

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
10 FEBRUARY 2021  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT & BUSINESS SERVICES**

**20/0588/FUL**

**Hunters Rest Farm , Urlay Nook Road, Eaglescliffe  
Engineering operations including the regrading of land.**

**Expiry Date: 12 February 2021**

**SUMMARY**

This application is for engineering works to regrade the land near to Nelly Burdon's Beck in association with the reserved matters for the erection of 108 dwellings on the adjacent site (application ref: 19/2084/REM).

The application is presented to committee to allow both aspects of the scheme to be considered together. The application has been fully assessed and the works are considered to be acceptable and there are no sustainable planning reasons to refuse the application.

The proposal is therefore considered to be acceptable and is recommended for approval with conditions.

**RECOMMENDATION**

**That planning application 20/0588/FUL be approved subject to the following conditions and informatives;**

**01. Time Limit**

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

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

**02. Approved Plans**

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

Plan Reference Number	Date Received
SR4052/SLP01A	13 March 2020
SR4052-019	12 March 2020
SR4052-009	12 March 2020
SR4052-008	12 March 2020
SR4052-001A	12 March 2020

Reason: To define the consent.

**03. Ecology and Mitigation**

Works shall be undertaken in accordance with the recommendations, mitigation strategy and Compensation Scheme the Watercourse Survey and Tree Risk Assessment dated August 2020.

Reason: In the interests of ecology and safeguarding of protected species.

#### **04 Final Details of regrading works**

Before commencement of tree removal works a scheme shall be submitted and approved to demonstrate the final works to be implemented on site. The proposed scheme shall be formed by an on-site agreement between the applicant and the local planning authority and the scheme to be submitted shall clearly demonstrate the trees to be removed on site, the extent of earthworks in proximity to Nelly Burdon's Beck and the replacement planting to be provided. Thereafter the works shall be undertaken in accordance with the submitted details.

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

#### **05 Flood risk Assessment**

All works shall be undertaken in accordance with the Flood Risk Assessment (Report Ref: JCC18-263-C-05 Revision: 00, January 2021).

Reason: In the interests of flood risk, and to prevent the increased risk of pollution to the water course and surrounding environment

#### **06 Pollution Control**

Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent the increased risk of pollution to the water course and surrounding environment

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

Informative: Working Practices

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

### **BACKGROUND**

1. The proposed works are linked to the adjacent site, which has the benefit of outline planning permission for residential development, with the Reserved Matters application (Application: 19/2084/REM) for 108 dwellings also for consideration by planning committee.

### **SITE AND SURROUNDINGS**

2. The application site forms part of the Hunters Rest Complex and is located to the west of the residential site adjacent to Nelly Burdons Beck which is within flood zones 2/3. The land in question falls away as it slopes down to the beck.

## **PROPOSAL**

3. The application seeks permission for engineering works to enable some levelling works to be undertaken both inside and outside of the residential site boundary. The works will allow the total removal of the perimeter wall on the housing scheme; the significant reduction in the amount of internal retaining walls required; and the ability to keep all material on/adjacent to the site and thereby avoid the need to export material during the construction period.
4. The application is accompanied by an ecology statement, arboricultural impact assessment, arboricultural method statement and a flood risk assessment.

## **CONSULTATIONS**

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

6. Highways Transport & Design Manager

General Summary - The Highways Transport and Design Manager raises no highways or landscape and visual objections, but requests a condition be applied to any permission to secure details of the proposals in relation to the watercourse.

Highways Comments - The proposals are seeking to regrade the land, with a view of minimising the amount of material that are required to be imported / exported, in conjunction with the adjacent site (applications 17/0075/OUT and 19/2084/REM). As the proposals would reduce the number of HGV vehicle movements, associated with the adjacent site (applications 17/0075/OUT and 19/2084/REM), there are no highways objections.

Landscape & Visual Comments - Whilst the proposed works are generally acceptable, from the information submitted it is still unclear precisely what will happen in close proximity to the watercourse, and which trees and scrub will be retained or removed, and how close to the watercourse the works will extend. Therefore it is proposed that a condition be applied to the permission to secure final details once the contractor is on site and the works can be more clearly defined. It is suggested that this condition require on site agreement between the applicant and the LPA, and this be followed up in writing. In addition some supplementary landscaping works will be required to the stream corridor to mitigate the loss of scrub and other beck vegetation.

Flood Risk Management - The Lead Local Flood Authority have no objections to the proposed development however we would request the following condition be applied to the application.

Condition - Prior to the commencement of any development, a scheme for the provision and implementation of pollution control of the water environment, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent the increased risk of pollution to the water course and surrounding environment

7. The Environment Agency

We have reviewed the proposal and have no objection to the planning application. The submitted Flood Risk Assessment (FRA) highlights no engineering works would occur within flood zones 2 and 3 and would not cause any increase in off-site flooding. We would request to the local planning authority that the FRA (JCC18-263-05, Revision 00, January 2021) is listed as an approved document within any relevant condition. Although the works are within flood zone 2, the development would be in close proximity to the Nelly Burdon's

Beck (which is a Water Framework Directive monitored waterbody) and the applicant should speak to the Lead Local Flood Authority regarding works within the bylaw distance of an Ordinary Watercourse.

8. Natural England

Natural England has no comments to make on the additional information: ecology report. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

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

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

9. Environmental Health Unit; Tees Valley Wildlife Trust and Ward Councillors were consulted on the application and no comments were received.

## **PUBLICITY**

10. Neighbours were notified and no comments have been received.

## **PLANNING POLICY**

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
12. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

### **National Planning Policy Framework**

13. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has

three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

14. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Local Planning Policy**

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

#### Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

#### Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.

f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood

#### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and

h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### **MATERIAL PLANNING CONSIDERATIONS**

16. The main material considerations in this application would be the principle of development; impact on the character and appearance on the area; flood risk and ecology.

17. The application site partly lies just outside the limits to development. Policies in the local plan support development of an appropriate scale within the countryside where it does not harm its character and appearance. The proposal under consideration is for the regrading of the land in association with the residential development to the east which is under consideration on application 19/2084/REM.

18. The regrading works will reduce the amount of material that would need to be removed from the site which will in turn prevent a significant number of lorry movements. The regraded land will be reinforced to avoid future slippage and the finish of the regraded land will be grassed, to reflect its current appearance.
19. The level changes will be implemented using reinforced earth, which is a sustainable and natural looking construction technique that utilises site soils with buried reinforcing elements. The proposed changes will allow a more appealing visual integration between the residential development and the wider site and prevent the introduction of significant retaining walls. In visual terms the proposed changes to the levels will not significantly change the character and appearance of the area and there would be no planning policy reason to refuse this proposal.
20. The application is accompanied by a flood risk assessment which highlights that no engineering works would occur within flood zones 2 and 3 and would not cause any increase in off-site flooding. No objections have been raised regarding the proposed works subject to a condition to ensure that the works are undertaken in accordance with the flood risk assessment and a condition to prevent water pollution.
21. In terms of ecology; a watercourse/tree risk assessment survey accompanies the application which makes a number of recommendations. The reports state that as a result of the assessment completed and the nature of the proposed works, there could be adverse impacts and to overcome these impacts avoidance measures and a mitigation and compensation scheme have been recommended. No objections have been raised from Natural England however conditions have been recommended to ensure that the recommendations in the reports are adhered to. It should be noted that a Natural England mitigation licence is required for certain works and the applicant will need to comply with an additional conditions set by the licence.
22. An Arboricultural Impact Assessment and Arboricultural Method Statement accompanies the application and set out the methods to be applied to the construction period to ensure suitable protection of the retained trees/planting. However, given the nature of the works and the potential for change a condition has been recommended to ensure works are undertaken in accordance with a scheme to allow final details to be submitted and agreed along with a replacement planting scheme (the ecology report recommends a 2 for 1 replacement for any trees lost).
23. Overall it is considered that the works will allow the residential scheme to be implemented which will provide a better visual integration with the landscape and with the use conditions there are no significant concerns with the proposed regrading of the land.

## **CONCLUSION**

It is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Finance, Development & Business Services**  
**Contact Officer Elaine Atkinson Telephone No: 01642 526062**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Eaglescliffe</b>
<b>Ward Councillor</b>	<b>Councillor Stefan Houghton</b>
<b>Ward Councillor</b>	<b>Councillor Laura Tunney</b>
<b>Ward Councillor</b>	<b>Councillor Jacqueline Bright</b>

## **IMPLICATIONS**

**Financial Implications:** None as part of the application

**Environmental Implications:** The proposal relates to works in associated with a reserved matters application for a residential development. The impacts of the regrading works are considered and addressed within the report and in this instance are not considered to have any significant impacts.

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

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

### **Background Papers**

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance