of the Council and I am instructed to inform you that our original comments (see email below) are still valid for this revised plan.
79. In addition, concern has been expressed at the adverse visual impact this development would have from the A67 and Hunter's Green residential estate.
80. The developer's travel plan centres around the No 20 bus service. This is an hourly service only and would be insufficient if serving an industrial state with over 500 employees. In addition, the No.20 is not guaranteed to continue once the A66 Long Newton interchange is operational. Should this service be withdrawn at any time the whole basis of their travel plan will collapse. This would leave any employees using public transport with a good half hours walk from Yarm Road or Allens West railway station.
81. It is this Council's opinion that the developer is simply paying lip service only to the public transport issue and they should be required to provide a subsidised service if the application is to be considered for approval.
82. Furthermore, my Council would strongly recommend that no decision on this application until the plans for Allens West have been submitted as a formal planning application because these are both large development application sites and together would severely impact on this Parish.

*Previous email referred to above:*

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83. “The above application for a major industrial estate on land at Uray Nook was discussed at our Council meeting on Thursday evening and I am instructed to inform you of my Council's concerns and objections as follows:
84. Firstly, we believe there is a surplus of industrial land available in Stockton Borough and even within Egglecliffe Parish - the former Admiralty & Logistics site (now Allen's West), Durham lane Industrial Park and existing proposals for land south of DTV Airport.
85. An industrial estate of this size would have serious traffic implications. The roads to and from the proposed entrance are narrow country lanes not suitable for an increase in traffic of this magnitude. The road at Hunter's Green roundabout would take additional traffic to and from the proposed site and could lead to problems for residents of Hunter's Green. The other entry/exit to and from the site (towards the Airport) is a dangerous unlit T-junction onto a 60mph road.
86. The visual amenity of local residents could be severely affected by these proposals.”

### Network Rail

87. Network Rail makes reference to previous comments and the need for signage.

The previous comments are as set out below:-

88. A new rail halt is not required. At the time there are two railway stations in the area and a third would not be required. Rather than providing a new station there is a potential to use funds to improve the existing stations. The developer should discuss matters with Northern Rail, Tees Valley Joint Strategy Unit, Tees Valley Regeneration. The developer should also contact Network Rail's Level Crossing Risk Co-ordinator. Further comments, advice and requirements in respect of development in close proximity of the railway are included in the response.

### Northumbrian Water

89. Makes reference to works in the vicinity of a water main that runs along the northern boundary of the site, and the steps that the developer should take in respect of working in the vicinity of the main.

### **PUBLICITY**

90. The application has been publicised by means of a site notice, press notice and individual letters. Sixty three (63) letters and emails have been received objecting to the proposed development. The grounds of objection are summarised below:

#### General Comments

- The development would curtail the use of the area for recreational purposes
- Objects to the loss of a greenfield site

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- Inappropriate location for this type of development, close to residential properties
- Loss of semi-rural area to industry
- There are vast areas of industrial land lying dormant awaiting regeneration.
- The development should be on the former MOD site.
- There are units available at Preston Farm and Durham Lane.
- Requests a reduction in the domestic rates/ Council Tax as a result of this development.
- This application raises the same traffic concerns as the application for a change of use at Riverside Lodge, and should be considered in the same way
- Would lead to vandalism
- Inadequacy of road system in the event of an emergency evacuation from existing factory unit and proposed new development
- Pollution of local allotments and farmlands
- Questions whether other brownfield sites have been investigated as an alternative to this site

### Planning Policy

#### Access and Highway Safety

- The proposed development would add to the congestion on Yarm High Street
- Would result in an increase in road traffic, particularly heavy goods vehicles at all times of day and night on Uray Nook Road and the road A67
- Danger to children from increase in traffic and the type of traffic, particularly as the route along the A67 is used by school children.
- The development would lead to a significant build up of traffic at peak times particularly on the roundabout at the road A67.
- Impact on roads between the site and the A66, which are not of a standard to take the new traffic. Particular concern that traffic may travel through Long Newton and possibly Elton.
- Lack of public transport to serve the development.

#### Visual Impact

- Implied negative impact of the development on this gateway to Teesside
- Change the appearance and environment of this area from semi-rural to a semi-industrial setting and a negative impact on the quality of life
- Loss of view of open fields
- Concern that the new tree belt would take a long time to mature to provide a meaningful screen

#### Residential Amenity

- Increase in:
  - noise pollution from activities on the proposed industrial estate and traffic movements

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- pollution generally
  - air pollution
  - light pollution
  - vibration
- Any increase in pollution is contrary to GP1 of the Local Plan.

### Nature Conservation Interests

- Negative impact on plants, animal and humans.
- Negative impact on the habitat of a species protected by European Law.

### Water Environment

- Concern that the development would have pollute nearby waterways and becks

### Other Matters

- Economic devaluation of property
- No guarantee that the development would create jobs.
- Are the units necessary?
- The applicant quotes permissions in the 1960's and 1980's, but the development should be considered on its merits today.

## **PLANNING POLICY**

91. 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 Plans are: - the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

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

### Adopted Stockton on Tees Local Plan (June 1997)

#### Policy GP1

92. Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:
- (i) The external appearance of the development and its relationship with the surrounding area;
  - (ii) The effect on the amenities of the occupiers of nearby properties;
  - (iii) The provision of satisfactory access and parking arrangements;
  - (iv) The contribution of existing trees and landscape features;
  - (v) The need for a high standard of landscaping;
  - (vi) The desire to reduce opportunities for crime;
  - (vii) The intention to make development as accessible as possible to everyone;

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- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

### Policy IN2

93. Land is allocated for general industrial or storage and distribution uses (Classes B2 and N8) at the following locations:

(o.) Urray Nook, Eaglescliffe

### Policy TR15

94. The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the parking will normally be required to accord with standards set out in the Stockton on Tees Borough Council Design Guide & Specification Edition No. 1.

### Policy EN38

95. Residential development or development attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

Planning Policy Statement 1: Delivering Sustainable Communities: Lists design as one of the fundamental ways of delivering sustainable development and states that planning authorities should prepare robust policies and design and access. Such policies should be based on stated objectives for the future of the area and understanding and evaluation of its present defining characteristics

Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms seeks to encourage continued economic development in a way which is compatible with its stated environmental objectives and gives guidance on a range of issues relating to industrial, commercial and small firm development.

Planning Policy Statement 9 Biological and Geological Conservation seeks to prevent harm (in making planning decisions) to biodiversity and geological conservation interests. It advises that where any significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused.

Planning Policy Guidance Note 13 Transport seeks to integrate planning and transport by reducing the reliance on the motor car, encouraging the use of more sustainable transport choices, reduce the need to travel, and promote accessibility to jobs, shopping, leisure facilities and services by public transport, cycling and walking.

Planning Policy Statement 23 Planning and Pollution Control advises on the role of the Local Planning Authority in terms of development and the quality of land, air and water.

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Planning Policy Statement 25 Development and Flood Risk seeks to avoid inappropriate development in areas of risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

Regard also has to given to Regional Spatial Strategy for the North East (RPG1) which sets out a number of principles for the location of new development, including, adopting a sequential approach to site allocation to give priority to the reuse of previously developed land; improving the balance between people, jobs and facilities to reduce the need to travel, and protecting and enhancing the environment.

Submission Draft Regional Spatial Strategy for the North East (RSS) will ultimately replace RPG1. Policies in RSS provide a regional spatial strategy within which the local authority development plans and local transport plans can be prepared. It sets out a number of policies and principles including concentrating the majority of new development in the Tees Valley conurbation – particularly the core areas – and the main settlements; reducing the need to travel, particularly by private car, by focussing development in urban areas that have good access to public transport, and for cyclists and pedestrians; promoting development that is sympathetic to its surroundings; identifying strategic gaps to maintain the separate identity of settlements in the Tees Valley by preventing them from coalescing and by preventing urban sprawl.

Supplementary Planning Document 3: Parking Provision for New Developments sets out the Council's standards for parking standards associated with new development.

### **MATERIAL PLANNING CONSIDERATIONS**

96. The material planning considerations are planning policy and the principle of development, likely impact on residential amenity and occupiers of neighbouring premises, landscape and visual impact, public rights of way, access and highway safety, nature conservation interests, and flood risk.

#### Planning Policy and the Principle of Development

97. As set out in paragraph 4 above, the site is allocated for general industrial and storage and distribution in saved Policy IN2 (o.) of the adopted Stockton on Tees Local Plan.
98. Paragraph 3.13 of the local plan set outs clearly that many types of industry and business can co-exist without difficulty. The Local Plan does however, acknowledge that certain types of business, primarily those of B1 are more likely to favour sites where a good standard of design and layout will be required in respect of buildings, servicing and landscaping. This segregation is reinforced as Policy IN1 seeks to encourage B1 and B2 at Holme House Farm, Teesside Industrial Estate, Thornaby and Preston Farm.
99. Paragraph 3.14 acknowledges that where there is a potential for conflict between different types of industry and business and where a less attractive setting may be less important to operators, locations on sites identified in IN2

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may be appropriate. The paragraph then goes on to explain that it wishes to encourage storage and distribution on 9 of the 18 sites listed in the policy because of the potential for transport of bulk goods by rail rather than by road. The current application site is not amongst the list. Nevertheless, the policy allocates the site for general industrial and storage and distribution and the supporting text to the policy merely seeks to encourage rather than explicitly restrict storage and distribution at any other site than those listed.

100. Paragraphs 29 to 37 of this report sets out clearly the Spatial Planning Managers recent assessment of the status of the site in terms of Policy IN2. Noting the comments of Councillor Fletcher and local residents, given the immaturity of employment land policy in the Development Plan Framework, it has to be concluded that the proposed development at this time is in accordance with the allocation and is therefore acceptable in principle in policy terms.

### Impact on Residential and Amenity of other users of adjacent land and premises

101. The neighbouring properties immediately adjacent to the site comprise commercial and business uses with the exception of the playing field. In view of this, it is considered that provided that the use of external areas are controlled, and individual units are sufficiently insulated and vented, it is unlikely that the proposed uses would have an adverse impact on the amenity of the occupiers and users of adjacent non-residential uses.
102. The nearest residential properties are located some 200 metres distant. Inevitably there will be some noise and disturbance arising from vehicular traffic, and given that the existing use on the site is agriculture, general comings and goings will result in noise and disturbance beyond that currently experienced. However, the Environmental Health Officer has not raised any concerns in this respect. To ensure that the noise impact arising from operations is minimised conditions can be attached to any permission granted requiring noise insulation of units and limiting outside storage.
103. Many residents have raised concerns in respect of loss of view. However, this is not a material planning consideration in this instance. It should be acknowledged that an increase in traffic would add to pollutants however, again there are no concerns from the Council's Environmental Health Officer in this respect. Lighting would be required within the new development and this would be visible from surrounding properties. Those lights can be angled and shrouded to ensure that they do not shine directly towards neighbouring properties, and this could be secured by planning condition.

### Landscape and Visual Impact

104. As set out above, the site is a mix of agricultural and under used scrubland. It is visible in views particularly to the north, west and east. A tree belt partially restricts views to the south. Whilst landscaping is a matter reserved for future submission, an indicative plan shows some internal planting and tree belts to the east and west, with reinforcement along the southern boundary in order to avoid these predicted visual impacts.
105. Whilst the external appearance of the units are reserved for future consideration, the internal layout shows varying heights of buildings through



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out the site. The smaller units with the lower eaves heights (6.5 metres) are to be located on the eastern boundary of the site (towards The residential properties on Hunters Green) and the southeast corner to the A67. The taller units (10.5 metres), of which there are two, are in the western arm of the site close to the railway and the western boundary of the site. The remainder are 8.5 metres to the eaves.

106. As acknowledged by local residents, this is an important gateway to Eaglescliffe with a semi-rural character. It is critical therefore that appropriate the boundary treatments and levels within the site are secured. The current proposed layout confirms that the existing tree belt along the southern boundary of the site will be retained and reinforced, screening the development from the A67. The Landscape Officer is now satisfied that, taking account of the physical development, subject to conditions set out above, and that the landscaping accords with details supplied, the proposal would not have an unacceptable adverse impact on local visual amenity.

### Nature Conservation

107. The site is existing farmland and under used scrub, with hedgerows, trees and other vegetation in varying states of maturity. Local residents have commented on the loss of wildlife and note various species including Great Crested Newts (GCN). In light of objections raised by Natural England in respect of GCN, the applicant has prepared an ecological assessment for mitigation proposals for a high population of GCN. This approach has been adopted following discussions with Natural England, and this is to avoid a further delay to determination of the development in order to carry out the surveys next year.
108. Natural England are now satisfied that subject to conditions, the proposal is unlikely to have an adverse effect in respect of species especially protected by law.
109. The Environment Agency has indicated that as Natural England are satisfied with the assessment and proposed mitigation; it is likely that their objection would be lifted. The Agency has now received a copy of the Ecological Report and their response will be reported in an Update Report.

### Highways and Access Considerations

110. The application proposes access from Urray Nook Road, and the submitted drawings show a layout that can accommodate the requisite internal roads and manoeuvring areas, vehicle and cycle parking, and access for pedestrians and cyclists.
111. In respect of the impact of the development upon the wider highway network, the applicant's consultants have worked closely with the Council's Highways Engineers and Darlington Borough Council to provide mitigation for the expected future predicted levels of traffic generated by the development. The assessment and mitigation measures also take account of the impact of the recently approved Allens West development.
112. The Head of Technical Services is now satisfied that the proposed improvements and contributions as set out in paragraph 47 are adequate to mitigate against the predicted impacts and subject to a legal agreement and conditions in this respect raise no objections to the proposal.

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### Public Rights of Way

113. The submitted application documentation confirms that the line of Public Right of Way No 7 would be protected. The western line of the path would require a temporary diversion during construction of the earth screening bund, but would be restored following completion of those works. The final details of the resultant treatment of the footpath both on its western and southern lines would be the subject of future submissions in respect of landscape proposals. Taking account of the Ramblers Association's comments, a condition is recommended which specifically requires those details to be submitted and subsequent approval by the Local Planning Authority.

### Flood Risk

114. The Environment Agency has accepted the Flood Risk Assessment, and raises no objection to the proposal subject to conditions as set out in paragraph 27 above.

### Durham Tees Valley Airport

115. The continued concern of One NorthEast in respect of the impact of the proposal on regeneration activities of the DTVA is noted. The Council's Business Development Officer has not commented in respect of this application, but has previously welcomed the provision of further economic development on this site, as it would be considered "complementary" to the airport. The market assessment submitted in support of the application notes that no evidence could be found to support an argument that there may be an adverse impact generated by Uraly Nook proposals. The Airport management or interested third parties have not raised concerns to this effect.
116. In light of this, it is considered that the proposed development would deliver a product, which is complementary to the airport. As there is no evidence to suggest otherwise, either from internal or external consultees, on balance it is considered that the development is acceptable in terms of its impact on the regeneration of the airport.

### **Other Matters**

#### *Travel Plan Framework*

117. Comments have been made in respect of the inadequacies of Travel Plan Framework. However, there have been no objections to the proposal from the Council's Travel Plan Co-ordinator, and the Head of Technical Services has commented that subject to conditions requiring individual Travel Plans submitted for each building that overall there is no objection to the scheme. A condition is recommended to ensure that individual travel plans are submitted, approved and implemented.

#### *Renewable Energy*

118. Comments in respect of embedded renewable energy are noted, and this matter can be secured by condition.

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### CONCLUSION

119. It is considered that the principle of development on this site has been established in the adopted Stockton on Tees Local Plan. It is not considered that the development will have an adverse impact on the amenity of the occupiers of nearby residential properties and users of other nearby properties or land, and the impact on landscape and visual amenity is considered acceptable.
120. It is considered that the development would have no long term adverse impact and on balance on the regeneration of the Durham Tees Valley Airport. Furthermore, it is considered that the proposal adequately addresses the previous reasons for refusal and is now acceptable.

**Corporate Director of Development and Neighbourhood Services**  
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#### Financial Implications

As report

#### Environmental Implications

As Report

#### Legal Implications

As report

#### Community Safety Implications

As Reported

#### Human Rights Implications

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

#### Background Papers

Adopted Stockton on Tees Local Plan (June 1997)  
Supplementary Planning Document 3: Parking Provision for New Developments  
Planning Application Numbers 07/2437/OUT and 08/0567/EIS  
Planning Policy Statement 1: Delivering Sustainable Communities  
Planning Policy Guidance Note 4: Industrial and Commercial Development and Small Firms  
Planning Policy Guidance Note 13 Transport  
Planning Policy Statement 23 Planning and Pollution Control  
Planning Policy Statement 25 Development and Flood Risk  
Regional Spatial Strategy for the North East (RPG1)  
Draft Regional Spatial Strategy for the North East (RSS)

#### WARD AND WARD COUNCILLORS

Ward                                      Eaglescliffe  
Ward Councillor                      Councillor A L Lewis

Ward                                      Eaglescliffe  
Ward Councillor                      Councillor J. A. Fletcher

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**Ward**                      **Eaglescliffe**  
**Ward Councillor**      **Councillor Mrs M. Rigg**