

**Date:** Wednesday 4 September 2024 at 1.30 pm

**Venue:** Jim Cooke Conference Suite, Stockton Central Library, Stockton - on - Tees,  
TS18 1TU

**Cllr Mick Stoker (Chair)**  
**Cllr Michelle Bendelow (Vice-Chair)**

Cllr Carol Clark  
Cllr Lynn Hall  
Cllr Shakeel Hussain  
Cllr Tony Riordan  
Cllr Norma Stephenson OBE  
Cllr Sylvia Walmsley

Cllr Dan Fagan  
Cllr Elsi Hampton  
Cllr Eileen Johnson  
Cllr Andrew Sherris  
Cllr Jim Taylor  
Cllr Barry Woodhouse

## **AGENDA**

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes of the meeting which was held on 5 June 2024** (Pages 9 - 14)
- 5 Planning Protocol**
- 6 Local Enforcement Plan**  
Local Enforcement Plan (Pages 15 - 34)
- 7 23/2102/FUL - Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees**  
Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles) at Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees (Pages 35 - 98)

**Members of the Public - Rights to Attend Meeting**

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email [sarah.whaley@stockton.gov.uk](mailto:sarah.whaley@stockton.gov.uk)

**KEY - Declarable interests are:-**

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

**Members – Declaration of Interest Guidance**



**Table 1 - Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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## **Jim Cooke Conference Suite, Stockton Central Library** **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

### **Microphones**

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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## PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 5 June 2024.

**Present:** Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Pauline Beall, Cllr Carol Clark, Cllr John Coulson, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor and Cllr Sylvia Walmsley.

**Officers:** Simon Grundy (R&IG), Emma Bell, Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Julie Butcher and Sarah Whaley (DoCS).

**Also in attendance:** Applicants, Agents and Members of the Public.

**Apologies:** Cllr Dan Fagan and Cllr Barry Woodhouse.

**P/16/24 Evacuation Procedure**

The Evacuation Procedure was noted.

**P/17/24 Declarations of Interest**

There were no declarations of interest.

**P/18/24 Minutes of the Planning Committee meeting which was held on 8 May 2024**

The minutes of the meeting held on 8 May 2024 were confirmed as a correct record subject to the following amendments.

1. Paragraph 3, of page 14, minute number P/14/24

‘It was suggested, by a Member, that a Bio-diversity report was needed to set a benchmark and to eventually measure any net gains and ascertain Nitrate Neutrality’.

2. Paragraph 9, of page 14, minute number P/14/24

‘Officers confirmed that the application was prior to net gain legislation’.

**P/19/24 Planning Protocol**

The Planning Protocol was noted.

**P/20/24 18/0195/OUT Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees Residential Development comprising up to 200 homes and including provision of a Neighbourhood Centre, Community Centre, Open Space and Means of Access**

Consideration was given to planning application 18/0195/OUT Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees.

At the Planning Committee meeting on the 31st July 2019 Members resolved to grant planning consent for the above application subject to planning conditions and the development entering into a Section 106 agreement. Further amendments were then agreed at planning committee on the 3rd June 2020 in relation to removing the requirement for a recreational route and footbridge leading from the site to Ingleby Barwick across Bassleton Beck.

However, as the Section 106 agreement was not completed prior to the March 2022, the application was caught by the introduction of nutrient neutrality into the Tees catchment. The applicants had subsequently been working on a scheme to address the resulting impacts from increased levels of nitrogen arising out of the development and a suitable mitigation scheme had been agreed with Natural England.

In addition, given the passage of time a review of the section 106 requirements had also been undertaken and these were outlined within the Heads of Terms contained within the main report. As these changes were considered to materially affect the decision Members reached in 2020, the matter was referred back to Planning Committee to make a decision on the merits of the scheme in view of the revised Heads of Terms.

All material planning considerations remained as outlined within the original committee reports unless otherwise addressed within the officers planning report being considered today.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that whilst there had been changes to circumstances surrounding the application and associated Heads of Terms, the site remained a housing site within the adopted Local Plan and the current proposals sought to provide facilities to meet an element of the future residents' day-to-day needs.

The application site was considered to remain a sustainable location for a future housing development and in view of all the identified material planning considerations outlined in this and the other previous reports, the proposals remained acceptable in planning terms.

The Applicants Agent attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

.This was the third time the application had been to Planning Committee which was due to the introduction of nitrate neutrality and a review of Section 106 requirements.

- . In terms of nitrate neutrality there was additional woodland planting proposed.
- . Although there would be an accessible bus route on the proposed site, it would be difficult to get an operator to agree to provide a bus service.
- . There would be a footpath connecting the site to Thornaby Road which had bus links.
- . The original application had proposed the provision of a primary school; however, this was no longer required due to a change in the number of primary school places at neighbouring schools which could accommodate children from the proposed site with a financial contribution for improvements and which had been confirmed by the Councils Education Service.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- . The proposed site was in Thornaby and for the third time Thornaby Town Council had not been consulted.
- . There were existing traffic concerns on Thornaby Road without the addition of the proposed site.
- . It was believed that other developers in the vicinity had been made to pay for improvements to neighbouring road networks, and therefore there should be a consistent approach to Thornaby Road as it was considered dangerous.
- . The Boundary was coalescing with Ingleby Barwick.
- . How long would the farmland on the site continue to exist?
- . The loss of the primary school was not good, the school may be needed in 5 years' time!
- . As the school was no longer needed could the developer come back and propose houses on what was originally land for the school?
- . Comments were made relating to a report which had been written by Heather Knowler and which had been produced on behalf of Persimmon Homes relating to the Yarm back Lane development site and whether the provision of a school was required. The report stated that a primary school would probably not be needed in the west of Stockton. Questions were raised as to whether the developer for this proposed site had produced a similar report as it was felt that the schools in and around Thornaby were currently at full capacity. It was requested that the Councils Education Officers provide a report to Committee in terms of school requirements as it was felt an additional primary school would be required in the future.
- . Clarity was sought as to whether the primary school would have been a 2 or 3 form entry school?
- . Questions were raised as to whether the proposed site was within the Little Maltby Farm site or adjacent to it?

. The Local Plan described Little Maltby Farm as 1100 houses however the proposed site being considered today was not on the Local Plan and there didn't appear to be a graphic for this plan contained within the Local Plan.

. Would the 200 dwellings be the last of the 1100 dwellings?

. Concerns were raised relating to the red line boundary on the site where a large portion of the red line site was not shaded in yellow, and whether due to the application being outline more housing could be proposed in the future anywhere within the red boundary line. Members felt they were giving the green light to extend the Local Plan by default.

. Clarity was sought as to whether the neighbourhood and community centre would be built within the housing allocation and not outside of it and be part of the development and put up for sale. Assurances were also sought ensuring they would be delivered if the application was approved as condition 12 within the officer's report did not offer that reassurance as the condition only restricted the size of the centre and not whether the build would be definite.

. Members felt a DDA compliant bridge was still needed in the original location of the site which had been proposed on the original application of the development. It was requested therefore that the bridge be brought back allowing access to Lowfields centre which had shops and a restaurant.

. There was a lack of safe sustainable routes for children to access school.

. Bus links were needed on the proposed site, to allow children to get to school safely.

. Members sought clarity relating to the provision of a scheme for open space and its future management. Should the identified management company / organisation not come up to scratch would the Council be prepared to take the management of the open space on? If not, what would the alternative be?

The main road to the Public House and filling station / shop was not safe for Children to cross.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows:

. Officers understood Members concerns relating to the loss of the primary school, however officers had discussed it at length with colleagues from the Councils Education Service who confirmed the school was not required at this time as requirements for school places since the previous submissions of the application had changed and intake numbers reduced due to a change to the demographics and year 6 demand in the area reducing. Without this need, it was difficult for officers to justify the land for the school should be retained for future, hence the S106 agreement for financial contribution to improve neighbouring schools in the area.

. Officers could not guarantee future applications would not come forward from the developer increasing the total of number of homes on the site and deviating from the Local Plan Any new application would have to be considered on its own merits.

- . In terms of concerns raised relating to traffic on Thornaby Road, the previous applications submitted for the proposed site had been approved by Members at Planning Committee. Also, in terms of mitigation at Ingleby Way and Thornaby Road Junction, officers were not aware of developers in the area paying to mitigate against traffic concerns.
- . Officers confirmed they were not aware of the Heather Knowler report.
- . It was confirmed that the proposed site was adjacent to the Little Maltby Farm site plan.
- . It was confirmed that the Little Maltby Farm site was made up of 350 and 550 homes and the proposed site being considered today was 200 homes totalling 1100 homes as indicated on the Local Plan. The name used on the Local Plan of Little Maltby Farm was used just as a name, the proposed development being considered today was on the original Local Plan.
- . Members were shown a copy of the Local Plan which highlighted the area being considered today was included in the plan.
- . In terms of the red boundary line, this was to provide additional extras such as pathways, not additional housing development. Housing could only be built on the development area as detailed within the indicative masterplan, otherwise the application could be refused. Officers suggested a condition could be included to mitigate concerns around the red boundary line therefore at the reserved matters stage the developer would have to comply with the condition.
- . The proposed neighbourhood and community centre were identified on the indicative plan by a star; a condition could be included making sure that if the centre was built it was only on the designated land shown on the masterplan. What the Council could not do was make the developer build either the centre or houses. Officers also referred to condition 12 within the report which sought to bring forward the uses of the centre with restrictions on the maximum net retail floor space.
- . A previous application for the site was considered at Planning Committee where Members agreed that the bridge was not essential as there was to be a community and neighbourhood centre. There was also a public house filling station and shop across Low Lane Road.
- . The neighbourhood and community centre would be for sale as the Council would not take on management facilities, a condition could be included that only housing was built on the masterplan site .
- . In terms of open space, the Council would take on the management of it if the developer / landowner paid for 25 years of maintenance, hence why developers usually handed the maintenance over to management companies. The Council needed to ensure that open space was available in perpetuity and managed. It may be the developer or management company which took on the maintenance. If the Council were offered the land, it would be taken on appropriately.
- . Access on Low Lane for the public house and filling station / shop would have a signalled junction with a safe crossing point to the pub. Regards concerns raised relating to a DDA compliant bridge linking the site to Ingleby Barwick, there would be 3

crossings providing safe routes, a link to Thornaby Road and 2 crossings at the adjacent site, Little Maltby Farm. The proposed site and Little Maltby Farm would be 1 continuous development therefore a child could walk safely from the proposed site to Ingleby Barwick.

RESOLVED that the planning committee refuse application 18/0195/OUT Land Adjacent to Low Lane and Thornaby Road, Thornaby, Stockton On Tees Residential Development comprising up to 200 homes and including provision of a Neighbourhood Centre, Community Centre, Open Space and Means of Access for the following reasons:

1. Lack of sustainable connections

In the opinion of the Local Planning Authority the proposed development would not provide a realistic alternative to the private car through the provision of safe and accessible routes to local schools and facilities, contrary to policies SD6(1), T11(1) and T11(12) of the Stockton on Tees Local Plan and paragraphs 114(a & b) and 116(a) of the National Planning Policy Framework.

2. Lack of bus provision

In the opinion of the Local Planning Authority the proposed development would not provide a dedicated bus service thereby providing an alternative form of transport to the private car, contrary to policies SD6(1), T11(1) and T11(12) of the Stockton on Tees Local Plan and paragraphs 114(a) and 116(a) of the National Planning Policy Framework.

3. Coalescence of settlements

In the opinion of the Local Planning Authority the proposed development would result in built form being brought into an undeveloped area of land, resulting in the visual coalescence of the settlements of Ingleby Barwick and Thornaby thereby harming the individual characteristics of those areas, contrary to policy SD8,1(g) of the adopted Stockton on Tees Local Plan

4. Congestion and highway safety

In the opinion of the Local Planning Authority the proposed development would add further vehicle movements onto the already congested Thornaby Road and Low Lane, undermining the efficiency of the road network, free flow of traffic and highway safety, contrary to policies SD8,1(f) and T11(6) of the adopted Stockton on Tees Local Plan and Paragraphs 114(d) and 115 of the National Planning Policy Framework.

**P/21/24 Appeals**

The Appeals were noted.

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**4 SEPTEMBER 2024**

**REPORT FOR ASSISTANT DIRECTOR OF  
INCLUSIVE GROWTH AND DEVELOPMENT**

## **Local enforcement plan – planning guidance**

### **SUMMARY**

Following the previous committee deferral, the requested training and briefing with Members of planning committee has taken place as detailed within those discussions, the Council has a statutory duty to investigate breaches of planning control although the decision on whether to act is nevertheless discretionary.

Ensuring compliance with planning regulations is also considered to play an important role in safeguarding the policies of the Local Plan and achieving high standards of development across the Borough.

The NPPF (para 59) states that effective enforcement is important to maintain public confidence and that local planning authorities should consider publishing a local enforcement plan “to manage enforcement proactively, in a way that is appropriate to their area”.

Additionally following last year’s scrutiny review of planning (development management) & adoption of open space, the agreed action plan (point 3) sought to introduce a local enforcement plan. A draft “Local Enforcement Plan” has been developed and this has previously been shared with CMT who supported the intention to introduce and ‘adopt’ the local enforcement plan (Appendix 1).

The local enforcement plan does not have any legal status or formal adoption process, instead it is intended to provide guidance and increased transparency on the authority’s approach to how breaches of planning control will be processed with potential benefits being to help manage customer expectations and improve the overall customer experience.

### **RECOMMENDATION**

Members are recommended to note and endorse the contents of this report.

### **BACKGROUND**

1. Approximately 450-500 planning enforcement enquiries are received each year with a wide range in their overall nature and complexity. Currently the council does not have a local enforcement plan in place and public advice of how the council approaches planning enforcement or compliance matters are restricted to the council’s planning enforcement webpages. Subsequently there are unclear customer expectations with regards to process and no indicative timeframes for when an outcome might be expected.
2. Adoption of local enforcement plans are encouraged within the national planning policy framework (NPPF), with paragraph 59 stating;

*“59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”*

3. Furthermore, the national planning guidance (NPG) sets out that the adoption of a local enforcement plan is important because it provides greater transparency, clarity and accountability about how the planning enforcement process operates within each local authority.

#### **PURPOSE**

4. The ‘adoption’ of a local enforcement plan would allow the Council to set out clear expectations on how it will approach investigations into breaches of planning control. As well as bring clarity to what planning enforcement can look into; the overall investigation process; and, the factors taken into account when deciding whether to take planning enforcement action or not.
5. A number of key waypoints for the investigation process are identified as well as a broad indication of when outcomes for the investigation process can typically be expected. To ensure that the service delivers out on the intended outcomes, a series of performance monitors are to be introduced so that effective service delivery can be monitored.
6. In order to make an effective use of resources, it will seek to introduce an appropriate priority system (emergency, high and low) based on the nature of the breach as well as highlight the level of information required to allow Officers to focus their attention on the investigation and minimise time spent gathering basic information.

#### **IMPLEMENTATION**

7. Alongside the Local Enforcement Plan and prioritisation indicators, improvements to the ‘receipt/validation’ process for planning enforcement requests are also being made. ensuring that a series of checks take place for all requests received for planning compliance/enforcement action.
8. In addition and in order to introduce an element of consistency to the prioritisation of cases, a ‘triage’ system has also been developed allocating a ‘score’ (based on a series of inputs which relate to the nature of the case) within the priority rating system (emergency, high and low) which will allow officers to ensure that most sensitive and urgent cases are investigated as a high priority and are given appropriate attention.
9. Colleagues within the business support team are also currently working on producing performance monitoring measures which will be displayed in Power Bi to create additional performance monitoring within the existing Planning Services performance dashboard.
10. It is intended to introduce the Local Enforcement Plan on the 1<sup>st</sup> November 2024, with all new planning enforcement requests being processed under the new priority, waymarking and monitoring systems identified in the new approach. Historical caseloads will continue to be progressed it is simply that they will be excluded from the new performance reporting process.

**Assistant Director of Inclusive Growth and Development**  
**Contact Officer Simon Grundy 01642 528550**



**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>All wards</b>
<b>Ward Councillor</b>	<b>All Councillors</b>

**IMPLICATIONS**

**Financial Implications:** None

**Environmental Implications:**

Through effective planning enforcement it is envisaged environmental standards across the borough will be improved.

**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; National Planning Guidance; Adopted Local Plan.

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# Stockton on Tees Borough Council Local Enforcement Plan

SEPTEMBER 2024



# Contents

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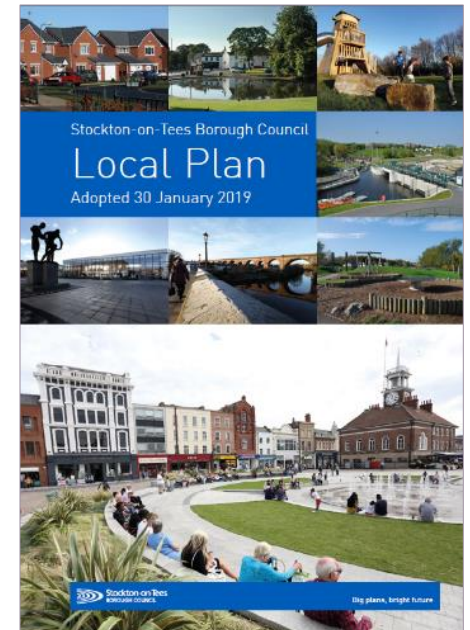
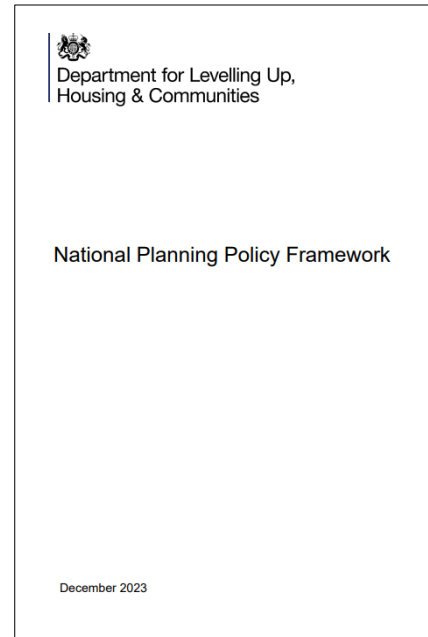
	Page No.
1. INTRODUCTION;	2
2. PLANNING ENFORCEMENT PROCESS;	3
3. WHAT IS A BREACH OF PLANNING CONTROL	4
4. REPORTING A BREACH OF PLANNING CONTROL	6
5. HOW WE WILL INVESTIGATE AND ASSESS A BREACH	7
6. ASSESSING THE IMPACT AND WHETHER ACTION IS REQUIRED	9
7. PLANNING ENFORCEMENT ACTION AND POWERS AVAILABLE	10
8. SERVICE STANDARDS	11
APPENDIX 1 – TYPES OF ENFORCEMENT ACTION	12



The Five Lamps Thornaby

## 1. INTRODUCTION

- 1.1. The National Planning Policy Framework (NPPF) encourages effective enforcement action to maintain public confidence in the planning system. It recommends that local planning authorities (LPA's) publish a local enforcement plan to help proactively manage planning enforcement in a way that is appropriate to their area. As set out in the NPPF, planning enforcement action is discretionary, and the local planning authority should act proportionately in responding to suspected breaches of planning control.
  
- 1.2. Stockton-on-Tees Borough Council believes that planning compliance has an important role in ensuring that the policies of the Local Plan are effective and high standards of development are achieved across the Borough.
  
- 1.3. The planning enforcement function sits within the Planning Services team and the purpose of this local enforcement plan is to set out our approach to processes and investigating alleged breaches of planning control.



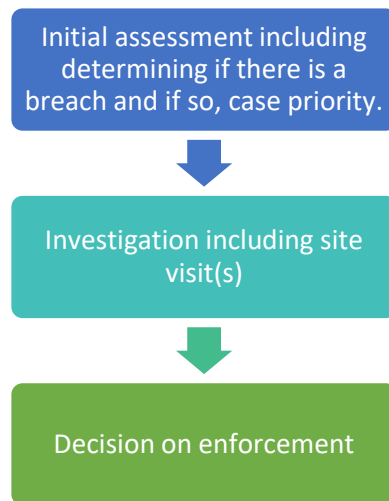
## 2. PLANNING ENFORCEMENT PROCESS;

2.1. Planning enforcement is a reactive service whereby requests are made for potential breaches of control to be investigated. These requests can come from the public, elected members, stakeholders, or council employees.

### General process;

2.2. Once a case is received it will be logged and allocated to an officer to investigate. Initially the enforcement process involves an assessment as to whether there is a breach of planning control or not.

Figure 1: Main steps in an enforcement investigation



2.3. In certain cases, the investigation may require a site visit to establish whether a breach of planning control has taken place. There may also be some occasions where a series of visits are required to be able to establish if there is a breach in planning control.

2.4. **Where there is no breach of planning control, the investigation will be closed, the relevant parties informed, and no further action taken. Where a matter has been previously investigated and no breach of control was found, there will be no reinvestigation of the case unless the complainant is able to provide substantive evidence of the alleged breach.**

2.5. If a breach of planning control has occurred, then a more detailed assessment of the breach and its associated impacts will often be required.

2.6. The council may also need to liaise with other council departments or outside bodies to be able to form a view on the impacts of a breach of planning control.

2.7. All of the information and evidence is then considered and a decision as to whether it is expedient to take enforcement action against any breach of planning control or not, is then taken.

### 3. WHAT IS A BREACH OF PLANNING CONTROL

- 3.1. Enforcement of planning legislation can often be complex and is in some circumstances also a lengthy process to go through. This is because a balance needs to be considered between upholding planning policies, safeguarding the amenity of an area and the rights of individuals to use or alter their property as they choose.
- 3.2. Nevertheless, the council has the ability to take enforcement action when a breach of planning control has occurred provided that it is deemed appropriate, and those powers are set out within the Town and Country Planning Act 1990.
- 3.3. The council is required to give those responsible for unauthorised works the opportunity to put matters right before taking formal enforcement action. If the council's actions are considered unreasonable, too harsh, or legally incorrect any enforcement action can be overturned by the Planning Inspector, or the courts and the council can also be liable to pay any associated costs.

#### **When does a breach of planning control occur?**

- 3.4. A breach of planning control is defined within the Town and Country Planning Act (section 171A), a breach occurs when development has occurred without having the required planning permission, or when the development is not being carried out in accordance with any of the imposed planning conditions.
- 3.5. A breach of planning control can also occur when development is carried out without obeying the relevant limitations or conditions

which are set out within the Town and Country Planning (General Permitted Development Order) 2015.

- 3.6. The most common breaches of planning control that the council deals with include;
  - where something has been built without planning permission.
  - when the use of land or a building has altered without permission.
  - unauthorised development within conservation areas and unauthorised alterations to listed buildings.
  - where unauthorised advertisements have been installed.
  - when conditions attached to planning approvals have not been complied with.
  - the poor condition of land impacting on the visual amenities of the wider area.
- 3.7. The onus to apply for planning permission rests with the land/property owner. If any remedial works are required, then the property owner/developer will be liable for the full extent of any associated costs. In addition, any breach of planning control may show as part of a property search should you wish to sell your property in the future.

3.8. However, it is not necessarily a criminal offence to carry out development without planning permission. However, **in the event unauthorised development involves advertisements, works to protected trees or listed buildings, or if a formal planning enforcement notice has been served and it has not been complied with, then a criminal offence may have occurred, and the council may seek to take all necessary legal action to resolve the situation.**

**What cannot be considered under planning enforcement?**

3.9. The planning enforcement process has a very clear legal framework and it must be related to both planning legislation and be something which would require/have planning permission.

Those matters which do not fall within the planning remit will not be investigated and we will inform you of the reason why the planning department will not investigate. Where sufficient information is provided, and any matter falls within the responsibility of other areas of the Council then they will be redirected to the appropriate department(s).

Many of those common aspects which don't relate to planning include;

- neighbour disputes
- land boundaries or ownership disputes
- deeds of covenant issues
- works to party walls

- parking of commercial vehicles on the highway
- parking a caravan within the residential boundary of a property
- use of / development on highways or pavements
- dangerous structures
- internal alterations to houses (unless a listed building or creating a separate dwelling/flat)



Wynyard Woodland Park



#### 4. REPORTING A BREACH OF PLANNING CONTROL

- 4.1. Stockton on Tees Borough Council will investigate those complaints which it receives in writing as this helps us to maintain a clear audit trail so that there is no misunderstanding of what is being complained about and also prevents any malicious complaints being received.
- 4.2. **The council has an on-line form which can be used to submit any planning enforcement queries. This is the easiest and quickest way to get a planning enforcement concern looked at.** Alternatively email and letter will also be accepted where we have the required minimum level of information. Telephone calls will only be accepted where the unauthorised works relate to a listed building or protected tree.
- 4.3. **We will not investigate any anonymous complaints, complaints which rely on an email address or those which do not include the necessary mandatory information.**



Stockton Town Centre – Fountain

- 4.4. The minimum level of information that must be provided includes;
- your name and address,
  - telephone number or e-mail address.
  - location of the building or site
  - nature of the activity
  - explain what problems the development/use is causing to you (e.g. noise, traffic, smells, overshadowing).

#### Confidentiality

- 4.5. All planning enforcement matters are treated with a high degree of discretion and officers will not disclose any information which relates to the person(s) reporting the breach of planning control.
- 4.6. Where formal action is being taken and you have previously provided evidence to support an investigation you may be asked to give that evidence at a hearing, but before then you will be asked if you are prepared to do that. Most complaints are dealt with without the need for formal action.
- 4.7. Under the Freedom of Information Act 2000, if a request is made for the identity of the complainant or for information which may identify the complainant, we will not disclose your details. In some circumstances the information may be required to be disclosed by law. In such cases you will be contacted for your permission.

## HOW WE WILL INVESTIGATE A BREACH OF PLANNING CONTROL

- 5.1. In order to make an effective use of resources, all incoming enforcement cases will be categorised and given an appropriate priority based on the information provided (see Table 1).
- 5.2. This will determine the broad timetable for processing any enforcement matter. The priority rating may be changed by the planning department following an assessment of any relevant planning history and any site visits, in a case where it is deemed necessary.
- 5.3. The associated timeframes and key waypoints for dealing with enforcement action (Table 2) are indicative and give a broad timeline for the majority of cases. In some circumstances there may be unforeseen delays (such as the complexity of a case, protracted negotiations or at times of high workloads within the department), where such matters arise, the council will try to notify any complainant at an appropriate time.

### TABLE 1; ENFORCEMENT PRIORISATION CATEGORIES

The three enforcement priorities;

**Emergency** – these cases will involve circumstances where there is a high likelihood that irreversible harm will occur if the council do not act immediately i.e. unauthorised felling/pruning of protected trees or unauthorised works to listed buildings.

**High Priority** – these cases will include matters where there is a high likelihood that there will be (or the potential for) significant harm to be caused within the surrounding area i.e. unauthorised uses/activities which are causing significant noise/disturbance; breaches in conditions which affect residential amenity; or circumstances which affect highway safety.

**Low Priority** – these cases will typically be matters which do not pose a significant threat to an area or are unlikely to result in immediate or irreversible harm i.e. building of walls/fences, unauthorised advertisements.

**The investigation**

- 5.4. Initially we will carry out some desk-based checks. Should there be no breach in planning control then the investigation will cease at this point. Where there is a potential breach, the case priority level will be established, and the case officer will investigate further. This may include a site visit to help establish whether there is a breach of planning control. The majority of site visits are made without prior arrangement, and it is generally unnecessary to visit a complainant’s property or to meet with them. At the end of an investigation, we will decide what the next steps may be (case action determined) which could include deciding not to pursue enforcement action; to seek a retrospective application; or whether the use of more formal powers may be necessary if any appropriate resolution cannot otherwise be reached.
- 5.5. **Officers are authorised under Section 196A of the Town and Country Planning Act 1990 to enter (at any reasonable hour and when it is reasonably necessary), land to ascertain whether there is any breach of planning control.** However, officers do not have powers to force entry into any house and we will leave a card to try and arrange a convenient time to visit. In rare cases, officers may apply for a warrant.
- 5.6. As part of the site investigation, officers will ask questions, take photographs and measurements. This information will be used to ascertain whether a breach of planning control has taken place.

**TABLE 2; PLANNING ENFORCEMENT WAYPOINTS**

Action	Priority Level		
	Emergency	High	Low
Register complaint	Immediately	Within 2 working days	Within 2 working days
Start initial assessment process	Within 24 hours	Within 5 working days	Within 5 working days
Initial response to complaint	Within 48 hours (excluding weekends)	Within 10 working days	Within 10 working days
Commence investigation	Within 48 hours (excluding weekends)	Within 4 weeks	Within 6 weeks
Enforcement Case Action Determined	As soon as is possible if significant or irreversible harm is occupying	Within 8 weeks	Within 12 Weeks

## 6. ASSESSING THE IMPACT AND WHETHER ENFORCEMENT ACTION IS REQUIRED?

- 6.1. In certain or straightforward cases where the council has sufficient information either as part of the complaint or from our own records and information then the investigation may simply be a 'desk-based exercise'. In other cases, site visits may be required to gain a full understanding of the alleged breach of control .
- 6.2. Where officers can find no evidence of a breach of planning control, the investigation will be closed, the relevant parties informed, and no further action taken.
- 6.3. Such cases will not be reinvestigated unless more substantive evidence of the alleged breach of planning control is provided.
- 6.4. The general test applied is "would planning permission be likely to be granted for the development". Only material planning considerations will be part of this process. Issues such as; loss of value to property, Party Wall Act matters, competition with other businesses, land ownership disputes, loss of a view or breaches of a covenant will not be considered.
- 6.5. Where a breach has occurred and if the council consider matters can be rectified then we will initially attempt to resolve breaches of planning control through negotiation. Negotiation will not be allowed to unjustifiably delay any necessary planning enforcement action, but they can take time to resolve.
- 6.6. In other cases where further information is required, then the council may serve a Planning Contravention Notice (PCN). The main purpose of a PCN is to gather necessary information to help establish whether there is a breach of control or whether there is a case for taking enforcement action. It is an offence if the recipient of the notice fails to provide the required information or knowingly makes a false or misleading statement on the PCN. If convicted of such an offence, the offender would be liable on conviction, to a fine currently not exceeding £5,000.

### Exceptions

- 6.7. There are exceptions where breaches of planning control become lawful through the passage of time and in such cases no action can be taken. These include;
  - 4 years (10 years after 25 April 2024) of substantial completion for operational development (i.e. structural alterations/construction)
  - 4 years (10 years after 25 April 2024) for an unauthorised change of use of a building / structure to a single dwelling house
  - 10 years for any other breach of planning control (such as changes of use or breaches of condition).

## 7. PLANNING ENFORCEMENT ACTION AND POWERS AVAILABLE

- 7.1. In considering whether to take planning enforcement action or not, it will be necessary to take account of national planning policies including the NPPF, the Governments planning practice guidance, the relevant policies of the Local Plan and all other relevant material planning considerations.
- 7.2. Ultimately In deciding whether or not to take planning enforcement action the council must consider whether it is expedient to do so, in line with the expediency test (Figure 2).
- 7.3. Should planning enforcement action be required then the council has a number of different options available to consider. In some cases, there may be several which apply, and the most appropriate one will be chosen. The various options which are available are identified in Appendix 1.
- 7.4. If a matter is to be pursued in the courts, the council will need to consider whether the evidence held is sufficient enough to ensure that there is a realistic prospect of a conviction. Any evidence must clearly prove that the offence has occurred and identify who is legally responsible for that breach.
- 7.5. There may also be circumstances where it is not in the public interest to pursue action, and these will be discussed with the council's Legal

Services Team. The council will not initiate prosecution proceedings where it is disproportionate, likely to be ineffective in resolving the breach or where there is no realistic prospect of conviction.

- 7.6. Where it is necessary to use witnesses, the witness will be advised of the possible need to attend court and will be asked to provide a written witness statement. In such circumstances, if witnesses cannot or do not provide the necessary evidence, those prosecution proceedings may not be pursued.

### FIGURE 2: EXPEDIENCY TEST:

This involves the Planning department assessing whether;

- the breach is in accordance with the policies of the Local Plan
- whether there are any other material planning considerations
- whether planning permission would have been likely to be granted
- whether the breach unacceptably affects public amenity
- whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest
- whether action would be proportionate with the breach to which it relates
- whether it is necessary and/or in the public interest.

## 8. SERVICE STANDARDS

8.1. In order to ensure that the council is providing an effective planning enforcement service, it has identified a number of ways in which it can monitor its performance and where necessary take appropriate action to remedy any shortcomings in the service it is providing.

8.2. Our service targets which ensure our performance can be measured are:

- 70% of enforcement case closed where no breach identified within 20 working days
- 60% of enforcement requests receiving an initial response (i.e. no breach of control identified or further investigation to be undertaken) within 10 working days
- 60% of planning enforcement cases, where the case actions are determined within the established priority timescales.

8.3. In all planning related matters, no two cases are the same and although the council will aim to meet with the timeframes and service standards identified there may be unforeseen delays. Where

these matters arise, the council will notify any complainant of any such circumstance at an appropriate time.

### Complaints about the service.

8.4. Should you be unhappy about with advice you have received, the action being taken, or the level service you have received by a member of the Planning Services team in exercising our planning enforcement functions please contact us on the details below;

Phone: 01642 526022

Email: [planningdevelopmentservices@stockton.gov.uk](mailto:planningdevelopmentservices@stockton.gov.uk)

Alternatively, you can complain using the council's corporate complaints process on the details below:

Phone: 01642 527521

Email: [foiandcomplaints@stockton.gov.uk](mailto:foiandcomplaints@stockton.gov.uk)

**APPENDIX 1: TYPES OF ENFORCEMENT ACTION**

<b>Type of Action;</b>	
No formal action	<p>This is often the quickest way of dealing with a breach of planning control. In some instances, the owner or occupier of a property acknowledges they have made a genuine mistake and takes immediate action to remedy it.</p> <p>The local planning authority will never condone a willful breach of planning law but planning enforcement action should be proportionate to the breach of control and in some cases the local planning authority may decide that it is not necessary to take action – often termed as not being expedient to take action.</p> <p>This may include circumstances where there is a trivial or technical breach of control which causes no material harm or adverse impacts or in circumstances where development is acceptable on its planning merits.</p>
Retrospective planning application	<p>A local planning authority can invite a retrospective application where it is considered that an application is the most appropriate way to regularise the situation. A local planning authority can also use an ‘Enforcement Warning Notice’ to formalise the process of inviting a retrospective planning application. If an application is invited it does not automatically follow that permission will be granted.</p>
Planning contravention notice (PCN)	<p>A planning contravention notice is often used by the council to seek information they may want for enforcement purposes, these may include asking questions about the use/operations being carried out on the land.</p>

Enforcement notice	<p>An enforcement notice should only be issued where the local planning authority is satisfied that there has been a breach of planning control, and it is expedient to issue an enforcement notice. This will set out what the council considers to be the breach of planning control and what action(s) will be required to rectify the situation.</p> <p>An appeal against an enforcement notice can be made to the Planning Inspectorate. It is an offence not to comply with an enforcement notice once the period for compliance has passed. A person guilty of an offence is liable on conviction to an unlimited fine and the council can in certain circumstances also seek to apply to recover any financial benefit obtained through the unauthorised development under the Proceeds of Crime Act 2002.</p>
Planning enforcement order	<p>A planning enforcement order may be necessary where a person deliberately conceals unauthorised development. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired. To take this action the council must make an application within 6 months of the council becoming aware that there has been a breach of planning control. The application must be made to a magistrates' court and a copy must be served on the owner/occupier of the land, and anyone else with an interest in the land.</p>
Stop notice	<p>A stop notice prohibits any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, however, it cannot prohibit the use of any building as a dwelling house, or the siting of a caravan occupied by a person as his or her own main residence. It is however necessary to ensure that a stop notice only prevents what is essential to safeguard amenity, public safety or prevent serious or irreversible harm to the environment.</p>
Temporary stop notice	<p>Temporary stop notices are a tool that allows local planning authorities to act very quickly to address some breaches of planning control, where it is expedient to do so. The council must be satisfied that the breach of planning control stops immediately and give appropriate reasoning for serving the temporary stop notice.</p> <p>A temporary stop notice should only be served to safeguard amenity, public safety or prevent serious or irreversible harm to the environment. In the event a temporary stop notice is served it can last up to 56 days.</p>



Breach of condition notice (BCN)	A breach of condition notice requires that previously imposed conditions are complied with and is an alternative to serving an enforcement notice. However, there is no right of appeal to a breach of condition notice. If a breach of condition notice is not complied with then prosecution can be sought via the Magistrates' Court.
Section 215 notice	<p>A section 215 notice is served on a land/property owner if the land/buildings are deemed to be untidy and affect the amenity of an area. Where a notice is not complied with then a decision is made to determine whether;</p> <ul style="list-style-type: none"> <li>• Action is necessary</li> <li>• Seek to prosecute</li> <li>• Carry out works in default</li> </ul> <p>Where the council carries out the work in default it can seek to recoup the monies which could include registering a charge against the property.</p>
Advertisements	The erection of unauthorised advertisement is a criminal offence and in some cases the council may seek a prosecution. In other cases, a land/property owner may be advised to seek retrospective approval.
Injunction	A local planning authority can, where they consider it expedient for any actual or apprehended breach of planning control to be restrained, apply to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that a local planning authority can take and failure to comply with an injunction could result in a prison sentence for contempt of court.

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**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
4 September 2024  
REPORT OF ASSISTANT DIRECTOR OF  
INCLUSIVE GROWTH AND DEVELOPMENT**

**23/2102/FUL**

**Land Off Cygnet Drive, Bowesfield Lane, Stockton-on-Tees**

**Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles)**

**Expiry Date: 6 September 2024**

## **SUMMARY**

Planning permission is sought for the erection of 265 dwellings and associated infrastructure and landscaping on an allocated site off Cygnet Drive/ Kingfisher Way, Bowesfield, Stockton. The scheme also includes the provision of a car park to serve the nature reserve which will be accessed from Bowesfield Crescent

The proposed application consists of 265 houses and 4 bungalows, 86 of which will be affordable, equating to 32.45% affordable provision.

The application has 39 letters of objection. In addition an online petition objecting to the proposal was submitted with 523 signatures via change.org). No fundamental objections have been raised by statutory consultees.

The principle of development is considered acceptable and the application has been considered in full and it is not considered that the development would result in any significant conflict with the policies of the Local Plan and there are no technical reasons why the proposed scheme is unacceptable in planning terms and would justify a refusal of the application.

## **RECOMMENDATION**

**That Members be minded to approved planning application 23/2102/FUL subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below, and with the final decision to be delegated to the Planning Services Manager once agreement from Natural England be secured for the Appropriate Assessment.**

### **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
1741-KEE-SD-00.01 rev B	21 August 2004
1741-KEE-SD-10.01 REV AD	21 August 2004
1741-KEE-SD-10.02 REV Q	21 August 2004
1741-KEE-SD-10.03 REV S	21 August 2004
1741-KEE-SD-10.04 REV A	21 August 2004
C-2149-01 Rev E Version 2	21 August 2004
23007 - 21 REV T13	21 August 2004
23007 – 22 Rev T14	21 August 2004
23007 – 23 Rev T16	21 August 2004
23007 – 24 Rev T13	21 August 2004
23007 – 25 Rev T13	21 August 2004
22CORE-KMH-ABBERTON_END_AS-DR-A-1060 – 201 Rev 3	10 November 2023
22CORE-KMH-BRADSHAW_END_AS-DR-A-1200 – 201 Rev 4	10 November 2023
22CORE-KMH-CHELBURN_END_AS-DR-A-1100 – 201 Rev 4	14 November 2023
22CORE-KMH-CLAYTON_DET_AS-DR-A-5280 – 201 Rev 3	10 November 2023
22CORE-KMH-CONISTON_END_AS-DR-A-1110 – 201 Rev 3	10 November 2023
22CORE-KMH-DEVOKE_END_AS-DR-A-5070 – 201 Rev 3	10 November 2023
22CORE-KMH-ESTHWA_END_AS-DR-A-5010 – 201 Rev 3	26 February 2024
22CORE-KMH-FOXCOTE_END_AS-DR-A-1050 - 201 Rev 2	10 November 2023
22CORE-KMH-HOVETON_DET_AS-DR-A-1260 – 201 Rev 4	10 November 2023
22CORE-KMH-JUBILEE_DET_AS-DR-A-1420 – 201 Rev 4	10 November 2023
22CORE-KMH-KENTMERE_END_AS-DR-A-1070 – 201 Rev 4	10 November 2023
22CORE-KMH-KILLINGTON_DET_AS-DR-A-5360 – 201 Rev 3	10 November 2023
22CORE-KMH-PADBURY_END_AS-DR-A-5220 – 201 Rev 4	10 November 2023
22CORE-KMH-ROUNHILL_END_AS-DR-A-1220 – 201 Rev 5	14 November 2023
22CORE-KMH-SEACOURT_END_AS-DR-A-5250 – 201 Rev 3	10 November 2023
22CORE-KMH-SELSET_END_AS-DR-A-5090 - 201 Rev 4	10 November 2023
22CORE-KMH-SHERBOURNE_DET_AS-DR-A-5350 – 201 Rev 4	10 November 2023
22CORE-KMH-WEAVER_DET_AS-DR-A-1140 – 201 Rev 4	10 November 2023
22CORE-KMH-WYTHAM_END_OPP-DR-A-5127 – 201 Rev 4	9 April 2024
KM-NE-NSFD-01	15 January 2024
KM-NE-NSFD-02	15 January 2024
KM-NE-NSFD-05	15 January 2024
KM-NE-NSFD-06	15 January 2024
KM-NE-NSFD-07	15 January 2024
9050 Rev 1	14 November 2023
9060 Rev 1	14 November 2023
9070	14 November 2023

Reason: To define the consent.

### 03 Landscaping - Hardworks

No development shall commence above damp proof course until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- All highways and footways (roads, shared surfaces, private drives, property driveways and raised tables etc);
- Informal pedestrian footpath connections to the existing footpath network (i.e.. within the central pond area and towards the River Tees) including details of steps and ramps; and
- Maintenance access tracks to all SUDs and other service features requiring vehicular access.

This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details. Any

defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

**04 Means of Enclosure**

Notwithstanding the proposals detailed in the submitted plans, no development shall commence above damp proof course until details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the dwelling(s) it related to or facilitates hereby approved is occupied.

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

**04 Roundabout Retaining Wall**

No development shall commence above damp proof course until full details of the proposed roundabout retaining wall are agreed. The design shall allow space for planting at the low side of the wall to provide some screening of the high wall from users of the roundabout. Full details of the proposed construction including cross sections shall be submitted for approval by the Local Planning Authority.

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

**05 Street Furniture – Nature Reserve.**

No development shall commence above damp-proof course until details and position of proposed benches (minimum of 4no) in the nature reserve shall be submitted to and approved in writing by the Local Planning Authority. Such street furniture as agreed shall be installed before the occupation of the 50th Dwelling.

Reason: In the interests of the amenity of the area for local residents and visitors

**06 Scheme for Illumination**

No development shall commence above damp proof course until full details of the siting and light spread of external LED illumination shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, highway safety; and protection of sensitive wildlife habitats.

**07 Landscaping – Softworks**

No development shall commence above damp proof course until full details of Soft Landscaping 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 tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in accordance with a phasing programme to be agreed with the local planning authority 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

**08 Protection of Trees –Adherence to Recommendations**

Works shall be undertaken in accordance with the submitted 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement' Ref: ARB/AE/3158 dated May 2024. This shall be adhered to in full and shall be subject to tree protection monitoring and site supervision undertaken by a suitably qualified tree specialist.

Reason: To safeguard and enhance the character and amenity of the site, and to avoid any irreversible damage to retained trees.

**09 Landscape Management and Maintenance**

No development shall commence above damp proof course until full details of proposed soft landscape management, and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. This shall cover all land within the red line boundary and adjacent areas of land owned and controlled by Banks, this must include:

- the central area of existing ponds and associated landscaped areas;
- all land between the development site and the River Tees;
- all land between the development and the proposed new car park.

The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc.

The Maintenance Plan shall include for management of access points, footpaths and maintenance access tracks, including repairs, cutting back vegetation, etc.

Management of the existing ponds and watercourses, including removal of invasive species, silt clearance etc shall also be included in the plan.

This information shall be submitted to and approved in writing by the Local Planning Authority. 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.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity

**10 Protection of Highway**

No development shall commence above damp proof course until the Local Planning Authority has approved in writing the details of arrangements for the protection of the adopted highway, from tree root damage where trees are planted within 2m.

Reason: To protect the adopted highway from damage by tree roots

**11 Discharge of Surface Water**

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage

Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system; (for each phase of the development). (This could be removed and approved in accordance with if full drainage package to reflect new layout is submitted)
- II. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase; this must include proposed mitigations to protect existing nature ponds.
- IV. Details of adoption responsibilities

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework

## **12 Discharge of Surface Water**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Statement Revision F Dated 18<sup>th</sup> August 2024 and the following mitigation measures detailed within the FRA

- Surface Water Discharge Rate Restricted to 32.3 l/s.
- All residential development shall take place within flood zone 1
- Minimum Finished Floor Level = 5.68m AOD

The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

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

## **13 Discharge of Surface Water**

The building hereby approved shall not be brought into use until:

- I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- II. The drawings of all Suds features have been submitted and approved in writing by the Local Planning Authority, the drawings should highlight all site levels, including the 30year and 100year+cc flood levels and confirmation of storage capacity.
- III. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development. Management and Maintenance plan must include how the existing nature ponds and penstock will be managed for the lifetime of the development.

Reason: To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development

## **14 Noise Impact Assessment**

The development hereby approved shall be undertaken in accordance with the recommendations as detailed in Section 8 (mitigation measures) and Section 9 (Acoustic

Design Statement) of the submitted Noise Assessment (May 2024), unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the amenity of the future occupiers of the development.

**15 Ecology and Mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed Section 6 of the submitted Ecological Appraisal (Project Number 23102) Version 3 Dated May 2024.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles Local Plan Policy and the National Planning Policy Framework.

**16 Ecology Survey**

If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

**17 Habitat and wildlife**

As detailed in BS 3998:2010 Prior to work commencing, the trees and their surroundings should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

Reason: In compliance with the Habitat Regulations and Countryside and Wildlife Act.

**18 Construction and Environmental Management Plan (CEMP)**

Prior to the commencement of the development hereby approved, a detailed site-specific Construction Environmental Management Plan (CEMP) for each phase of the development shall be submitted to and be agreed in writing with the Local Planning Authority. This shall include details of all proposed excavations, piling, construction, machinery used (including location) and associated mitigations should be submitted in accordance with BS 5228:1997. This should also include all measures to be undertaken to protect habitats and wildlife during the construction phase of the development identified in the submitted ecology report. Once approved the CEMP Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity and to protect habitats and wildlife.

**19 Travel Plan**

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

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users



- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

Reason: In the interests of sustainable travel in accordance with planning policy TI

## **20 Construction Management Plan**

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

- i. the site construction access(es)
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- vi. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. a Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and
- xi. a means of communication with local residents.

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

Reason: In the interests of highway safety and residential amenity

## **21 Car Park**

The car parking as shown on plan 1741-KEE (SD-10.01) Rev AD shall be installed in parallel to works commencing on the southern phase of the development (Kingfisher Way) and retained for the life of the development to serve the needs of Bowesfield nature reserve. Prior to the completion of the car parking as shown on plan 1741-KEE (SD-10.01) Rev AD should there be a requirement for temporary car parking this will be provided in the locality of the proposed permanent car parking until it is completed and operational in accordance with details to be submitted and approved by the local planning authority.

Reason: To ensure adequate car parking is provided and retained to serve the existing nature reserve.

## **22 Renewables or Fabric First**

No development shall take place (with the exception of access road and site preparation works), until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy

equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Reason: In the interests of promoting sustainable development in accordance with policy ENV1.

**23 Unexpected Land Contamination**

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

Reason: Due to the proposed development's proximity in relation to historical features, and to ensure contamination is adequately dealt with

**24 Open Access**

Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway

Reason: To ensure that infrastructure is provided to facilitate fibre connections to all new development in accordance with Policy TI3 of the Stockton on Tees Local Plan

**25 Bins/ Refuse**

Prior to the occupation of the dwellings hereby approved each plot should be provided with the appropriate means of waste and recycling provision in accordance with the applicable Council standards

Reason: To ensure a satisfactory form of development in accordance with Policy SD8.

**26 Construction working Hours**

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

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

**27 Permitted Development Rights – Extensions and alterations**

Notwithstanding the provisions of classes A, AA, B, C, D, and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority

Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents and landscaping features.

**28 Removal of PD rights - no garage conversions;**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General

Permitted Development) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order), no integral garages shall be converted into part of the house and all garages shall remain available for the parking of vehicles, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To adequately control the level of development on the site to ensure adequate garaging and parking spaces are made available.

## **29 Permitted Development Rights means of enclosure**

Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), unless shown on the approved plan no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts or the along the rear gardens of Plots 19 – 28 and 57 - 62

Reason: In order that the local planning authority may exercise further control in order to protect the visual amenities of the area.

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

### **Informative: Working Practices**

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

### **Informative: Environmental Protection (Duty of Care) Regulations**

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: Waste duty of care code of practice - GOV.UK ([www.gov.uk](http://www.gov.uk)) If you need to register as a carrier of waste, please follow the instructions here: Register or renew as a waste carrier, broker or dealer - GOV.UK ([www.gov.uk](http://www.gov.uk)). There are some waste exemptions which don't need to be registered. These are called Non-Waste Framework Directive (NWF) exemptions. These relate to the process of gathering waste together and storing it at the place where it's produced. Although you don't have to register this exemption, you must still comply with the terms and conditions of the exemption. Further information on the NWF 2 temporary storage at the place of production and relevant conditions can be found here: Waste exemption: NWF 2 temporary storage at the place of production - GOV.UK ([www.gov.uk](http://www.gov.uk)) If you require any local advice or guidance, please contact your local Environment Agency office: Teesdale House, Lingfield Way, Darlington, DL1 4GQ. Telephone: 0370 850 6506 CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) – Advice to Applicant The planning documentation does not state whether material is proposed for reuse on site for the purposes of landscaping. CL:AIRE DoW CoP guidance can be found via the following link: DoW CoP Main Document ([claire.co.uk](http://claire.co.uk)) The DoW CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors:

- Protection of human health and the environment (acceptable risk assessment of pollution)
- Suitability for use without further treatment (no further processing and/or treatment, as demonstrated by a specification and a site-specific risk assessment including chemical, geotechnical properties and biological aspects);
- Certainty of Use (outlined in the Remediation Strategy and Material Management Plan);
- Quantity of Material (outlined in the Remediation Strategy and Material Management Plan); and

To demonstrate the factors a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation or design objectives. In general, any material that has to be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply. To demonstrate this to the Environment Agency's satisfaction, the processes and requirements detailed in the DoW CoP need to be followed in full. Requirements include a desktop study of the site; conceptual modelling of the site(s) concerned; site investigation details (if appropriate); and any details of contamination (if relevant). Regardless of whether the site is contaminated or not there the following documents should be produced - Risk Assessments; Options Appraisal Report; Remediation Strategy (Contaminated soils) **or** Design Statement (Clean naturally occurring soils); Materials Management Plan Verification Report once the work is completed.

The decision to use the CL:AIRE Definition of Waste: Development Industry Code of Practice is the responsibility of the holder of the materials. The project manager should collate all relevant documents; permissions, site reports, MMP etc. and consult with an independent Qualified Person (QP) to confirm that the site meets the requirements and tests for use of the DoW CoP. The Qualified Person must review the documentation and let the developer know that a Verification Report will be required before signing a Declaration. If the site meets the tests that materials are suitable for re-use, certain to be re-used, are not excessive in volume and pose no risk to the environment or harm to human health then the QP can make a formal Declaration to CL:AIRE.

The formal Declaration must be submitted to CL:AIRE and the Environment Agency by a Qualified Person before any excavation activities or transfer of materials occurs. In these circumstances the Qualified Person is meeting the requirements of the Regulator to ensure appropriate environmental and human health protection is in place for the development to go ahead.

Materials not used in accordance with the DoW CoP process in full may be deemed waste and will require a relevant permit for deposit. Materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. For clarification, it is important to note that DoW CoP declarations cannot be made retrospectively. In addition to this, if you wish to re-use material under the 'site of origin scenario' and this material has previously been imported to that site as waste without authorisation, for example a historical illegal deposit, then it does not originate at that site and is not site derived material. Therefore, you cannot use DoW CoP site of origin scenario for this activity and you will require an appropriate waste authorisation such as an environmental permit.

Water Quality Permit Requirements – Advice to Applicant You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions here: Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK ([www.gov.uk](http://www.gov.uk))

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here: Discharges to surface water and groundwater: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

Abstraction Licence – Advice to Applicant If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the

commencement of dewatering activities at the site. More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

## **HEADS OF TERMS**

- Affordable Housing
- Employment and training
- Education: Contribution based on the standard formula
- Nutrient Mitigation
- Highways – bus contribution / infrastructure

## **BACKGROUND**

1. There have been a number of planning applications on the wider site comprising of residential, commercial and mixed-use proposals. The main outline planning application was submitted in 2001 covering the wider Bowesfield area for a mixed-use development including; offices, e-commerce centres, call centres, motor dealerships, hotel, health club, housing, amenity areas, sailing centre with associated landscaping/roads (01/0600/OUT). This was approved on 6 May 2003.
2. Pursuant to this, a number of reserved matters applications were submitted and approved and implemented. This has meant that some of the areas subject to outline planning permission were then developed, whilst others were not (including the application site).
3. A 2008 application, comprising the north-western quarter of the Application Site for a mixed-use development comprising of a health centre, retail shop, townhouses, apartments and offices (08/0706/OUT), was withdrawn on 27 June 2008.
4. Associated with this application was a development (08/0700/REM) for three office blocks which was refused for the following reason;

*In the opinion of the Local Planning Authority, the proposed development would prevent the provision of a Village Centre to serve the users and occupiers of adjacent residential and commercial properties, for which no sustainable alternative has been proposed and prejudice the implementation of the approved Masterplan and Design Guide for Bowesfield Park. The absence of such a facility would encourage trips by private vehicles to access shopping, health and leisure facilities outside Bowesfield Park contrary to advice and guidance set out in Planning Policy Statement 1: Delivering Sustainable Development and PPG13: Transport.*

The appeal was allowed with the inspector stating “there is no planning condition specifying the location or provision of a village centre”. In addition, the decision states that Condition 4 of the outline permission requires a revised master plan to be submitted and sets out what the master plan should include, but a village centre is not listed for inclusion. This first master plan did not include a village centre, subsequent master plans did make a provision. The Inspector states that if the provision of the village centre in a central position had been a crucial requirement for sustainability or other reasons such a provision should have been imposed on the outline permission and is not a matter to be left to a master plan or a design guide after the grant of permission.

5. A 2010 application for residential development and a shop for the northern area of the Application Site, was permitted on 13 July 2010, but works were not implemented. (10/0244/OUT).

## **SITE AND SURROUNDINGS**

6. The application site is located in the Bowesfield area of Stockton. The application is split into two separate parcels, one to the north and east of Cygnet Drive and a southern parcel which lies north of Kingfisher Way.
7. Commercial developments are situated to the west and north of the site, and to the south there are further commercial uses and residential development. To the east is the River Tees and to the south and east of the site is Bowesfield Marsh, a nature reserve.
8. The Site is connected to the A66 via the A135 (Bowesfield Lane) which runs parallel to the west of the site.

## **PROPOSAL**

- 9 Planning permission is sought for the erection of 265 dwellings comprising a mix of 2, 3 and 4 bedroom housing, as well as 86 no. affordable homes (32.45% of the proposed dwellings). The houses are predominately 2 storey, with a small number of 2.5 and 3 storey dwellings and four bungalows.

## **CONSULTATIONS**

9. Consultees were notified and the following comments were received.
10. Highways Transport & Design Manager  
General Summary: The Highways Transport and Design Manager raises no objections to the proposals, but raises a number of outstanding issues which are still to be resolved which must be secured by condition.  
Highways Comments - The applicant has provided a Transport Assessment (TA) , site layout drawing (ref: SD-10.02 Rev Q) and house type layouts in support of the proposals.  
Impact on the Highway Network - As set out in the TA the site will generate 146 two-way vehicle movements in the AM peak period, 40 inbound and 106 outbound, and 161 two-way vehicle movements in the PM peak period, 100 inbound and 61 outbound.  
The impact of the proposed development has been assessed, on the local highway network, at the following junctions:
  - Cygnet Drive/Kingfisher Way/Brooklime Avenue Roundabout
  - A135 Bowesfield Lane/Kingfisher Way/Queen Elizabeth Way/A135 Concorde Way RoundaboutIn both case the modelling undertaken at each junction has demonstrated they will both operate within the practical reserve capacity in the future year scenario (2033 with Development) with the Queen Elizabeth Way arm of the Concorde Way roundabout operating at 80% of capacity with a predicted stationary queue of 4 vehicles in the AM peak period.  
Based on the junction assessments undertaken it cannot be demonstrated within the context of the NPPF that the residual cumulative impacts on the road network of the proposals would be severe.  
Therefore, a highways objection cannot be raised in relation to the impact of the proposals on the local road network.  
Site Layout - The site layout, drawing SD-10.01 Rev AD, is broadly in accordance with the Councils design guide and car parking in accordance with SPD3: Parking Provision for Developments 2011 has been provided.  
Tracking drawings have also been provided with demonstrate that the site can be serviced by a refuse vehicle.  
It is also noted that an informal car park for up to 10 vehicles, which will be accessed from Bowesfield Crescent, will be provided adjacent to the River Tees for visitors.

Sustainable Connections / Infrastructure - Connections from the development to the network of footpaths within the nature reserve and along the River Tees will be provided and a connection to the existing footway cycleway adjacent to the A135 will also be provided.

Existing bus services are also accessible from the stops on the A135 Bowesfield Lane, which are within walking distance of the site, and a contribution towards enhancements to the stops or the continued provision of the bus service should be sought.

The contribution to the bus infrastructure / service should be secured through a s106 Agreement.

Construction Management Plan - To minimise disruption during the construction phase of the development a construction management plan should also be secured by condition.

Subject to the conditions and improvements set out above being secured against the development there are no highways objections to the proposals.

Landscape & Visual Comments - Hard Landscaping Details – the current proposals include for tarmac to the highway including standard roads and footways, shared surfaces and private drives, furthermore the majority of individual property driveways are also tarmac. This is not acceptable as there are large expanses of a single material. This must be broken up, with a variety of surfacing types, materials and colours to improve the quality of the streetscape and differentiate the street hierarchy. This can be controlled by condition.

Roundabout Retaining Wall – There is a conflict between the proposed retaining wall around the roundabout, and planting scheme to screen this wall which is more than 2m in height for part of its length. The wall is very close to the footway at the eastern end, and when considering the wall foundations we are concerned that planting will not have sufficient soil depth and volume to thrive. This feature must be reconsidered, however it can be conditioned.

Enclosure – A condition shall be applied to secure full details of boundary treatments. A higher quality treatment is required adjacent to the highway (i.e.. a wall), in some locations this is necessary to further enforce the street hierarchy, i.e. along the Cygnet Way and the Kingfisher Way frontages. Details of the proposed fencing types must be provided, particularly the proposed 4m acoustic fence.

Street Furniture – The applicant has proposed the addition of benches to the central green area of the development. Details of these proposed benches and their locations shall be provided.

Street Lighting - This shall be conditioned to ensure that there are no conflicts with the position of proposed tree planting and that trees do not obscure the spread of lighting.

Soft Landscape Works – A Landscape Masterplan has been submitted this has been updated, but does not fully realise the changes requested during previous discussions, and the key and drawings do not match. Therefore we proposed to fully condition the soft landscaping scheme with an updated masterplan to be agreed prior to progression to detailed design. Within the updated design we would expect to see:

- clarity on the different vegetation and grass mixes for the different areas of the site,
- street lighting and tree planting designed on the same drawing to minimise conflicts;
- buffer planting along the eastern boundary to soften the impact of the elevated dwellings and their boundary (comprising a 1200mm fence on top of a retaining wall), from viewpoints to the east. The plans currently show native groundcover;
- a more considered and detailed planting proposal for the SUDs basins.

Protection of the Highway – A condition is required to protect the highway from tree root damage where trees are located close to the adopted highway.

Landscape Management and Maintenance Plan – The proposals require a detailed Landscape Management and Maintenance Plan for the site, and adjacent land owned by Banks Group, and particularly the central area of existing ponds connecting down to the River Tees. Management of the existing central pond area shall include a significant intervention during construction to restore the area to its intended condition and quality.

Flood Risk Management - The applicant has provided sufficient information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without

increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

11. Highway England

Thank you for your consultation request regarding the above application, we have reviewed the submitted evidence and would offer the following comments. We broadly agree with the inputs and scope for the merge and diverge assessments of the A66/A135 Junction.

A66/A135 Eastbound Merge: The Applicant's transport consultant concludes that for the A66/A135 eastbound merge, the proposed development traffic does not necessitate the need for any upgrades to the merge type, mainline lanes or connector road lanes beyond that which is already required for the 2025 Do Nothing traffic flows. National Highways would agree and would state that the proposed development does not create a 'step-change' in the mitigation requirements, and it is, therefore, not the Applicant's responsibility to deliver these improvements.

A66/A135 Westbound Diverge: The Applicant's transport consultant concludes that for the A66/A135 westbound diverge, the proposed development traffic does not necessitate the need for any further

upgrades to the diverge type, mainline lanes or connector road lanes beyond that which is already required for the existing traffic flows. National Highways would agree and would state that the proposed development does not create a 'step-change' in the mitigation requirements, and it is, therefore, not the Applicant's responsibility to deliver these improvements.

Junction capacity assessment: The Applicant has submitted a LinSig model for the A66/A135 junction. As discussed at the meeting on the 25 June 2024, we stated that a junction model would only be required if the merge and diverge assessments identified any severe impacts on the A66. As this is not the case, we have not reviewed the LinSig model and therefore withhold comment on its appropriateness for any future use.

On the basis of the above, I enclose National Highways' formal NHPR 24-02 response recommending no objection. I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

12. Active Travel England

Notice is hereby given that Active Travel England's formal recommendation is as follows:

Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

Background - Active Travel England (ATE) welcomes the opportunity to provide follow-up comments on this full planning application for the erection of 266no. dwellings to the south of Stockton-on-Tees.

AET previously submitted a response dated 18 June 2024, which recommended deferral of the application, with amendments/further details requested in relation to the following points:

- O Travel Plan targets
- O Distances to local amenities
- O Improvements to off-site infrastructure
- O Layout and permeability

Note: before engaging in further assessment of the scheme, ATE would like to issue a correction to its previous response, where it stated that the nearby scheme ATE01177 had received AFT funding - this is not the case. This has had no bearing on ATE's ongoing assessment of the application.

Summary - ATE has been provided with a formal response to its original comments; ATE thanks the applicant for this document, and for taking the time to address each of its comments in detail. A review of the response has been undertaken, and ATE now offers a revised formal recommendation of 'Conditional Approval', subject to the implementation of appropriate planning conditions. Further details of this response are provided below.

Areas of Concern



Travel Plan targets / Trip generation and assignment / Active travel route audit: Pass / Condition / Contribution recommended

- An updated trip generation analysis has been submitted, accompanied by a much more in-depth analysis of key active travel routes in the area, which has been carried out using the Government's Walking Route Audit template and LTN1/20's Cycle Level of Service Tool. ATE welcomes the submission of these details, which provide a more robust basis for understanding active travel movements in the area, and have allowed for revised Travel Plan targets to be proposed.
- These targets represent an improvement on initially disappointing targets, which were to increase foot and cycle journeys by just 1.4% and 0.3% respectively. 4% increases in both would now be sought, with an overall active travel mode share target of 13.4%. These would be coupled with a targeted reduction in motor vehicle driver trips of 10%, to bring this figure to 47.7%. Although it should be acknowledged that these revised figures would still fall short of the Government target for half of all trips in towns and cities to be made by active modes by 2030, ATE welcomes these more meaningful targets and would support the applicant's commitment to fund the Travel Plan and undertake influential actions to ensure that these targets are achieved.

Pedestrian access to local amenities, Cycling accessibility: Pass

- ATE is satisfied that reasonably safe and accessible routes would be available to some nearby amenities, based on information provided in the detailed route audit which has been submitted. Where deficiencies, weaknesses or gaps have been highlighted, ATE recommends that it should be ascertained whether any contributions could be made to tackle these as part of ongoing discussions between the developer and the LPA.

Access to public transport: Condition / Contribution recommended

- The provision of a bus shelter at the southbound bus stop on Bowesfield Lane would be welcomed as a positive measure to increase the uptake of sustainable transport modes by residents of the development. This should be secured as part of any package of measures agreed with the LPA.

Site permeability / Placemaking: Area of Concern - Condition / Contribution recommended

- ATE welcomes positive changes which have been made to the proposed layout of the development, to improve internal permeability and links with outside active travel connections.
- The proposed access between Cygnet Drive and streets leading to the Queen Elizabeth Way cycle path would lack natural surveillance given the orientation of surrounding properties, and ATE would reiterate its request that the applicant ensures that this important access point is well overlooked, appropriately lit, and not bounded by high-sided boundary treatments.
- Proposed signage to Kingfisher Way would be a positive step in achieving safer cycle movements between the southern part of the site and Queen Elizabeth Way. ATE remains concerned that the eastern part of Kingfisher Way remains somewhat hostile to cycle movements, given the termination of the off-carriageway cycleway and the presence of heavy street parking. Further steps to improve cycle accessibility along this section of route should be explored, for example the provision of an improved transition between the cycleway and the carriageway, and these should be included in the final package of measures agreed with the LPA and secured via condition.
- The proposed provision of seating to routes in the open central area is welcomed. ATE remains concerned, however, that this area of open space would act as a barrier to active travel movements, rather than a positive feature, if pathways through it are not appropriately improved, and that this will serve to undermine the positive changes which have been made to Travel Plan targets. The paths currently crossing the area are informal in nature and ATE would request that at least one bound and level (not necessarily tarmacked) footpath is provided, of adequate width for pedestrian movements, to link the two parts of the development. Providing more comfortable access to this central area will allow for it to better perform its important function as the development's main area of public open space. Unobtrusive lighting could be provided in the form of bollard lighting or solar waymarking studs to limit any impact on wildlife or landscape character.

- ATE would reiterate its request for details be submitted showing the provision of equipped play facilities in a suitable central location within the development.  
Off-site transport infrastructure: Condition / Contribution recommended
- ATE recognises that there are limitations in terms of the off-site improvements which a development of this type and size may be able to influence. Improvements suggested to public transport infrastructure (additional bus shelter), placemaking (seating in central area), and wayfinding along Kingfisher Way are welcomed. In addition to these measures, ATE would request the provision of an improved surface to key routes across the open central area, as outlined above.
- ATE would encourage further dialogue between the applicant and LPA to identify whether any additional limited contributions may be made to support the ongoing aims of the TVCA LCWIP. Next Steps - ATE welcomes the positive changes made to the application, specifically in terms of its Travel Plan targets, improved permeability, and identified off-site improvements to public transport infrastructure and active travel wayfinding. It is prepared to support the application for approval, providing that details of the following are also secured via the use of appropriate planning conditions:
  - Improved pathway(s) across the central area, featuring appropriate surface treatments and lighting.
  - equipped play facilities in a suitable central location within the development.
  - Improved transition between Kingfisher Drive carriageway and cycleway, to accompany additional signage.ATE requests that the LPA share this correspondence with the applicant and their agents. ATE would be content to review further submitted information and provide recommended wording for planning conditions, as appropriate.

13. Northern Gas Networks

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

14. Tees Archaeology

I have checked the HER and historic aerial imagery; the site has previously been subject to groundworks and the proposed development should not have a significant impact on any known heritage assets.

15. The Environment Agency

We have no objection to the above application as submitted. We would like to provide the following informative comments to the local authority and applicant.

Flood Risk – Advice to Applicant The development is classed as More Vulnerable which is acceptable within Flood Zone 1. We do not consider this development to bring an increased risk of on or off-site flooding. However, due to the location of the development, we ask that the developer adhere to the minimum finished floor levels described in the provided Flood Risk Assessment produced by Coast Consulting Engineers Ltd. dated 27 October 2023, to reduce the risk of flooding to the proposed development and future users.

Historic Landfill Sites– Advice to LPA and Applicant: The proposed development is located on or within 250 metres of a historic landfill site that is potentially producing landfill gas. The site is Bowesfield Riverside, which was permitted to receive inert construction waste. Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long- and short-term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk

may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50 metres of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

You should consider the potential risk to the development from landfill gas, ensuring that appropriate assessments have been carried out to identify potential risks. Where risks are identified you should ensure that measures to address these concerns are included as part of any planning permission. We would advise seeking the views of your local planning authority's Environmental Health and Building Control departments to ensure that any threats from landfill gas have been adequately addressed in the proposed development. Where this includes building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site, you should consider the removal of permitted development rights to ensure that these prevention measures are not compromised by future alterations/extensions.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

Waste Management Paper No 27

Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'

Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001

Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991

CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

Permitted Waste Facilities – Advice to LPA and Applicant There are some active waste permits opposite the red line boundary for this site on Bowesfield Crescent. New development close to a permitted waste facility could result in impacts including the nearby community being exposed to, but not limited to, odour, noise, dust and pests. The severity of these impacts will depend on relevant local factors e.g., the size of the facility, the nature of the activities or prevailing weather conditions.

Planning policy requirements state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing permitted waste facility could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring permitted waste facility and/or through financial contributions to the operator of the facility to support measures that minimise impacts. Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents' concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 193 of the NPPF. When a new development is built near to an existing permitted waste facility this does not automatically trigger a review of the permit.

Environmental Protection (Duty of Care) Regulations – Advice to Applicant The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: Waste duty of care code of practice - GOV.UK ([www.gov.uk](http://www.gov.uk)) If you need to register as a carrier of waste, please follow the instructions here: Register or renew as a waste carrier, broker or dealer - GOV.UK ([www.gov.uk](http://www.gov.uk))

There are some waste exemptions which don't need to be registered. These are called Non-Waste Framework Directive (NWFd) exemptions. These relate to the process of gathering waste together and storing it at the place where it's produced. Although you don't have to register this exemption, you must still comply with the terms and conditions of the exemption. Further information on the NWFd 2 temporary storage at the place of production and relevant conditions can be found here: Waste exemption: NWFd 2 temporary storage at the place of production - GOV.UK ([www.gov.uk](http://www.gov.uk))

If you require any local advice or guidance, please contact your local Environment Agency office: Teesdale House, Lingfield Way, Darlington, DL1 4GQ. Telephone: 0370 850 6506

CL:AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) – Advice to Applicant The planning documentation does not state whether material is proposed for reuse on site for the purposes of landscaping. CL:AIRE DoW CoP guidance can be found via the following link: DoW CoP Main Document ([claire.co.uk](http://claire.co.uk)) The DoW CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors: (a) Protection of human health and the environment (acceptable risk assessment of pollution) (b) Suitability for use without further treatment (no further processing and/or treatment, as demonstrated by a specification and a site-specific risk assessment including chemical, geotechnical properties and biological aspects); (c) Certainty of Use (outlined in the Remediation Strategy and Material Management Plan); (d) Quantity of Material (outlined in the Remediation Strategy and Material Management Plan); and to demonstrate the factors a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation or design objectives.

In general, any material that has to be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply.

To demonstrate this to the Environment Agency's satisfaction, the processes and requirements detailed in the DoW CoP need to be followed in full. Requirements include - desktop study of the site ; conceptual modelling of the site(s) concerned; site investigation details (if appropriate); and any details of contamination (if relevant) Regardless of whether the site is contaminated or not there the following documents should be produced - Risk Assessments; Options Appraisal Report; Remediation Strategy (Contaminated soils) or Design Statement (Clean naturally occurring soils); Materials Management Plan and Verification Report once the work is completed.

The decision to use the CL: AIRE Definition of Waste: Development Industry Code of Practice is the responsibility of the holder of the materials. The project manager should collate all relevant documents; permissions, site reports, MMP etc. and consult with an independent Qualified Person (QP) to confirm that the site meets the requirements and tests for use of the DoW CoP. The Qualified Person must review the documentation and let the developer know that a Verification Report will be required before signing a Declaration. If the site meets the tests that materials are suitable for re-use, certain to be re-used, are not excessive in volume and pose no risk to the environment or harm to human health then the QP can make a formal Declaration to CL: AIRE.

The formal Declaration must be submitted to CL: AIRE and the Environment Agency by a Qualified Person before any excavation activities or transfer of materials occurs. In these circumstances the Qualified Person is meeting the requirements of the Regulator to ensure appropriate environmental and human health protection is in place for the development to go ahead. Materials not used in accordance with the DoW CoP process in full may be deemed waste and will require a relevant permit for deposit. Materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defense against joint liability. For clarification, it is important to note that DoW CoP declarations cannot be made retrospectively. In addition to this, if you wish to re-use material under the 'site of origin scenario' and this material has previously been imported to that site as waste without authorisation, for example a historical illegal deposit,

then it does not originate at that site and is not site derived material. Therefore, you cannot use DoW CoP site of origin scenario for this activity and you will require an appropriate waste authorisation such as an environmental permit.

Water Quality Permit Requirements – You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions here: Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK ([www.gov.uk](http://www.gov.uk))

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here: Discharges to surface water and groundwater: environmental permits - GOV.UK ([www.gov.uk](http://www.gov.uk))

Abstraction Licence – Advice to Applicant If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights. Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>.

16. Environmental Health Unit

I have checked the additional updated documentation provided and do not think that conditions need to be imposed from an Environmental Health perspective.

17. Environmental Health Unit (Contaminated Land)

Further to my previous comments, I have reviewed the Phase 2 Geo-Environmental Appraisal prepared by Coast Consulting Engineers Ltd (November 2023). This includes the Phase 1 Desk Top Study summary. I am satisfied the risks posed by contaminated land have been adequately assessed. This shows that the pollutant linkages have been assessed and no contaminants of concern have been identified.

The results of the preliminary ground gas monitoring indicate that the site is classified as CIRIA Characteristic Situation 1 and no gas protection measures are required. This has been confirmed by the addendum gas assessment (October 2023) confirms this characterization, and no gas protection is required.

I therefore have no objection to discharging the condition on contaminated land.

18. National Grid

Regarding planning application 23/2102/FUL, there are no National Grid Electricity Transmission assets affected in this area.

19. Cleveland Police

I've taken a look at the plans, Fencing, groundworks proposals and Design & Access Statement. I would like the developer to consider 2 metre fencing to the rear of properties and on the perimeter of the site. I note some 'defensive planting' types being earmarked for the development and wondered whether these could be used along the fencing lines of the properties backing onto waste land. The developer also makes mention of Secured by Design, and I would encourage the applicant to get in touch with me to discuss, and to consider

adopting the criteria, to achieve the free award, by incorporating the measures outlined in the Homes 2023 document. The Secured by Design scheme can be used to help market the development to prospective buyers. More details on the scheme available here [HOMES\\_GUIDE\\_2023\\_web.pdf](#) ([securedbydesign.com](#))

20. SBC Housing Services Manager

Purely from a Strategic Housing perspective, we are happy with the affordable housing offer in terms of mix, size, dispersal, and location. Strategic Housing have a strong preference for affordable or social rented properties although would also accept a 70:30 tenure split (affordable / social rented: intermediate shared ownership / rent to buy). We would not accept any Discount for Market Sale of First Homes.

21. SBC Place Development Manager

The scheme has been improved from previous iterations however there are still elements that haven't been addressed that I want to flag:

Placemaking throughout the estate is still minimal and would benefit from areas of uplifted public realm to create sense of place.

Frontage parking is still dominant on the street scenes especially on secondary streets, reducing opportunity for street planting and front gardens.

Previous comments regarding feature house type at the entrance to the site haven't been addressed (plot 53 and 54)

Hard landscaping materials – changes to carriageway surfacing at raised tables, shared surfaces, private driveways are essential to differentiate the street hierarchy

22. Northumbrian Water Limited

In making our response Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. We request that the latest version of the Flood Risk Assessment and Drainage Statement Revision C dated 15th March 2024 should form part of the approved documents list as part of any planning approval or should be referred to in any relevant planning condition, and the development should be implemented in accordance with the Proposed Drainage Layout plans contained within this document. It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. For Information Only – Please note that the site lies within drainage area 11-D57. This drainage area discharges to Bran Sands Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

23. Teesmouth Bird Club

Teesmouth Bird Club wishes to object to certain aspects of the ecology consultant's report submitted with this application. The report has presented a good appraisal from their Breeding Birds Survey, and within the usual constraints of such work. Bird species falling into various categories of conservation concern, viz. 5 Red, 11 Amber, 8 Priority, 1 Scheduled are detected. The implications of the development upon Cettis Warbler have been dismissed too readily, however. The proximity of the development to the excellently evolving local nature reserve of the Tees Valley Wildlife Trust, has all but been airbrushed out of the equation in terms of increased human and domestic pets' impacts leading to disturbance. No mitigation measures are suggested.

Their suggestion that mere soft landscaping plantings after the development's completion, will contribute a mitigation effect on the overall biodiversity, is fanciful, given customary site clearance practice of removal of all vegetation and with it local fauna. Their suggestion of swift boxes fitted within the vertical, built habitat (i.e. house walls) should be a key mitigation measure. Professional advice on siting such nesting opportunities should be taken.

The opportunity of utilisation of the SuDS area within the development as a mitigating / biodiversity location is ignored, and although providing the statutory " open space" within developments, it is not clear if the SuDS will be designed to permanently retain water to serve such beneficial measures. The hydrology report in the application notes that the clay base soil is impermeable to water, so one must assume a pumping system will be used to remove the gathered water. How and to where one asks? The site plan indicates that the informal parking space adjacent to Archers Law offices is to disappear. This site is presently used by nature lovers and fishermen to access the reserve or the river. What is to be done to rectify this in a sensitive way.? Finally, all the ecologist's reports should be assessed by a professional consultant retained by the SB Planning Office.

24. Councillor Stefen Houghton

Bowesfield Park is the residential area neighbouring this application site. I have represented this community as part of Eaglescliffe East since the May 2023 local elections. During a recent engagement with residents of Bowesfield Park - December 2023 residents meeting - concerns about highways and parking were brought up. These concerns are particularly relevant to this application:

Car Parking Issues - roadside parking along both sides of Cygnet Drive is excessive. This parking will likely be related to the lack of local capacity to absorb parking demand. If this application is approved, this road will experience residential usage in addition to the current business usage. Significantly, Cygnet Drive is the route into the larger part of this development. The increased demand on Cygnet Drive means the hazardous parking must be addressed to ensure highway safety, while also being sympathetic to local businesses.

Such parking is also experienced on parts of Brooklime Avenue and Water Avens Way. It also occurs regularly along Kingfisher Way, which leads into the southeastern part of the proposed development. Again, factoring in a solution for current off-road parking should be found as there will be an inevitable increase in cars having to use Kingfisher Way for access.

Highways - I have been told of the difficulties getting onto the roundabout by Cygnet Drive and Queen Elizabeth Way/Bowesfield Lane at peak times. As a councillor new to representing this area, I too have experienced the difficulty getting onto these roundabouts, especially when it is dark. Following feedback from residents and my own experiences, I have enquired about these roundabouts being signalised. If this planning application is passed, it must add greater weight to determine whether these roundabouts/ road layouts are suitable in the current form.

Mitigation - Imposing enforceable parking restrictions onto the access roads of Cygnet Drive and Kingfisher Way to alleviate congestion and improve safety is an option. Although some restrictions may be beneficial, there is a risk of displacing parking into the proposed development and Bowesfield Park. Providing suitably sized and located parking areas - through a S106 planning obligation - should be strongly considered as they would help prevent displacement, reduce roadside parking

25. Councillor Niall Innes; Municipal Buildings Church Road

I am writing to object to the above application. The Local Plan-Housing Supply Assessment (2020-2025) and Housing delivery Test Results clearly show that, at present, there is an over provision of dwellings against the local Plan in Stockton on Tees. This over provision will, in my view, only increase as we move toward the end of the five-year plan. The addition of these houses in Bowesfield are simply not needed. No emphasis has been placed on the real impact that there will be to the natural environment and biodiversity. To grant this application would be a further emphasis Stockton Councils reputation as a money grabbing authority with no real care for the wider environment or communities that such developments affect.

Furthermore, there is little to no emphasis put on provision within this area, and how the needs of residents will be met. This application is extremely light on substance, and as such should be refused. We have already seen that the Green Belt in our borough is under extreme strain due to the overdevelopment of land. While Brownfield sites remain underdeveloped, it is all to the detriment of the green belt.

This application is harmful to the natural environment with no mitigations in place within the application. This proposal should be refused.

26. Tees Valley Wildlife Trust

Tees Valley Wildlife Trust has two grounds for objection to the proposal as set out below.

1. Biodiversity Net Gain: This is a mandatory requirement under the Environment Act 2021 which will come into effect on 12 February 2024. We note that the applicant has submitted a Biodiversity Net Gain Assessment which has accounted for the habitats created under a S106 Obligation dated 6th May 2003 between HJ Banks, Stockton on Tees Borough Council and Tees Valley Wildlife Trust for the Bowesfield Park Mixed Use Development. The approach used in the Biodiversity Net Gain Assessment does not comply with government planning guidance on how BNG should be applied to Phased Developments. Neither does it set out how the habitats provided will be secured and maintained for the next 30 years, as is required by the Environment Act. We believe both these issues have additional importance given the significant differences between the developments proposed in 2003 and those proposed under this application.

2. Parking and Access to the Bowesfield Conservation Area: The S106 Agreement and planning conditions relating to the Outline Application for the Bowesfield Mixed Use Development included requirements for the provision of car parking and access for visitors to the wildlife conservation area and the riverbanks, and also to facilitate access to these areas for maintenance vehicles and equipment. This has not been addressed in the application and it is clear from other objections and comments that this needs an early resolution.

27. Matt Vickers MP House of Commons London

I wish to object to this application. The Local Plan-Housing Supply Assessment (2020-2025) and Housing delivery Test Results (January 2021) presented to the Planning committee on 10th March 2021 clearly show that, at present, there is an over provision of +417 dwellings against the local Plan. This over provision will, in my view, only increase as we move toward the end of the five-year plan. It is now time to review the plan, particularly in terms of planned dwelling numbers, and assess how this over provision, and the likelihood of it increasing dramatically will further impact on our Towns and Villages. Quite simply this over provision would negate the need to grant this particular application permission and that of several other developments in the surrounding area, and the needs of the local plan would still be met.

No emphasis has been placed on the real impact that there will be to the natural environment and biodiversity. To grant this application would be a further emphasis Stockton Councils reputation as a money grabbing authority with no real care for the wider environment or communities that such developments affect.

As you may be aware, the Government attaches great importance to Green Belts. The Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate developments like this are extremely harmful to the Green Belt and should not be considered unless it meets very special or exceptional circumstances. Looking at the proposal, this plan does not meet any 'exceptional circumstances.



We also cannot escape the impact on the natural environment, nor the fact that this site was not regarded as suitable for housing.

### **PUBLICITY**

28. Neighbours were notified and 39 letters of objection were received with the main objections summarised below. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>
29. In addition an online petition objecting to the proposal was submitted with 523 signatures (change.org)

The objections received are summarised below;

- Unsuitable Access and road infrastructure
- On street parking already an issue
- Lack of services
- Accessibility to services eg schools, shops
- Loss of wildlife habitat.
- Visual Impact on the Nature reserve
- Parking for Fisherman / Visitors
- Concerns over increase in numbers of houses proposed
- Overlooking of a children's care centre (Nursery)
- Lack of Public Transport
- Poor drainage
- Proximity of proposed housing to existing businesses

### **PLANNING POLICY**

30. 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.
31. 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**

32. 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. 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.

**Paragraph 34.** Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan

**Paragraph 60.** To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community

**Paragraph 66.** Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development: a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, a community-led development exception site or a rural exception site

**Paragraph 74.** The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
- c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;
- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size

**Paragraph 96.** Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use

developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling

**Paragraph 108.** Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

**Paragraph 109.** The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

**Paragraph 110.** Planning policies should:

- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
- b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
- d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)
- e) provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
- f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.

**Paragraph 114.** In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

**Paragraph 115.** Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

**Paragraph 128.** Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places.

**Paragraph 129.** Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

**Paragraph 130.** In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should

be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.

**Paragraph 131.** The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

**Paragraph 135.** Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**Paragraph 136.** Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users

**Paragraph 186.** When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>67</sup> and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate

### **Local Planning Policy**

33. 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 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.

b. Providing accommodation that is affordable.

c. Providing opportunities for custom, self-build and small and medium sized house builders.

3. The approach to housing distribution has been developed to promote development in the most sustainable way. This will be achieved through:

b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.

#### 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.

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.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

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 risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

#### Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.

2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

a. It is not possible to address unacceptable impacts through the use of a condition; and,

b. The contributions are:

i Necessary to make the development acceptable in planning terms;

ii Directly related to the development; and

iii Fairly and reasonably related in scale and kind to the development.

#### 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.

#### Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
  - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
  - ii. Energy efficiency through better insulation and efficient appliances; then,
  - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
  - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
  - v. Conventional energy.
- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO<sub>2</sub> emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO<sub>2</sub> emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

#### Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and



- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
  - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
  - b. Foul and surface water flows are separated;
  - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
  - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
  - a. To an infiltration or soak away system; then,
  - b. To a watercourse open or closed; then,
  - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

#### Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.
7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

Housing Policy 1 (H1) - Housing Commitments and Allocations

1. To deliver the housing requirement and to maintain a rolling five year supply of deliverable housing land, the Council have allocated sites identified within this policy. The majority of the new homes will be delivered through existing commitments (sites with planning permission identified within point 2) with the remainder of new homes being delivered through allocations at:

- a. Various sites within the Regenerated River Tees Corridor.
- b. Various sites within the conurbation.
- c. West Stockton Sustainable Urban Extension.
- d. Wynyard Sustainable Settlement.

The total number of dwellings set out in this policy is not the same as the housing requirement. This is because some commitments have already delivered a proportion of the dwelling numbers identified and some sites will likely deliver dwellings beyond the plan period, after 2032.

Commitments

Conurbation Allocations

5. The following sites within the conurbation are allocated for housing development and are illustrated on the Policies Map.

Site Location/Name	Area (ha)	Total Dwellings (approx)
3 Bowesfield	6.5	150

Housing Policy 4 (H4) - Meeting Housing Needs

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.
2. Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with Policy SD8.
3. The Council require 20% of new homes to be affordable on schemes of more than 10 dwellings or with a combined gross floorspace of above 1000sqm.
4. Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make the scheme unviable, they must submit a full detailed viability assessment to demonstrate the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable.
5. Affordable housing will normally be provided on-site as part of, and integrated within housing development to help deliver balanced communities. This provision should be distributed across sites in small clusters of dwellings. Off-site affordable housing or a commuted sum will only be acceptable where:
  - a. All options for securing on-site provision of affordable housing have been explored and exhausted; or
  - b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or
  - c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or
  - d. Any other circumstances where off-site provision is more appropriate than on-site provision.
6. Where off-site affordable housing or a commuted sum is considered acceptable, the amount will be equivalent in value to that which would have been viable if the provision was made onsite and calculated with regard to the Affordable Housing Supplementary Planning Document 8 or any successor.
7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.
8. Extensions to dwellings to provide accommodation for dependent relatives will be supported where they are designed to be used as part of the main dwelling when no longer required for that purpose.
9. To ensure that homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1st April 2019 the following Optional Standards will apply, subject to consideration of site suitability, the feasibility of meeting the standards (taking into account the size, location and type of dwellings proposed) and site viability:
  - a. 50% of new homes to meet Building Regulation M4 (2) "Category 2 - accessible and adaptable dwellings".
  - b. 8% of new dwellings to meet Building Regulation M4(3) "Category 3 - Wheelchair User Dwellings". Where the local authority is responsible for allocating or nominating a person to live in that dwelling, homes should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area.
10. To widen the overall housing offer, the Council will support the delivery of custom and selfbuild housing. The Council will:
  - a. Regularly monitor the demand for custom and self-build housing and assist in facilitating the delivery of land/sites, where appropriate.

- b. Encourage applicants to consider incorporating plots for custom and self-build housing within larger housing developments.

#### Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

##### Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.

- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.

- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.

- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.

- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

#### Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

1. The Council supports the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.

### **MATERIAL PLANNING CONSIDERATIONS**

34. The main planning considerations in the determination of this application include its compliance with established planning policies and the impacts of the development on the visual amenity of the area, levels of residential amenity, highway safety, flood risk, ecology and other matters arising out of consultation.

#### Principle of development

35. The site is a housing commitment in the adopted Local Plan, allocated for 187 dwellings and whilst this proposal is for 265 dwellings the principle of using this land for residential development has been established and there has been no fundamental change in planning policy that remains an acceptable land use subject to all other material planning considerations as set out below.

36. Comments in relation to Green Belts and Green Belt policy are noted but this area is not a green belt. The site is an allocated housing commitment in the local plan and abuts a green wedge. There is no incursion into the green wedge.
37. The NPPF (paras 128 – 130) promotes the efficient use of land and that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. The net density across the site is approximately 41.7 dwellings per hectare which is considered to be acceptable for this site and its location.
38. Comments from Councillor Innes and Mr Vickers MP are noted stating the addition of these houses in Bowesfield are simply not needed. Comments in terms of Housing Land Supply and housing delivery are noted, however this is an allocated site and the theme of the NPPF (and recent announcements) all relate to boosting housing supply and making efficient use of land.
39. The Local Plan housing requirement is not a ceiling on the level of residential development within the Borough. References to the supply of housing in the Borough are noted. The NPPF identifies that this exercise requires local authorities to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. The fact that the Council has previously been able to demonstrate a five-year supply does not mean that applications for new homes should be refused especially on allocated sites.
40. Given the above context and the 'Presumption in favour of sustainable development' which is articulated in the NPPF and Policy SD1 of the Local Plan, the principle of development is acceptable.

#### Sustainability

41. The application site has no services on the actual site however a bus service (6/6A/6B) runs adjacent to the site visiting Darlington, Stockton, Eaglescliffe, Yarm & Ingleby Barwick. This service is funded until March 2025 and the Developer has agreed to pay contributions to support the scheme.
42. In addition, there are footpath and cycle links to a number of facilities and an audit has been undertaken in relation to access to key services. Whilst the distances to key amenities and local centres exceed the recommended 800m walking distance, the quality of the routes ensures they remain viable options for pedestrians. These routes are generally safe, direct, convenient, coherent, comfortable, attractive, and accessible for people of all abilities, ensuring walkability in the area.
43. Where number of deficiencies have been highlighted in the report, ATE recommend discussions between the developer and the LPA to see if contributions could be made. Whilst some of these improvements are desirable it is considered that contributions to support the bus services will add more to the sustainability of the site and is preferable over other schemes
44. To improve the attractiveness of cycle routes, it is proposed that signage is provided which forms part of the Section 106. ATE have requested that the cycle access to Kingfisher Way be improved but as this will access the nature reserve it is not considered appropriate as the paths are all informal routes.
45. Overall it is considered that the site is sufficiently sustainable to support residential development.

#### Landscape and visual impact

46. The NPPF places a strong importance on achieving good design and it is seen as being a key aspect of sustainable development and should contribute to making attractive places.
47. Whilst it is acknowledged that the provision of housing on the edge of any areas of open space will have a negative impact in the sense that it replaces green areas with built form it is considered that the proposal will not have a significant adverse impact on the landscape especially given this was a site that was reclaimed as a development platform and therefore is considered acceptable subject to the consideration of the finer details to provide screening and softening.
48. The proposed retaining walls have been reduced across the site and planting is proposed to screen the walls from the wider nature reserve and soften the appearance of the development. Comments from Cleveland Police are noted regarding the two metre high fence to the boundaries but given the nature of the development and the surrounding land uses it is considered that this would have a negative visual impact on the character and appearance of the area. The applicant has sought (at the request of the LPA) to remove as many hard landscaping features and include boundary planting which will give a softer edge to the development.

Proposed layout and design.

49. The scheme shows a mixture of dwellings sited around and to the west of the existing nature reserve. The proposed scheme provides 2, 3 and 4 bed dwellings at 2 and 2.5 storey high with 4 bungalows (which are part of the affordable homes offered).
50. Whilst the overall scale of the dwellings will vary with the size of the property, they are all considered to be of an appropriate scale when viewed within the wider context of the area. The proposed design of the house types is a mix and will not look out of character with the wider surrounding area.
51. Subject to consideration of site suitability, the feasibility of meeting the standards and site viability, Policy H4 requires 50% of new homes to meet Building Regulation M4 (2) "Category 2 – accessible and adaptable dwellings" and 8% of new dwellings to meet Building Regulation M4(3) "Category 3 – Wheelchair User Dwellings". In this instance the number of dwellings that will be M4(2) compliant will be 99 No. (37.4%) and there are no M4(3) dwellings proposed. This provision is a result of the wider approach to prioritise the delivery and mix of housing which will provide an affordable provision on the site which includes the bungalows and a number of 4-bedroom dwellings. Whilst this development does not strictly accord with policy it does provide the bungalows and 4 bedroom affordable houses which have been requested by the Housing Services Manager, along with a significant uplift on the 20% that is required to be policy requirement (32.45% which equates to an additional 33 properties). Considering the overall balance between the optional standards and the delivery of affordable homes, it is considered that in this instance the scheme as proposed is acceptable
52. The dwellings have been designed to ensure that adequate separation distances are met although some are below standard due to the level changes across the site. Whilst these are below SPD guidance, taking into consideration what could be achieved through permitted development rights it is considered acceptable however it is expedient to remove permitted development rights.
53. A palette of materials has been provided and the elevations will be a mixture of red, multi-red and buff brick and a grey or red roof tile. It is considered that the scheme presents a development which will sit well within the overall context of the area. Hard Landscaping as shown on the proposed plans is not acceptable and a condition has been recommended to ensure the final details are agreed.

54. Comments from the placemaking team are noted and in terms of “*uplifted public realm to create sense of place*” however this can be achieved through appropriate materials which has been conditioned and landscaping around the focal point of the roundabout.
55. It is acknowledged that some frontage parking is still dominant on the street scenes, however a balance needs to be achieved between parking and landscaping and acknowledging that residents can pave gardens without planning permission. Wherever possible street trees and a variety of materials add interest to the street scene.
56. Place Making Comments regarding feature house type at the entrance to the site (plot 53 and 54) are noted but these houses will be seen in context with the surrounding buildings. The corner plots are dual frontage which are more acceptable and as detailed previously the roundabout is a focal point and will be tree lined and have planting against a retaining wall.
57. There will be a number access points from the central spine road which runs through the site leading to some areas which have shared surfaces/ private drives. Car parking has been provided throughout the site which accords with the requirements of SPD3: Parking Provision for Developments.
58. Policy ENV5 requires that existing trees and hedgerows are retained where possible whilst Policy SD8 states landscape proposals should respond positively to the character of the area. The proposal includes a high-level landscape master plan which shows the enhancement of the planting at the boundaries with the nature reserve and incorporates street planting on the main access roads. Final details have been conditioned. Existing tree planting is retained, and a condition is recommended to ensure the trees are adequately protected during construction.
59. Neighbouring businesses and their operations have been considered and a noise impact assessment accompanies the application, and the results shows that, with mitigation measures, an appropriate level of protection could be afforded to future receptors on the site. Environmental Health have raised no objections and the recommendations in the noise report has been secured by condition.
60. Policy H4 requires the provision of 20% affordable housing however this site will deliver (86 units). The Housing Services Manager has welcomed this and the provision affordable housing and future management arrangements would be secured within the Section 106 Agreement. The affordable housing is to be pepper potted across the site and this is considered acceptable.
61. In accordance with the requirements of Policy ENV1 major residential development should achieve a 10% reduction of total predicted energy requirements. A condition is recommended to ensure these details are submitted.
62. Overall, it is considered that the scheme is broadly acceptable but some amendments are required to make the scheme acceptable. Conditions have been recommended to ensure that these changes are secured.

Impact on neighbouring properties.

63. The main neighbours to this development are industrial and commercial properties and it is not considered that the proposal will have an adverse impact on these neighbours in terms of overlooking or overshadowing. Comments in relation to the Nursery are noted however there are no houses to the rear of the site and therefore will be no overlooking.

64. In considering the relationship of the proposed residential and existing commercial units, it is considered that with the mitigation proposed both developments can operate without any adverse impacts
65. An air quality assessment accompanies the application and demonstrate that with a construction management plan there will be no adverse impact and construction dust emissions are considered to be 'not significant' in accordance with Institute of IQM guidance. The requirement for a Construction Management Plan has been conditioned.
66. The Councils Environmental Health Manager has considered all reports and raised no objections subject to a condition to limit the construction working hours to the site which has been recommended accordingly.

#### Highway related provisions

67. The application is accompanied by a Transport Assessment which demonstrates that the site can be safely accessed by pedestrians, cyclists, and motorists, and there are no highways or transport reasons to justify refusal of the planning application.
68. Vehicular access to the site will be provided from Cygnet Drive for the northern area and from Kingfisher Way for the southern area, both of which connect to the A135 roundabout. A pedestrian access is to be provided to the northwest of the site which will then link to the existing footpath /cycleway network, comments in relation to the lack of natural surveillance by ATE are noted however this path is bounded to the north by a low kick rail fence with residential properties beyond providing an open route to the existing path.
69. Concerns have been raised regarding the road infrastructure and the fact there is only one main access to the site. Whilst these comments are noted assessments have shown that the proposed development would have no severe cumulative operational impacts on the surrounding local road network and no significant impacts on the network in terms of highway safety. As confirmed by the HTDM it cannot be demonstrated within the context of the NPPF that the residual cumulative impacts on the road network of the proposals would be severe.
70. A Travel Plan which outlines the measures which can put in place once the development is occupied to promote sustainable travel initiatives for new residents accompanies the application. A condition has been recommended to secure these details and whilst targets in the travel plan are lower than the governments targets they do represent a commitment to improve accessibility by sustainable means.
71. Comments have been received regarding on street parking which was apparent when the case officer visited the site, however it is not up to the applicant to resolve existing on street parking issues. The development provides the requisite spaces to serve the development, and this would not be a reason to refuse the application.
72. Comments relating to people visiting the Nature reserve / fishermen accessing the river having nowhere to park have been considered by the Applicant / Landowner and the scheme now included an informal car park for use. It should also be noted that on an evening / weekend the roads in this area are not heavily trafficked and space for on street parking will be available as it is currently.
73. The plans have been reviewed by National Highways and the Highways, Transport and Design Manager who raised no objections to the proposed scheme.
74. A detailed road traffic emissions assessment was undertaken and the results show that the development was not predicted to result in any new exceedances of the relevant air quality



objectives and the impact of the development on local air quality was predicted to be 'negligible' in accordance with guidance.

75. The provision of a construction traffic management plan has been conditioned.

#### Impacts on flood risk and drainage

76. The applicant has submitted a flood risk assessment, drainage strategy and are providing a SUD ponds to serve the development. The proposed residential development which is classified as 'more vulnerable' is located within flood zone 1 and no structures are to be built in flood zones 2/3 close to the river and therefore, the development is suitable within the identified flood zones in accordance with NPPF. The Environment Agent has requested that the developer adheres to the minimum finished floor levels described in the provided Flood Risk Assessment and this has been conditioned.
77. Northumbrian Water Limited (NWL) has raised no objections to the proposed scheme providing the latest version of the Flood Risk Assessment and Drainage Statement is secured by condition. This has been recommended.
78. The LLFA have reviewed the plans and raised no objections subject to conditions which have been recommended.
79. Comments from Teesmouth Bird Club regarding the utilisation of the SuDS area within the development as a mitigating / biodiversity location is ignored, it is confirmed that a pumping system will be not be required and the SUDs ponds are 'wet' and will be planted up with water compatible species thereby enhancing biodiversity.
80. Overall, it is considered that the applicant has provided information to show that the proposed development can be controlled without increasing existing flood risk to the site and there are no objections to the development from a flood risk / drainage aspect, subject to a number of conditions which have been recommended.

#### Impact on Ecology

81. An Ecological Appraisal accompanies the application. A Desk study and field survey was undertaken during which habitats were assessed in line with the habitat classifications detailed within the UK Habitat Classification User Manual. The surveys (including a full botanical survey) were undertaken by three experienced surveyors who hold protected species licences for a range of species and are members of CIEEM which is body for professionals with high knowledge, experience and skills in ecological and environmental management.
82. As a result of the assessment completed and the nature of the proposed works, the likely impacts were identified and appropriate avoidance measures, mitigation strategies and compensation were recommended. Teesmouth Bird Club comments are noted and further information was sought regarding the impact on impact on Cetti's Warbler. The impact is considered to be limited given the nature of the habitats within the development area and retention of similar habitat within the wider area and within the adjacent nature reserve.
83. The finding of the report has been reviewed and the recommendations have been secured by condition including the provision of a CEMP.
84. Whilst comments in relation to the existing wildlife and species that use the site are noted, the actual nature reserve will not be removed, and this area will still be available. It is considered that with the recommendation and measures outlined in the report being adhered to there will be no significant adverse effect on ecology or biodiversity.

85. It is acknowledged that there may be increased footfall to the nature reserve but this was always the case when the wider site plan was agreed. It would not be a reason to refuse the application.

#### Biodiversity Net Gain

86. As the application for planning permission was made before 12 February 2024, the application is exempt from the duties imposed by the BNG Regulations, however a Biodiversity Net Gain Assessment accompanies the application which states the current proposals will result in a net gain in biodiversity units with a net gain of 49.61 habitat units when the offsite habitat creation which has taken place in the wider site area is included. This approach does not comply with government planning guidance on how BNG should be applied to Phased Developments, nonetheless the BNG requirements are not mandatory on this application and this scheme is part of a wider development approved in 2003 which had significant Biodiversity benefits.

#### Nutrient Neutrality

87. A Nutrient Mitigation Strategy accompanies the application and details that the proposed development comprises of 265. houses, which at Stockton's occupancy rate of 0.76 and based on 110 litres of water usage per day (l/d), equates to a Total Nitrogen Budget for Development is 242.32 Kg/year
88. An agreement to provide the requested Nitrogen Credits from Carbon Marks Upsall Carr Nutrient Mitigation Site has been agreed. To generate the Nitrogen Credits required to achieve nutrient neutrality at Bowesfield Park, 14.82ha of land will be taken out of cereal production and greenspace habitat created at Upsall Carr. A memorandum of Understanding has been provided and this will be secured by a Section 106 Agreement.
89. The Appropriate Assessment has been sent to Natural England for review and agreement. At the time of writing this Committee Report no response has been received.
90. However, with mitigation via the credit scheme it is considered that the integrity of the SPA can be protected and the proposed development will not result in an increase of nitrogen reaching the SPA/Ramsar site.

#### Contaminated Land

91. A Phase 2 Geo-Environmental Appraisal has been undertaken by Coast Consulting Engineers Ltd. This provides an analysis of the ground conditions of the site as well as potential risks from contamination and ground gas.
92. Comments from the Environment Agency are noted. Assessments have been undertaken, including for landfill gas and the results have been reviewed by the Contaminated Land Officer who has raised no objections being satisfied the risks posed by contaminated land have been adequately addressed. In addition, no gas protection measures are required.

#### Other Matters

93. Comments from Active Travel England suggest that formal and lit routes be provided in the area of the nature reserve however it is considered that this would significantly affect the ecology and biodiversity of the nature reserve and the natural routes are more acceptable in this instance. However, the applicant has suggested that benches will be provided to allow people to rest and enjoy the area and a condition has been recommended to secure this.

94. Comments in relation to the provision of play equipment are noted however open space was provided in the form of the nature reserve and it would be unreasonable to ask for any further contributions in this respect.
95. Tees Archaeology have reviewed the application and as the site has previously been subject to groundworks and the proposed development should not have a significant impact on any known heritage assets.
96. Comments from the Environment Agency in relation to the waste regulations; Water Quality Permits and Abstraction Licences are noted and have been added as an informative for the applicant's attention. These are not matters for this planning application are dealt with under separate legislation.

### **CONCLUSION**

97. The development forms part of an allocated site in the local plan. It is considered that there are material benefits arising from the proposed development and there are not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.
98. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding
99. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

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

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Eaglescliffe East</b>
<b>Ward Councillor</b>	<b>Councillor Stefan Houghton</b>
<b>Ward Councillor</b>	<b>Councillor Jim Taylor</b>

### **IMPLICATIONS**

**Financial Implications:** See report

**Environmental Implications:** See report

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

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

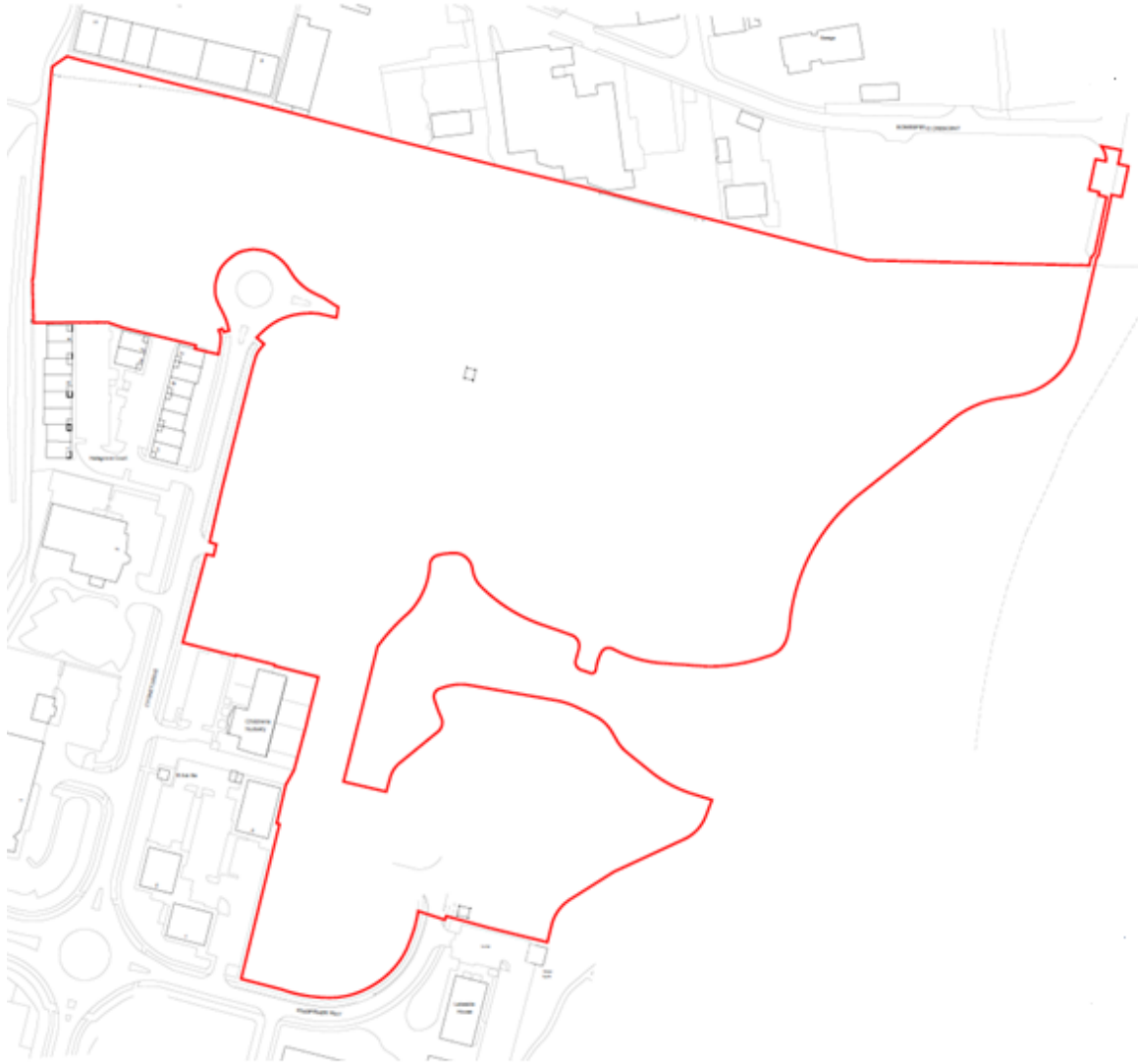
#### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

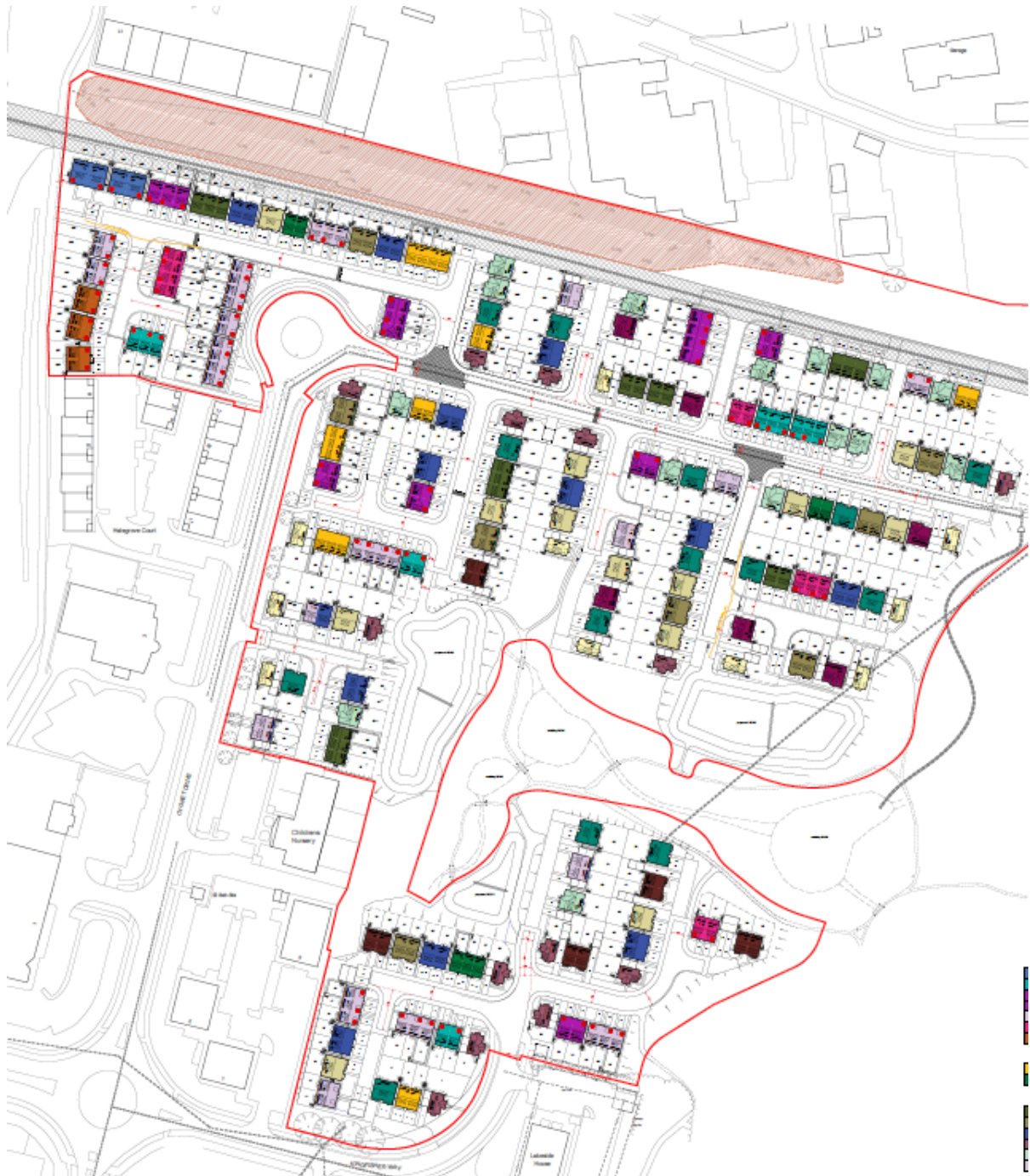
#### **Background Papers**

Stockton on Tees Local Plan Adopted 2019  
SPD1 – Sustainable Design Guide - Oct 2011

SPD3 – Parking Provision for Developments - Oct 2011  
Application File



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Land Off Cygnets Drive, Bowsfield Lane, Stockton-on-Tees  
Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles)

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Land Off Cygnet Drive, Bowsfield Lane, Stockton-on-Tees  
Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles)

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Bowesfield, Stockton

Site Sections

Client	Stockton-on-Tees Council	Phase	Planning
Project	Residential Development	Drawn	CH
Scale	1:200	Date	10-23
Sheet	1741-KEE	Scale	20.01

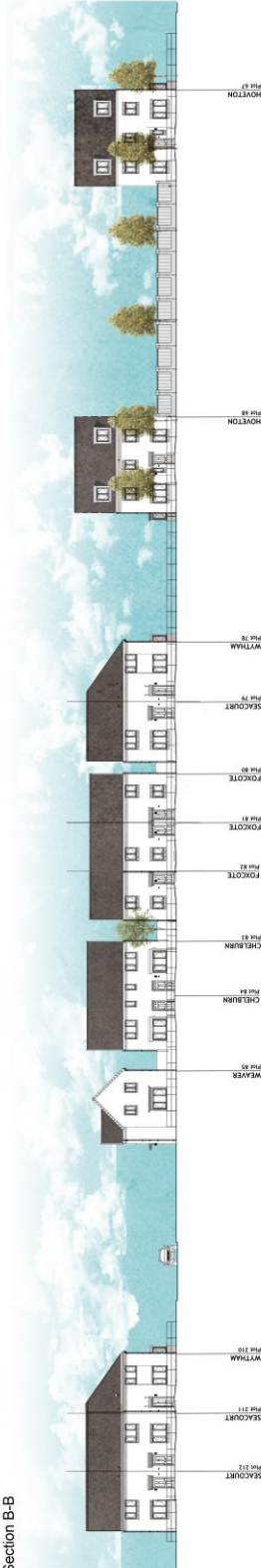


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Section A-A



Section B-B



Section B-B (Continued)



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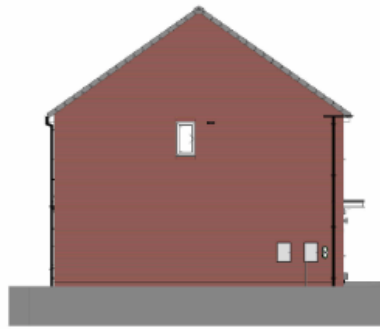
Land Off Cygnet Drive, Bowsfield Lane, Stockton-on-Tees  
 Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles)

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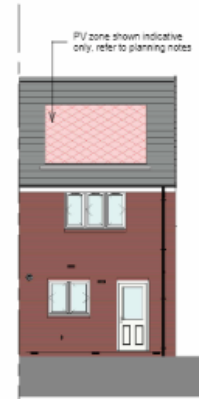
**Application: 23/2102/FUL**  
**Appendix F – Selection of House Types**



Front Elevation.  
1:100



Left Elevation.  
1:100



Rear Elevation.  
1:100



Front Elevation.  
1:100



Left Elevation.  
1:100



Ground Floor.  
1:100



Rear Elevation.



Right Elevation.



First Floor.

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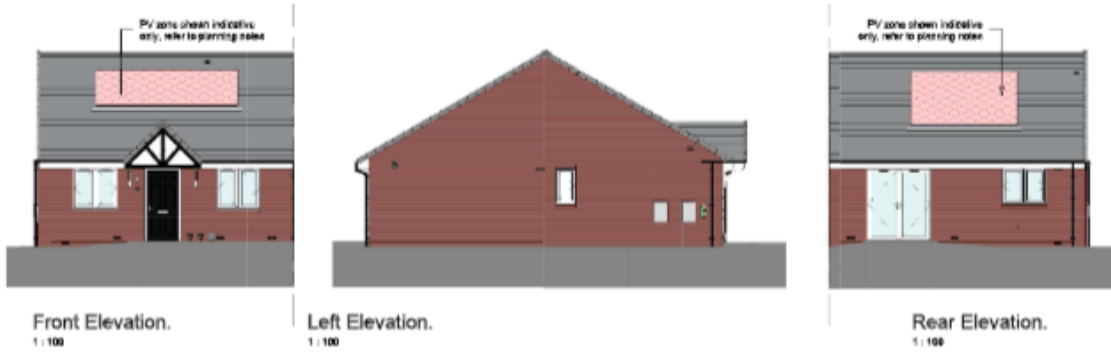




Land Off Cygnet Drive, Bowsfield Lane, Stockton-on-Tees  
 Erection of 265no dwellings to include associated infrastructure / landscaping and creation of a car park (10 vehicles)

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Appendix H – Selection of House Types - Bungalow and Three Storey (Affordable)



Ground Floor

NDSS Bedroom Schedule		
Name	Area	NDSS Minimum
Bed 1	12.47 m <sup>2</sup>	11.5m <sup>2</sup>
Bed 2	7.62 m <sup>2</sup>	7.5m <sup>2</sup>

NDSS Store Schedule	
Name	Area
St	2.12 m <sup>2</sup>
	2.12 m <sup>2</sup>

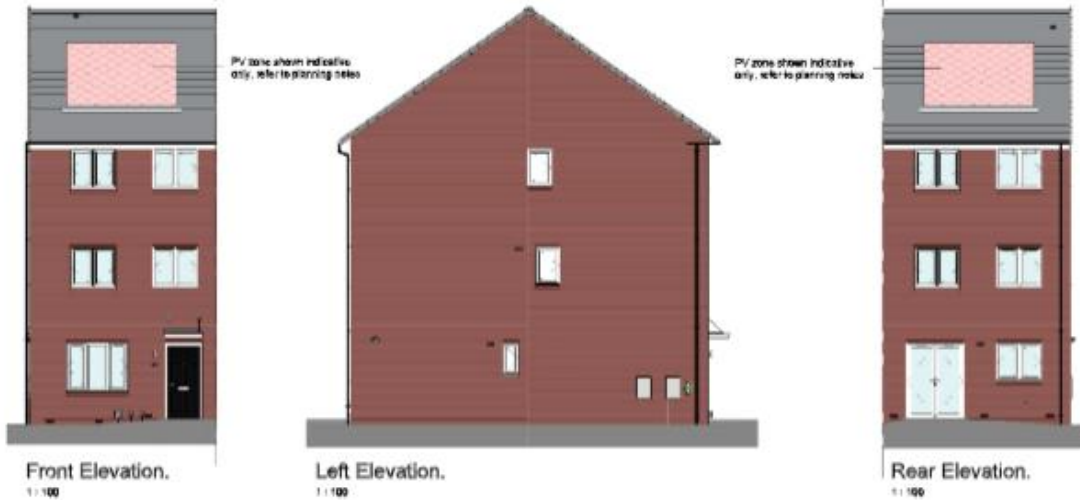
Total floor areas taken above existing height.  
 NDSS rules - Any storage area with less than 0.9m headroom is discounted and areas with a headroom between 0.9-1.5m are subject to a 50% reduction.

With these rules applied to this type, the NDSS store areas are:

Ground Floor: 2.12m<sup>2</sup>

Total: 2.12m<sup>2</sup>

NDSS Minimum storage area for 1 storey



Ground Floor



First Floor



Second Floor

NDSS Bedroom Schedule		
Name	Area	NDSS Minimum
Bed 1	13.45 m <sup>2</sup>	11.5m <sup>2</sup>
Bed 2	14.71 m <sup>2</sup>	11.5m <sup>2</sup>
Bed 3	13.33 m <sup>2</sup>	11.5m <sup>2</sup>
Bed 4	8.93 m <sup>2</sup>	7.5m <sup>2</sup>

Total floor areas taken above existing height.  
 NDSS rules only allow a 1m<sup>2</sup> for under stair space. For stairs storage, any area with less than 0.9m headroom is discounted and areas with a headroom between 0.9-1.5m are subject to a 50% reduction.

With these rules applied to this type, the NDSS store areas are:

Under stair part of GF above 1.00m<sup>2</sup>  
 Full height part of GF above 0.60m<sup>2</sup>  
 First Floor: 0.43m<sup>2</sup>  
 First Floor: 0.77m<sup>2</sup>  
 Total: 3.14m<sup>2</sup>

NDSS Minimum Storage area for 3 storey  
 4BPP equals 3m<sup>2</sup>

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