

Date:

Wednesday 8 July 2026 at 1.30 pm

Venue:

Council Chamber, Dunedin House, Columbia Drive, Thornaby, TS17 6BJ

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Carol Clark, Cllr Stephen Dodds, 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, Cllr Sylvia Walmsley and Cllr Barry Woodhouse

Agenda

1. Livestreaming

This meeting will be filmed for live and / or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 12 months. A copy of it will also be retained in accordance with the Council's data retention policy.

If you attend and make a representation to the meeting, you will be deemed to have consented to being filmed. When admitted to the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for livestreaming and / or training purposes. If you do not wish to have your image captured, please contact Democratic Services prior to attending the meeting.

If there are any technical difficulties with the livestreaming, the meeting will still proceed.

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| 2. Evacuation Procedure | (Pages 7 - 10) |
| 3. Apologies for Absence | |
| 4. Declarations of Interest | |
| 5. Minutes of the meeting which was held on 6 May 2026 | (Pages 11 - 18) |
| 6. Planning Protocol | (Pages 19 - 20) |
| 7. 25/0704/FUL Land North Of Tees Valley Court, Glenarm Road, Wynyard Business Park | (Pages 21 - 72) |
| 8. Appeals | (Pages 73 - 96) |

1. Appeal Mr & Mrs Bates Handley Cross 24/0237/ENF Appeal Dismissed
2. Appeal BT PLC Group Footpath Outside 28 Yarm Lane 25/2146/FUL and 25/2147/ADV Appeal Dismissed
3. Appeal BT PLC Group Footpath Outside 45 Oxbridge Lane 25/2148/FUL and 25/2149/ADV Appeal Dismissed
4. Appeal Mr F Omer 76 High Street 25/0106/VARY Appeal Part allowed Part Dismissed



Ged Morton
Director of Corporate Services
Tuesday 30 June 2026

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: Democratic Services Officer Sarah Whaley on email 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

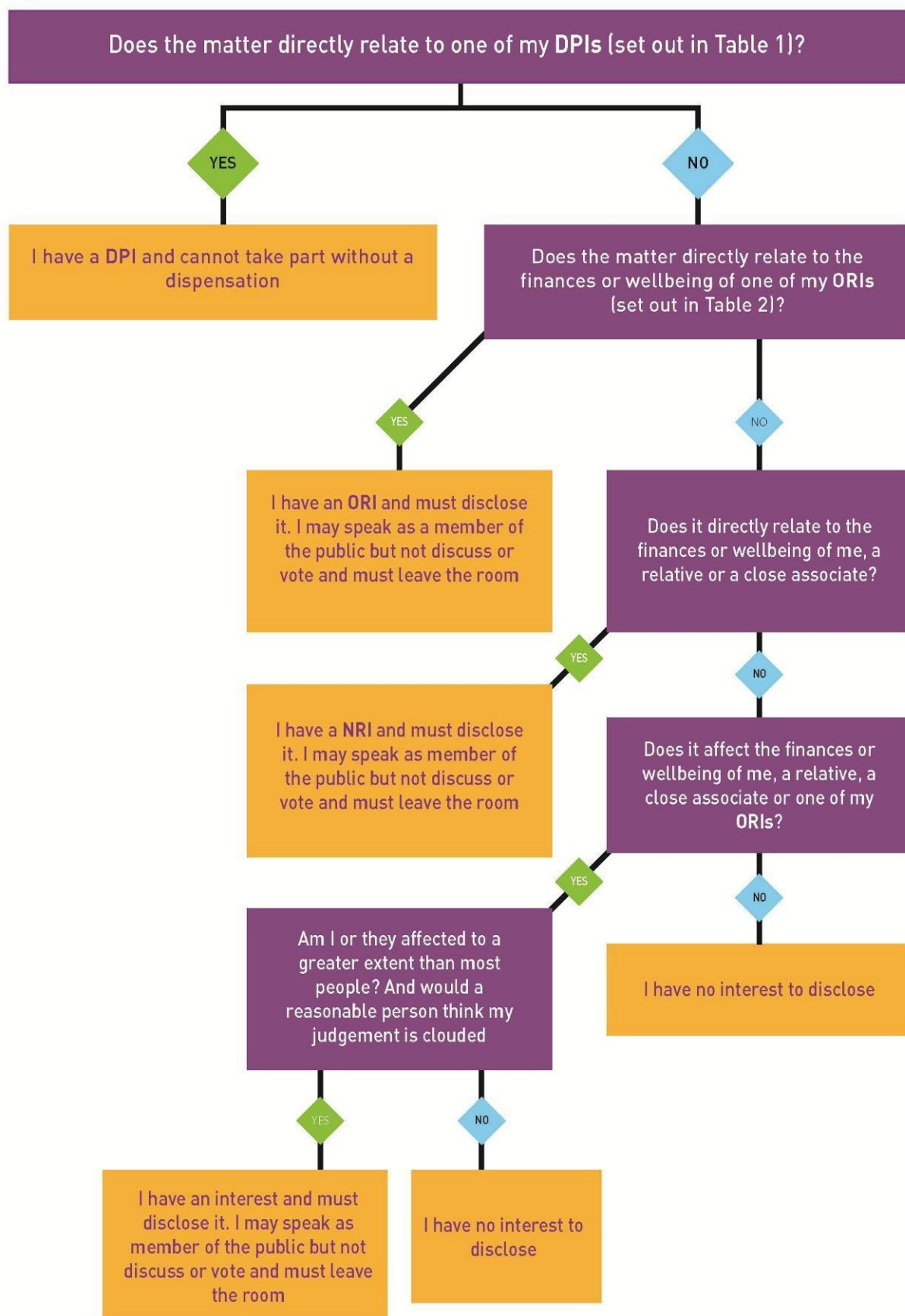


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	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.
Contracts	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.
Land and property	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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	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.
Securities	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 Registrable 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

Council Chamber, Dunedin House Evacuation Procedure & Housekeeping

Entry

Entry to the Council Chamber is via the Council Chamber entrance indicated on the map below.



In the event of an emergency alarm activation, everyone should immediately start to leave their workspace by the nearest available signed Exit route.

The emergency exits are located via the doors on either side of the raised seating area at the front of the Council Chamber.

Fires, explosions, and bomb threats are among the occurrences that may require the emergency evacuation of Dunedin House. Continuous sounding and flashing of the Fire Alarm is the signal to evacuate the building or upon instruction from a Fire Warden or a Manager.

The Emergency Evacuation Assembly Point is in the overflow car park located across the road from Dunedin House.

The allocated assembly point for the Council Chamber is: D2

Map of the Emergency Evacuation Assembly Point - the overflow car park:



All occupants must respond to the alarm signal by immediately initiating the evacuation procedure.

When the Alarm sounds:

1. **stop all activities immediately.** Even if you believe it is a false alarm or practice drill, you MUST follow procedures to evacuate the building fully.
2. **follow directional EXIT signs** to evacuate via the nearest safe exit in a calm and orderly manner.
 - do not stop to collect your belongings
 - close all doors as you leave
3. **steer clear of hazards.** If evacuation becomes difficult via a chosen route because of smoke, flames or a blockage, re-enter the Chamber (if safe to do so). Continue the evacuation via the nearest safe exit route.
4. **proceed to the Evacuation Assembly Point.** Move away from the building. Once you have exited the building, proceed to the main Evacuation Assembly Point immediately - located in the **East Overflow Car Park**.
 - do not assemble directly outside the building or on any main roadway, to ensure access for Emergency Services.

5. await further instructions.

- **do not re-enter the building under any circumstances without an “all clear”** which should only be given by the Incident Control Officer/Chief Fire Warden, Fire Warden or Manager.
- do not leave the area without permission.
- ensure all colleagues and visitors are accounted for. Notify a Fire Warden or Manager immediately if you have any concerns

Toilets

Toilets are located immediately outside the Council Chamber, accessed via the door at the back of the Chamber.

Water Cooler

A water cooler is available at the rear of the Council Chamber.

Microphones

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

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Planning Committee

A meeting of Planning Committee was held on Wednesday 6th May 2026.

Present: Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair)
Cllr Carol Clark, Cllr Stephen Dodds, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Eileen Johnson, Cllr Tony Riordan, Cllr Paul Rowling (Sub for Cllr Barry Woodhouse), Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Marcus Vickers (Sub for Cllr Jim Taylor) and Cllr Sylvia Walmsley

Officers: Julie Butcher, Jill Conroy, John Dixon, Stephen Donaghy, Simon Grundy, Martin Parker and Sarah Whaley

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

Apologies: Cllr Jim Taylor and Cllr Barry Woodhouse

P/1/26 Evacuation Procedure

The evacuation procedure was noted.

P/2/26 Declarations of Interest

There were no declarations of interest.

P/3/26 Minutes of the meeting which was held on 4 March 2026

The minutes were approved and signed as a correct record by the Chair.

P/4/26 Planning Protocol

The planning protocol was noted.

P/5/26 25/2684/FUL 41-45 Yarm Lane, Stockton-on-Tees

Prior to the commencement of this item, it had come to the attention of the legal advisor that some Members of the Committee had been contacted via e mail by the applicants agent with additional information. The legal advisor informed Members that as this had not been shared with officers of the Council or members of the public the additional information should be disregarded

The Chairman of the Planning Committee agreed to hear the officers report and member debate in relation to items 25/2684/FUL and 25/2685/LBC, as one, as both items related to the same development.

The Planning Officer outlined planning application 25/2684/FUL 41-45 Yarm Lane, Stockton-on-Tees, which sought planning permission for the conversion of existing offices to 22no self-contained apartments at 41-45 Yarm Lane (Barrington House), and planning application 25/2685/LBC 41-45 Yarm Lane, Stockton-on-Tees which

sought Listed Building consent for the conversion of existing offices to 22no self-contained apartments at 41-45 Yarm Lane (Barrington House).

9no letters of objection had been received following neighbour consultations although the comments primarily related to the full application (ref 25/2684/FUL). Objections had also been received from Cllr Mubeen and the Community Surveillance Team.

The application site related to flatted development within the defined settlement limits, close to Stockton Town Centre, thereby drawing support from Local Plan Policies.

Both applications had been assessed and whilst acknowledging concerns raised, the proposals would result in a currently vacant listed building being brought back into viable use. The proposals also offered a contribution towards the Borough 5 year housing land supply. Therefore on balance, it was considered that the full application and the Listed Building application would not result in any significant conflict with the policies of the Local Plan or relevant chapters of the NPPF and there were no technical reasons why both proposed schemes would be deemed unacceptable in planning terms in which to justify refusal of the applications.

The applications were referred to Members of the Planning Committee due to the number of objections which had been received.

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.

For planning application 25/2684/FUL 41-45 Yarm Lane, Stockton-on-Tees the Planning Officers report concluded that in view of the assessment undertaken which was detailed within the report, it was considered that the proposed development would not result in any significant conflict with the policies contained within the Stockton on Tees Local Plan or the relevant chapters of the NPPF and there were no technical reasons why the proposed scheme would be deemed unacceptable.

In planning terms, the proposed development was considered acceptable in all other regards and was therefore recommended for approval subject to those planning conditions set out in the report.

For planning application 25/2685/LBC 41-45 Yarm Lane, Stockton-on-Tees, it was considered that the proposed works would preserve the special architectural and historic interest of the Grade II listed building. Any minor and limited harm arising from internal alterations was clearly outweighed by the public benefits of securing the building's viable long-term use.

The proposals were therefore found to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, and Policy HE2 of the Stockton-on-Tees Local Plan.

It was recommended that Listed Building Consent be granted, subject to the imposition of appropriate conditions controlling materials, detailed design, historic fabric retention, and building recording.

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

- Many concerns had been raised relating to social housing and overcrowded accommodation; however, the proposed development was none of these. The development was to be let to working professionals. Members were informed that the developer predominantly provided housing for professionals in town centres which had a positive impact on the town centre economy.
- Barrington House had suffered internal and external damage and had suffered break ins, even after repairs and boarding up. Should the development be approved the onsite presence of builders would deter further break ins.
- The development would bring a listed building back into use and provide modern day living.

Objectors attended the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- The proposed development had suffered from Anti-Social Behaviour (ASB), break-ins and used as a drug den. The crime rate in and around the property was already higher than the national average, with burglaries increasing. The property would need to be properly managed otherwise current issues would continue effecting the quality of life for residents.
- Concerns were raised due to a lack of parking and the number of parking spaces proposed were not adequate for the number of residents that were expected to occupy the proposed 22 flats.
- With the agreement of the Chair a member of the public showed Committee Members video footage he had taken on his phone highlighting the concerns of residents in and around the vicinity of the property.
- Residents did not believe that professional people would want to live in the proposed flats due to the current issues in and around the area, which included ASB, gangs, drug users, people drinking alcohol during the day, drug dealing, daily damage to cars, urine and faeces in nearby streets, speeding cars, numerous Houses of Multiple Occupancy (HMO's), numerous drug addiction support services nearby, all of which had been reported to the Police.
- It was highlighted to members that previous applications had been submitted for 28 units and then re submitted for 26 units within the proposed development however those applications had been withdrawn due to overdevelopment and inadequate parking. Although the new application was now for 22 units, concerns remained unresolved. The Community Surveillance Team had raised an objection due to ongoing issues in the area such as overconcentration of low-cost accommodation being linked to ASB and crime. There had been some progress made in the area tackling existing problems however should this development go ahead it could undo the progress made.
- Concerns were raised relating to littering and vermin as well as fly tipping which had triggered the Council to introduce a dedicated waste service in the area which was an additional strain on the Local Authority.

- Bringing the building back into use was a positive step however it must be appropriate to the capacity of services in the area.
- Residents felt unsafe going to the local shop / supermarket due to criminal activity in the area. It was also not safe for children to play outside.

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

- Officers appreciated residents' concerns and informed the Committee that they had spent time with the Housing Team and Police working to eliminate issues. In terms of the Community Surveillance Teams comments, on balance Planning Officers felt the application could be supported in planning terms.

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

- Something did need to be done with Barrington House otherwise ASB / crime would continue and only get worse.

- The proposal was fine; however, the proposed 5 parking spaces was not good enough for a building with 22 units.

- There was evidence where a similar property in the area had been brought back to life, however it had fallen back into disrepair. This development needed to be tackled correctly to prevent the same happening.

- The area was saturated with HMO's

- Clarity was sought relating to the submissions given by Highways during consultation, which stated that the proposed development would require a total of 7 parking spaces, however it was proposed only 5 parking spaces be provided which was below the minimum requirement and which had previously been demonstrated as achievable, however it also stated that although there were insufficient grounds to object to the proposal the Highways, Transport and Design Manager was unable to support the proposals, therefore questions were raised as to whether Highways were or were not objecting.

- There were too many issues around parking and once the 5 car parking spaces were occupied where would the rest of the residents at Barrington House park as the area was already saturated with parked cars.

- In terms of the proposed Management Plan for the building, more information was needed to assure necessary controls were in place to mitigate against residents' concerns.

- Clarity was sought relating to Cleveland Polices submission.

- In terms of secured by design, this had not been designed early enough.

- Concerns were raised relating to a lack of ventilation in the stairwells of the property which required AOV rooflights in the roof, however these appeared to be missing off the plans.

- Officers were asked if they were satisfied with separation distances and amenity space. It appeared that units 4 and 5 would be impacted by a loss of amenity accessing bin stores and there would be a lack of light. Units to the rear would have restricted views and be surrounded by high buildings.

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

- Officers explained the rationale of accepting a reduction of 2 car parking spaces reducing from 7 to 5. The reduction in parking provision was due to the removal of 2 spaces that were previously located in the garden area on the southeast corner of the site to protect / retain the boundary wall at the request of the Historic Buildings Officer. To provide the 2 spaces the historic wall would need to be taken down, therefore it was considered better to lose the 2 spaces and retain the heritage of the wall. There was a bus route and supermarket close to the development, therefore on balance the view was taken that a minor reduction in car parking to preserve a listed building wall was acceptable.

- The Principal Engineer for Highways, Transport and Environment clarified that Highways did not support the application.

- In terms of a request for more information on the proposed Management Plan, this had already been conditioned and was based on discussions with relevant colleagues including the Police and if not followed correctly enforcement action would be taken.

- In terms of comments relating to Cleveland Polices submission, they were not going by the secured by design accreditation.

- Regarding concerns relating to the requirement of rooflights in stairwells, the Planning Services Manager would have to consult the Historic Buildings Officer for further information.

- Where comments had been raised relating to a lack of amenity, officers understood the concerns regards a lack of light and activity at the back of the property accessing the bin and cycle store, however there had to be a balancing act to preserve the listed building as much as possible, on the whole the proposal was acceptable albeit with compromises.

A vote took place and the application was refused.

RESOLVED that planning application 25/2684/FUL 41-45 Yarm Lane, Stockton-on-Tees be refused for the reasons as detailed below:

1. Amenity of future occupiers

In the opinion of the Local Planning Authority the proposed development would result in poor standards of amenity for future occupiers of the proposed development due to the presence of bedroom and lounge windows facing onto the communal courtyards and associated overlooking, poor natural light, activity, noise and disturbance arising

from the use of the cycle and bin storage facilities within the courtyards, contrary to Policy SD8(1,e) of the adopted Local Plan and paragraph 135(f) of the NPPF.

2. Highway Safety

The proposed development, in the opinion of the Local Planning Authority would provide insufficient parking provision to meet the required parking standards set out in the Council 's Supplementary Planning Document 3 – Parking for new development, resulting in increased on-street parking and indiscriminate parking, contrary to the above associated guidance, local plan policies SD8(1f) and TI1(12c) and paragraph 109 of the NPPF.

3. Anti-social behaviour, crime and community cohesion

In the opinion of the Local Planning Authority the proposed development would have an unacceptable impact on the existing community through the increased provision of small residential units in an area of the Borough with an over-supply of this type of accommodation. The Proposals will further attract transient occupants and exacerbate existing anti-social behaviour and crime levels, creating unsafe communities, increasing the fear of crime and further undermining community cohesion, contrary to Policy SD8(3) of the Local Plan and Paragraph 135(f) of the NPPF.

P/6/26 25/2685/LBC 41-45 Yarm Lane, Stockton-on-Tees

For the discussion of this item please see above.

A motion was proposed and seconded that the item be deferred due to a lack of information relating to rooflights in the stairwells of the proposed development.

A vote took place and the application was deferred.

RESOLVED that planning application 25/2685/LBC 41-45 Yarm Lane, Stockton-on-Tees be deferred for the reasons as detailed below:

To bring back to a future meeting of the Planning Committee and provide additional information relating to the requirement of AOV rooflights in the stairwells of the proposed development.

P/7/26 Houses in Multiple Occupation Supplementary Planning Document and Article 4 Direction

Members were asked to consider a report which outlined activities undertaken in the preparation and consultation on a Houses in Multiple Occupation Supplementary Planning Document (SPD) and Article 4 Direction following the resolution of Cabinet / Council in January 2026. Delegation to prepare and consult on the draft SPD had been provided to the Director of Regeneration and Inclusive Growth in consultation with the Cabinet Member and the Planning Committee. The SPD was to be presented to Cabinet/Council for adoption with planning committee members being welcomed to provide any comments of the SPD which will be presented alongside the SPD. The report also outlined next steps in relation to confirmation of the Article 4 Direction.

RESOLVED that Planning Committee Members

1. Note the contents of the report.

2. Provide any comments on the SPD which members would like to be presented to Cabinet/Council alongside the SPD which is being proposed for adoption.

P/8/26 Planning Compliance Performance Report

Members were asked to consider and note the contents of the quarterly Planning Compliance caseloads and performance report, for Quarter 4, 2025/26

The Stockton on Tees Local Enforcement Plan (LEP) was approved at planning committee in September 2024 and became 'live' on the 1st November 2024 and this report provided the latest quarterly report. As part of the LEP, service targets were introduced which are as follows;

- 70% of enforcement cases closed where no breach identified within 20 working days.
- 60% of enforcement requests received an initial response, for example no breach of control identified or further investigation to be undertaken, within 10 working days.
- 60% of planning enforcement cases, where the case actions were determined within the established priority timescales.

Performance against the internal performance standards continued to remain strong and overall 97% of all cases received in the last quarter had case actions determined within the identified priority period.

As detailed within table 1 of the report, over the last quarter the number of cases received had again dropped slightly, with the number of cases determined and processing time remaining consistent with the previous quarter and year overall.

Planning Services also continued to discuss a case of non-compliance with colleagues in legal services over appropriate next steps and potential prosecution.

At the time of writing, the total number of unresolved compliance cases currently equated to 191, with 38 cases being historic cases received before the introduction of the Local Enforcement Plan.

The next quarterly update would be quarter 1 of 2026/27 (April - June), which was anticipated being reported in July/August 2026.

RESOLVED that the report be noted.

P/9/26 Consultation direction and call-in arrangements for housing schemes

Members were asked to consider and note the change in legislation and the procedure from the 11 May 2026.

On 31 March 2026, a new Town and Country Planning (Consultation) (England) Direction 2026 was published. The Direction applies in relation to any application for planning permission which meets the following criteria

(a) is for development which includes the provision of 150 or more houses, flats or houses and flats; and

(b) has not been determined by a local planning authority before 11th May 2026.

The Direction required that, where a local planning authority proposes to refuse an application for planning permission to which the above criteria apply, the authority must first consult the Secretary of State before determining the application. This is to enable Ministers to decide whether to exercise their existing powers to call in the planning application.

Ministers are then provided 21 days to decide whether to use their existing powers to call in the planning application.

Where the Council is minded to refuse any planning applications that meet the above criteria, Officers will need to notify the Secretary of State of the Local Planning Authority's intentions and a decision cannot be issued until the direction from the Secretary of State is received as to whether they wish to call in the application or not.

When the Secretary of State calls-in an application. An inquiry will be held. The inquiry procedure is set out in The Town and Country Planning (Inquiries Procedure) (England) Rules 2000, Statutory Instrument 2000/1624 (as amended).

A brief discussion was had around if the new legislation applied to Officers and Members if the criteria was met. Officers confirmed that if the criteria was met as detailed above the Secretary of State would be notified whether officers or Members refused an application.

RESOLVED that the report be noted.

Planning Committee Procedure

1. Officers present the report to Members
2. Members of the public, applicants and agents speak for/against the application, 3 minutes each
3. Officers respond to any queries/misinformation which may have been raised as a result of public speaking
4. Members discuss the application in general and seek clarification from Officers/agents if necessary
5. Officers respond to any points raised by Members and give a brief summary of the proposal in view of comments raised
6. If it looks as if the application may go contrary to officer recommendation, Members debate and propose the possible reasons for the decision and the lead planning and legal representatives and other officers will advise which reasons are acceptable or not. Members respond on whether they wish to vary the reasons accordingly
7. Following the discussion, Members will be asked to confirm and then agree the reasons upon which they will rely if they vote for refusal of the application
8. Members vote on the officer recommendation or any alternative motion successfully carried
9. If the decision taken is contrary to officer recommendation, the Planning Officer, and Legal Representative are given the appropriate amount of time to discuss whether the protocol for decisions contrary to officer recommendation should be invoked and that the committee and members of the public be informed of the outcome of that decision
10. The next application is then debated

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DELEGATED

Report to Planning Committee

8 July 2026

Report of Director of Regeneration and Inclusive Growth

25/0704/FUL

**Land North Of Tees Valley Court, Glenarm Road, Wynyard Business Park
Erection of 243 dwelling houses with associated SuDS, open space and infrastructure works**

Expiry Date: 11 July 2025

Extension of Time Date: 8 July 2026

Summary

Planning permission is sought for the erection of 243 dwelling houses with associated SuDS, open space and infrastructure works..

The application site is allocated for housing in the local plan and therefore the principle of development it considered acceptable..

The development has received 11 objections from residents and also one from the Parish Council which have been considered in full. Whilst the objections are noted, there are no sustainable planning reasons to refuse the proposed development.

The report sets out the relevant material planning consideration and overall the proposal is considered to be acceptable in planning terms in all regards, subsequently it is recommended for approval subject to those conditions as detailed within the report.

Recommendation(s)

That planning application 25/0704/FUL be approved subject to the following conditions and informatives and subject to the Section 106 Agreement detailed as in the Heads of Terms

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
WP_SBH_PLN_02 REV C	19 December 2025
WP_SBH_PLN_03_REV C	19 December 2025
WP_SBH_PLN_04_REVC	19 December 2025
WP_SBH_PLN_05_REVC	19 December 2025

WP_SBH_PLN_06_REVC
WP_SBH_PLN_20_REVA
WYNYARD-500-009A (P)
HOUSE TYPES

19 December 2025
19 December 2025
16 October 2025

Reason: To define the consent.

03 Foul and Surface Water

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

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

04 Construction Methodology

Prior to commencement of work an updated construction methodology shall be submitted and approved in writing by the local planning authority. The methodology shall as a minimum demonstrate that all construction activities can be safely undertaken from within the site boundary, with no adverse impacts on established mature trees. This shall include details of how the proposed earthworks will be contained within the site.

Works shall be undertaken in accordance with the approved details.

Reason: In the interests of protecting the trees and planting to the site.

05 Maintenance and management of a Sustainable Surface Water Drainage Scheme

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).

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;

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.

06 Pre occupation - 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

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

07 Scheme for Illumination

Prior to the commencement of built development full details of the method of external LED illumination (Siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, including parking courts, 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.

08 Landscaping – Softworks/Sky Lark Mitigation

Prior to the commencement of built development, full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall also include

- the proposals for the Skylark Mitigation which is the planting of native hedgerows and areas of scrub
- mitigation planting within the watercourse valley where works are required to form the highway. Formal planting should be omitted in this area due to the topography and more natural character of the valley.
- mitigation planting to the cleared construction corridor where vegetation clearance is necessary to form the basin outfall/cascades. Planting in this area should integrate into the existing established woodland/scrub planting.
- Details of grass and meadow seed mixes should also be provided, particularly for the basin, to ensure these mixes are suitable for regular inundation.

For the wider area 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 shall be submitted and approved in writing . 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 and the landscape proposals must take account of the position of street lighting columns in relation to street trees, to ensure that tree planting does not impact the spread of lighting.

The scheme shall be completed in the first planting season following:

- Commencement of the development;
- or agreed phases;

- or prior to the occupation of any part of the development; and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

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

09 Soft Landscape Management and Maintenance

Prior to the commencement of built development, full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.

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. 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 LPA 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 built development shall be commenced 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 Accessible and adaptable homes

As detailed in the submitted plans a minimum of 50% of the proposed dwellings shall meet Building Regulation M4(2) and a minimum of 8% of the proposed dwellings shall meet Building Regulation M4(3).

Reason: In the interests of promoting accessible and adaptable homes in accordance with Policy H4 of the local plan.

12 Energy Efficiency

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.

13. Ecology

Works shall be undertaken in complete accordance with the avoidance mitigation and compensation recommendations as detailed in Section E of the submitted Ecological Impact Assessment by E3 ecology Version R04, October 2025. and the mitigation measures as detailed in the letter from E3 ecology ref: 7605/L03, dated 8 August 2025

Reason: To conserve protected species and their habitat where necessary

14 CEMP (Ecology)

Prior to the commencement of development a Construction and Environmental Management Plan (CEMP), shall be submitted and approved by the local authority, and will include as a minimum:

- Details of checking Surveys as identified in the submitted ecological impact assessment
- Appropriate working methods and detail on habitat management and creation
- Appropriate surveys work will be undertaken should plans change and works to trees are proposed where bat roosts could be present. If required, works will not be undertaken until a Natural England licence is in place.
- cumulative indirect impacts relating to adjacent woodland and watercourse should be considered and mitigated appropriately through

Reason: To conserve protected species and their habitat where necessary

15 Ecology Survey

If work does not commence on each phase within 2 years from the date of the submitted (or subsequent) ecology survey for that area of the site, 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 is 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

16 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

17 Biodiversity Net Gain

No development shall commence until a Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The Biodiversity Gain Plan shall demonstrate that the development shall deliver a 10% Biodiversity Net Gain against the predevelopment biodiversity value.

Reason: In the interests of ensuring measurable net gains to biodiversity and to allow the LPA to discharge its duties in accordance with Policies SD5, SD8 and ENV5 of the Stockton-on-Tees Local Plan and Schedule 7A of the Town and Country Planning Act 1990 (as amended) as modified by The 'Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.'

18 Habitat Management and Monitoring Plan

No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the practical completion of the development or the first occupation of the development, whichever is the sooner. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: To ensure the proposed habitat creation and/or enhancements are suitably managed and monitored to ensure development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19 Construction Traffic Management Plan

Within each phase, 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

20 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

21 Travel Plan

The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift (in line with those assessed within the Transport Assessment),
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements,
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter,
- the mechanisms for monitoring and review,
- the mechanisms for reporting,
- the remedial measures to be applied in the event that targets are not met,
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

Reason: To mitigate any adverse impact from the development on the A19 in accordance with DfT Circular 01/2022.

22 Site Levels

Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

23 Tree Retention

Notwithstanding the submitted information, unless shown for removal in the submitted report Arboricultural Impact Assessment & Method Statement for Trees Version 4 dated June 2026 all trees and hedges shall be retained and maintained for the lifetime of the development. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with any approved plans. Any tree, shrub or hedge or any tree, shrub or hedge that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Works shall be undertaken in accordance with the submitted 'Arboricultural Impact Assessment & Method Statement For Trees Version 4 dated June 2026. This shall be adhered to in full

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

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.

27 Unexpected land Contamination

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be

necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

Reason: To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risk to receptors

28 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.

29 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 agree 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.

30 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

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

31 Obscure Glazing – First Floor Windows

Prior to the occupation of the development hereby approved, all first-floor side windows shall be obscure glazed to a minimum opaque level 4, thereafter they shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of mutual overlooking within the occupiers of the adjacent properties

Informative 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 :Land Drainage Consent

The installation of the culvert to facilitate the highway embankment works will require a Land Drainage Consent. A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

Informative surface water drainage

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely soakaway, watercourse, and finally sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance are at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or email DevelopmentEnquiries@nwl.co.uk.

HEADS OF TERMS

- Affordable Housing
- Employment and training
- Education: Contribution based on the standard formula
- BNG Mitigation
- Highways infrastructure / mitigation / Links
- NHS Contribution
- Open Space

Background

1. The application site is situated within the boundary for Wynyard Park, as part of the wider Wynyard Sustainable Settlement Masterplan. The Masterplan spans both Stockton-on-Tees Borough Council and Hartlepool Borough Council .
2. The Wynyard area has been identified as a major location for strategic housing growth within the Tees Valley, amongst other uses such as employment and improvements to green infrastructure, education, highways infrastructure, sustainable transport and other community services.

Site and Surroundings

3. The application site is located in the northern part of Wynyard. The application site relates to the northern-most parcel of allocation H1(8) of the STBC Local Plan.
4. This site is undeveloped agricultural land and measures 14.9ha. The application site extends around the north and east of the Avant Homes and Story Homes developments at Wynyard Park, where 240 dwellings have already been developed
5. Access to the site is proposed via Bloomfield Drive to the south, which branches from the Hanzard Drive roundabout with the A689/Hartlepool Road. The A689 links the A19 and the A1(M), connecting the site to a wider regional and national highways networks.

6. The site is surrounded and roughly divided by Deciduous Woodland Priority (DWP) Habitat and there is Ancient Woodland further north. The site has no other ecological or landscape designations. The nearest listed building is over 800 metres away.

7. Proposal

8. Planning permission is sought for the erection of 243 dwelling houses with associated SuDS, open space and infrastructure works.

Consultations

9. Consultees were notified and the following comments were received.
10. Highways Transport and Design Manager
General Summary: As set out below the Highways, Transport and Design Manager raises no objections to the principle of the development subject to the provision of the mitigation identified being secured via a s106 Agreement. The s106 should therefore include the following requirements:
 - A highway right of access between the southern end of road 14 and the site boundary adjacent to plots 234 and 235 to enable a connection to the future phase of development to the south of the site.
 - Provision of highways mitigation, via a s278 Agreement, in the form of:
 - A four arm signalised crossroads, with no pedestrian facilities, at the junction of Hanzard Drive / A689 / The Wynd
 - A three arm signalised roundabout, with no pedestrian facilities, at the junction of Wynyard Avenue / A689

Highways Comments: The applicant has submitted a Highways Technical Note, a Transport Assessment (TA), a site layout (drawing WP_SBH_PLN_03 Rev C and WP_SBH_PLN_04 Rev C) and various house type layouts in support of the proposals. A review of the site layout, as shown on drawing WP_SBH_PLN_03 Rev C and WP_SBH_PLN_04 Rev C, has been undertaken and the following concerns need to be addressed:

- The southern end of Road 14 should be extended to the site boundary or a right of access over the land between the end of Road 14 and the site boundary should be secured via a s106 Agreement to ensure that a potential future highway connection can be provided.

Notwithstanding the above the impact of the proposals on the local highway network, as set out in the Highways Technical Note (HTN) and Transport Assessment (TA), has been reviewed.

The HTN, which seeks to address previous concerns raised regarding the TA, sets out that the impact of the proposed development on the local and strategic highway network has already been assessed under planning application H/2022/0181 which included the proposals as a part of the local plan allocation within Stockton for Wynyard.

Local junction assessments have also been undertaken based on the mitigation identified as a part of planning application H2022/0181 which includes the following:

- Improvements to the Meadows / A689 / The Wynd roundabout.
- A four arm signalised crossroads, with no pedestrian facilities, at the junction of Hanzard Drive / A689 / The Wynd
- A three arm signalised roundabout, with no pedestrian facilities, at the junction of Wynyard Avenue / A689

The VISSIM modelling work undertaken by National Highways, for application H/2022/0181, and the local junction assessments provided in support of the current proposals demonstrate that the residual cumulative impacts on the road network, following mitigation, would not be severe, taking into account all reasonable future scenarios.

Having reviewed the s106 Agreement associated with planning approval H/2022/0181 the mitigation required has not been secured against that planning permission and it has also not been secured against any other extant planning approval at the following junctions:

- Hanzard Drive / A689 / The Wynd
- Wynyrd Avenue / A689

Therefore, should this application be approved, the mitigation identified at both junctions should be secured via a s106 Agreement.

11. Landscape Comments

The updated arboricultural information provided has largely addressed the concerns raised previously. However, the construction methodology still does not demonstrate that all construction activities can be safely carried out from within the site boundary, with no adverse impacts on established mature trees. Particular concern relates to the construction of the northern edge of each SuDS basin, as the proposed earthworks appear to extend up to the site boundary and may encroach beyond the tree protection fencing. This can be addressed as part of the Conditions.

The Highways Transport and Design Manager require some additional details regarding landscaping on the development as outlined below, however these details can be conditioned, the draft wording is included.

Updated Soft Landscape Plans: The submitted landscape proposals should be updated to include mitigation planting within the watercourse valley where works are required to form the highway. Formal planting should be omitted in this area due to the topography and more natural character of the valley. Similarly, where vegetation clearance is necessary to form the basin outfall/cascades some mitigation planting will be required to the cleared construction corridor. Planting in this area should integrate into the existing established woodland/scrub planting. Details of grass and meadow seed mixes should also be provided, particularly for the basin, to ensure these mixes are suitable for regular inundation.

Street Lighting and Trees: Updated landscape proposals must take account of the position of street lighting columns in relation to street trees, to ensure that tree planting does not impact the spread of lighting.

12. Lead local Flood Authority

Whilst the applicant has submitted a SuDS Construction Method Statement which is acceptable in principle at this stage, a site-specific Construction Surface Water Management Plan will be required at the discharge of condition stage. This plan must be prepared by the appointed contractor and shall set out in detail how the proposed SuDS basins will be constructed, ensuring that there is no encroachment into areas protected by tree protection fencing. This can be addressed as part of the Conditions.

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. 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

13. National Highways

Recommend that conditions should be attached to any planning permission that may be granted

14. Active Travel England

Standing Advice : Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

15. Cleveland Fire Brigade

Offers no representations regarding the development as proposed. However, Access and Water Supplies should meet the requirements as set out in Approved Document B, Volume 1:2019, Section B5 for Dwellings. It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 1Section B5 Table 13.1

Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in AD B Vol 1Section B5 Table 13.1

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

Further comments may be made through the building regulation consultation process as required.

16. Cleveland Police

With regards to your recent planning application 25/0704/FUL for 245 x Dwellings, Wynyard. Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED). I would like to make you aware that Cleveland Police operate the "Secured by Design" initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

I recommend applicant actively seek Secured by Design accreditation; full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

I encourage contact from applicant/agent at earliest opportunity, if SBD Certification is not achievable you may incorporate some of the measures to reduce the opportunities for crime and anti-social behaviour. Once a development has been completed the main opportunity to design out crime has gone. The local Designing Out Crime Officer should be contacted at the earliest opportunity, prior to submission and preferably at the design stage. The Secured by Design Residential Guide highlights that the concepts and approach adopted within this guide can be used to influence strategic planning policies, in support of Paragraph 102a of the NPPF.

- The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...

- The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- Stockton-on-Tees Borough Council Local Plan, Policy SD8 includes the following... 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.
- Supplementary Planning Guide, Local Design Guide Section 3.6 and Sustainable Design Guide Section 4.9 also refer to Security & Safety.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998.

Further information can be found on www.securedbydesign.com

Although not an SBD requirement, Stockton along with many other areas nationwide suffers from offences of metal theft. These include copper piping, boilers, cables and lead flashing. Buildings under construction are particularly vulnerable. I recommend that alternative products be utilized where possible. Many new builds are now using plastic piping where building regulations allow and alternative lead products.

Strong consideration should also be given in relation to the provision of On-Site Security throughout the lifespan of the development. There is information contained within the Construction Site Security Guide 2021 also on the SBD website that may assist. In addition to the above and having viewed the proposal I would also add the following comments and recommendations.

All doors and windows are recommended to be tested and certified PAS24:2020 / 2016 standards (or equivalent) This includes garage doors. These must be dual certified for both fire and security. Dusk til dawn lights are recommended to each elevation with an external door-set. This also includes any proposed garage doors and side in curtilage parking areas, particularly those that are 50% or more of the length of side elevation of plot it serves. .

ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489:2020 standards with a uniformity preferably to Secured by Design recommended one of 40%, as a minimum 25%.

The proposal has a high proportion of shared surfaces and private drives, these are strongly recommended to be lit as above.

Neighbourhood permeability... is one of the community level design features most reliably linked to crime rates. Excessive permeability should be eliminated. All proposed side and rear treatments onto public realm are recommended to be to 2.0m in height. Those to rear/rear side of Plots backing onto open space recommended to be increased to minimum of 2.2m, preferably 2.4m. Defensive planting to external façade of boundary treatments backing onto open space should be considered also. Locate all side boundary treatments as far forward to the front elevations of the properties as possible to eliminate recesses. Boundary treatments between rear gardens are recommended to be 1.8m in height as is proposed. Defensible space to each plot is an important consideration.

Ginnel access serving several rear gardens should be avoided where possible. If necessary, a lockable gate is required at initial access point as well as each individual garden. Where sheds are provided for bicycle parking, they should be certified to Sold Secure SS301 Bronze, or above and securely fixed to a suitable substrate foundation in accordance with the manufacturers' recommendations.

Communal areas and play spaces. Poorly designed and specified communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to

generate crime, the fear of crime and anti-social behaviour. These may often be referred to as: Local Areas of Play (LAP) - primarily for the under 6-year olds. Local Equipped Area for Play (LEAP) - primarily for children who are starting to play independently. Neighbourhood Equipped Area of Play (NEAP) - primarily for older children. Multi-Use Games Areas (MUGA) - primarily for older children.

Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the 22 characters of the neighbourhood. In order to do this, it must be carefully located to suit its intended purpose - mere residual space unwanted by the developer is very unlikely to be acceptable.

The open space must be inclusively designed with due regard for wayfinding, permeability and natural surveillance. Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. The proposed sites for LAP appear to be suitably located as per above criteria. The proposal for most of the site to incorporate the green space into street frontages is recommended.

17. Environmental Health

I have checked the documentation provided, have found no grounds to object to the principle of this application. I am aware of the details within the Construction Method Statement dated 31/03/25 Ver 1 Ref V1-31.03.25 and I agree with the information provided. However, it is my professional opinion that additional consideration needs to be given to the issue of "Mud on the road" especially given that this phase of the overall housing plan is leaving directly into a residential area. Mud on the road can cause accidents, it can be tracked for a significant distance away from the source including into residential properties which is why it is listed in both the Highways Act 1980 and the Control of Pollution Act 1974. So with these concerns I recommend appropriate management to prevent the mud from leaving the site and should some still manage to get deposited in the residential area it is removed as soon as possible. I would recommend conditions be added to the application should it be approved.

18. Environmental Health (Contaminated Land)

I have reviewed the site investigation report (June 2025, Report Ref 5233/2) and this has been taken in accordance with the relevant guidance. There is no contamination identified and with respect to radon, between 1-3% of homes are estimated to be above the action level. As such, I am satisfied that all of the risks associated with contaminated land have been assessed, and no further action is required.

19. Forestry Commission

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on the woodland identified in this proposed application. As a Non-Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather, we are providing information on the potential impact that the proposed development could have on woodland. The Forestry

Commission is pleased to provide you with the following information that may be helpful when you consider the application:

Details of Government policy relating to ancient woodland

Information on the importance and designation of ancient woodland

Details of Government policy relating to non-ancient woodland

Ancient Woodlands (ASNW/PAWS) and Ancient & Veteran Trees (ATV)

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed, including immensely complex ecological processes and relationships, above and below the ground. This applies equally to Ancient Semi Natural Woodland (ASNW), Plantations on Ancient Woodland Sites (PAWS) and ancient and veteran trees (ATV).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodlands and/or ancient and veteran trees, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 186c). It is not possible to fully compensate for the loss of an irreplaceable habitat.

The Application: There are three areas of ASNW within 100m of the northern extent of the application site. These areas are within a larger area of contiguous woodland which extends up to the application site. This larger area of woodland is designated as Priority Habitat, Deciduous Woodland under the UK Biodiversity Action Plan (UK BAP) list of habitats and species of principal importance, which are a material consideration in the determination of planning applications.

As the Priority Habitat woodland which is directly adjacent to the application site, is contiguous with the ASNW, it is likely that any degradation of that woodland as a result of the development, would have a knock-on impact on the ASNW. One example could be due to the introduction of artificial light making the habitat less suitable for various species of fauna, resulting in additional pressure on the ASNW. Another could be the escape of invasive garden plants into the woodland from residential gardens. These examples are by no means exhaustive.

Notably, the development Master Plan shows residential gardens with no clear buffer, directly adjacent to the woodland to the southwest, northeast and east of the application site, along with two SuDS basins near to the northern boundary of the site. The joint Natural England and Forestry Commission standing advice on ancient woodland (more details below), sets out that proposals in proximity to ancient woodland should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. In this case, given the contiguous nature of the habitat, this buffer could be considered as appropriate to the whole area of woodland joining the application site.

Joint Natural England and Forestry Commission Standing Advice on Ancient Woodland

For more information on the impacts of development on ancient woodland and how to assess these, please see the joint Forestry Commission /Natural England Standing Advice on Ancient Woodland - "Ancient woodland, ancient trees and veteran trees: advice for making planning decisions", the supporting guidance included within it, and Keepers of Time - A Statement of Policy for England's Ancient and Native Woodland (published June 2005).

The standing advice also provides information on mitigation, including the use of buffers. Where assessment shows other impacts are likely to extend beyond the minimum 15m buffer, for example the effects of air pollution from increased traffic, increased use by residents etc., the proposal is likely to require a larger buffer zone. We would be keen to engage further with Stockton-on-Tees Borough Council and/or the developer in relation to any mitigation and compensation strategies.

In relation to non-ancient woodland and trees, we would like to draw your attention to paragraph 131 of the NPPF which states that planning policies and decisions should ensure that existing trees are retained wherever possible.

What is most important to the Forestry Commission in this case is that there will be no loss or detrimental impact as a result of this proposed development on ancient woodland as mentioned above. We hope these comments are helpful to you. We look forward to hearing from you with regards to any future planning applications for this site. If you have any further queries or would like a follow up meeting to discuss this planning application, please do not hesitate to contact the Forestry Commission on the email address provided above.

Update : The Forestry Commission has no further comments to make, in response to the letter from the ecologist at E3 Ecology.

20. Hartlepool Borough Council

I can confirm that Hartlepool Borough Council have no objections to the application.

21. Housing Services Manager

Development costs usually translate to unaffordable rents for properties at Wynyard so in this instance, Strategic Housing would be happy to consider a commuted sum in lieu of the 20% affordable housing requirement which equates to $20\% \times 243 = 49$ dwellings.

The commuted sum needs to be determined and agreed early and is based upon property types, numbers (proportions of 3, 4 and 5 bed homes across the site), and equivalent properties recently sold in the same locality. Please provide a full property breakdown of what is proposed for the site to inform this process to strategichousing@stockton.gov.uk

22. National Gas

An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High Risk zone from National Gas Transmission plc's apparatus and can proceed.

23. National Grid

Regarding planning application 25/0704/FUL, there are no National Grid Electricity Transmission assets affected by the proposal.

24. Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection. A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are

unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Nutrient Neutrality – Billingham Waste Water Treatment Works

• Natural England notes that foul water discharges are to be made through Billingham Waste Water Treatment Works and therefore will not result in additional nutrients in the Tees Catchment1 Teesmouth and Cleveland Coast Site of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Other advice Further general advice on the consideration of protected species and other natural environment issues is provided.

25. NHS

Request S106 funds. : I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved.

Local surgeries are part of ICB wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers. In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation. We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement. This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

GP Practices affected :

Marsh House Medical Practice ; The Roseberry Practice ; Dr Rasool's Practice

Local intelligence These practices fall within the Billingham & Norton Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients

Number of Houses proposed 245

Housing impact calculation 2.3

Patient Impact (increase) 564

Maxima Multiplier 0.07

Additional m2 required (increase in list x Maxima Multiplier) 39.445 m2

Total Contribution £ (Additional m2 x £3kpm2, based on NHSPS build cost) £118,335

26. 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.

27. Northumbrian Water Limited

In making our response to the local planning authority 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. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

I can advise that the applicant has not contacted our Pre-Planning Enquiry team to discuss the drainage proposals since our last consultation response in May. As previously confirmed we have provided a foul connection point in our Pre-Planning Enquiry to the nearest adopted sewer and we did not model surface water as it was not requested. Currently the proposal is to connect foul flows to sewers that are not owned by us and likewise proposes to utilise a surface water sewer discharging to a watercourse which the Drainage Strategy indicates may be offered to us for adoption. At the current time the present sewer owner must confirm whether there is capacity for these additional flows and that owner should then speak directly to our Sewer Adoptions Project Manager Mr Steve Somerville for confirmation on whether the S104 adoption design continues to be adequate. On this basis I recommend the following condition, until that confirmation from our sewer adoptions team can be provided as evidence.

28. Sabic UK Petrochemicals Ltd

Please note planning application referenced 25/0704/FUL will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.

29. Tees Archaeology

Thank you for the consultation on this application. We note the inclusion of an Archaeology & Built Heritage Desk-Based Assessment. The site has previously been archaeologically evaluated and was found to be of low archaeological potential. No further archaeological work is necessary.

30. Teesside Airport

I refer to your consultation letter dated 17th September 2025. The airport safeguarding team has assessed the proposal in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodromes Regulation) and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided.

31. Wynyard Parish Council

Wynyard Parish Council would like to reiterate past objections to this application regarding the lack of safe crossing facilities and inadequate supporting infrastructure on A689

Publicity

32. Neighbours were notified by individual letters, and wider publicity has been given via press advert/site notice. 11 Objections have been received and a summary of the comments received is below.

- Increased traffic leading to congestion on the A689 and local roads
- Highway safety risks including the provision of a single access point to the estate and lack of emergency access.
- Objections to construction traffic using residential streets
- Pedestrian Safety / A689 Crossing

- Lack of delivery of promised infrastructure (e.g. new primary school). schools, GP services and amenities already insufficient
- Impact on neighbours though loss of light and privacy
- Potential construction damage to existing fences and existing roads.
- Lack of a safe pedestrian crossing over the A689.
Reference to unfulfilled Section 106 commitments for a bridge and there should be clear funding and delivery timescales before further development.
- Concerns that ground conditions and existing drainage are inadequate.
- Risk of increased flooding and surface water issues.
- Development considered excessive in scale (approx. 240–245 homes) and out of keeping with the character of the area
- Loss of wildlife habitats, woodland and green space.
- Concerns about impacts on protected species and biodiversity.
- Increased noise and disturbance and light pollution during construction and occupation.
- Damage to roads Insufficient parking provision leading to on-street parking.
- Inadequate footpaths and pedestrian/cycle links.
- Lack of safe, continuous routes to nearby settlements.
- Development seen as harming the character, tranquillity and exclusivity of Wynyard.
- Concerns about urbanisation and loss of countryside setting.
- Lack of recreation/play facilities.
- Question raised regarding need for development given existing vacant properties.

Planning Policy Considerations

33. 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.
34. 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

35. 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.
36. 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:
- 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
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Local Planning Policy

37. 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 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Housing

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.
- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.

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:

- d. Promoting major new residential development at Wynyard leading to the area becoming a sustainable settlement containing general market housing and areas of executive housing in a high-quality environment.

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.
- b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
- c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
- d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
- e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
- f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
- g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
- h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
 - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
 - ii. Any alterations or extensions are limited in scale;
 - iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
 - iv. Any associated outbuildings/structures are of an appropriate design and scale.
- i) Considering development proposals within green wedges against Policy ENV6.
- 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.

k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

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.

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

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 6 (SD6) - Transport and Infrastructure Strategy

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.

4. To ensure residents needs for community infrastructure are met, where the requirement is fully justified and necessary, the Council will support planning applications which:

a. Provide for the expansion and delivery of education and training facilities.

b. Provide and improve health facilities.

- c. Provide opportunities to widen the Borough's cultural, sport, recreation and leisure offer.
- 5. Proposals will be encouraged where they provide for the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

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.
3. Where the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances, the Council may:
 - a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development; and/or
 - b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

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.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

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:

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

Wynyard Sustainable Settlement

8. In addition to the commitments at Wynyard ... land is also allocated at Wynyard as follows:

Site Location/Name	Area (ha)	Total Dwellings (approx)
Wynyard Park	66.6	1,100

9. Further policy regarding Wynyard Sustainable Settlement is provided within Policy H3.

10. Indicative mapping identifying potential access arrangements as well as possible areas of open space and green infrastructure have been prepared for a selected range of allocations where additional guidance could benefit future delivery.

Housing Policy 3 (H3) - Wynyard Sustainable Settlement

Proposals for the growth of Wynyard Village (south of the A689) and Wynyard Park (North of the A689) will be coordinated to deliver a sustainable settlement. Proposals for development should:

1. Deliver approximately 1,644 new dwellings within Stockton-on-Tees Borough, with 544 dwellings at Wynyard Village (Policy H1.2.W1 and H1.2.W2) and approximately 1,100 dwellings (Policy H1.7) on Wynyard Park.
2. Provide education facilities, including the delivery of a primary school within Wynyard Village.
3. Provide community infrastructure of an appropriate scale to meet the day to day needs of Wynyard residents.
4. Deliver the following highway junction improvements:
 - a. Signalisation of roundabout junctions on the A689 at Wynyard Avenue; The Wynd/Hanzard Drive; and The Wynd/The Meadows, to deliver sites with planning permission as identified in H3.1.
 - b. Works to the A689/A19 interchange which are required for the development of the remaining allocated land at Wynyard Park (Policy H1.7).

5. Provide a range of homes in accordance with Policy H4, with the exception of:
 - a. Wynyard Village (Policy H1.2.W1) which will provide an executive housing offer, with offsite affordable housing.
 - b. Wellington Drive (Policy H1.2.W2) which will provide executive housing in a low density setting, with off-site affordable housing, as well as opportunities for enhancement of the associated golf course and delivery of a five star hotel.
 6. Provide green infrastructure and open space in accordance with ENV6.
 7. Identify a clearly defined street hierarchy and accessible, convenient and safe routes for pedestrians, cyclists and other uses, this will include:
 - a. The provision of routes for pedestrian and cycle movement within the Wynyard area, including the pedestrian and cycleway bridge over the A689 along the route safeguarded within Policy T1.
 - b. Improved linkages to the conurbation, including a pedestrian and cycleway along the existing public rights of way to Wynyard Road along the route safeguarded within Policy T1.
 - c. Improved linkages to the Castle Eden Walkway and Wynyard Woodland Park.
 - d. Where appropriate, connections to development located within Hartlepool Borough.
 8. Utilise Design Codes detailing important design elements for the development to ensure a consistent approach to quality standards.
 9. Avoid unacceptable harm to and maximise possible enhancements to the significance of heritage assets. Development must be designed to ensure that the significance of Wynyard Park Registered Park and Garden and other heritage assets is not harmed and where possible enhanced.
 10. Recognise and respect the unique character of Wynyard Village which is defined by its layout, leisure offer and low density executive housing.
 11. Create a community at Wynyard Park with its own identity and sense of place which responds appropriately to local patterns of development and green infrastructure.
- Development of allocated land at Wynyard Park, and any significant further growth in housing numbers on planning commitments, must be implemented in a coordinated and timely manner in accordance with an Infrastructure Phasing and Delivery schedule as part of a masterplan for the Wynyard area. The following approach will be taken to the delivery of infrastructure:
12. Where required, contributions towards the shared infrastructure required to deliver a sustainable community at Wynyard Park (Policy H1.7) shall be made on a proportionate basis per home taking in to account further residential growth in Hartlepool Borough.
 13. The Council will work proactively with developers to identify and agree reasonable triggers for the delivery of key infrastructure which allows development to progress whilst the impact of the development is appropriately mitigated.

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.

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.

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 CO₂ 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 CO₂ 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.

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.

10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.

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.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:

i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.

b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are

available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

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.

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

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

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

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.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

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.
2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.
3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.
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.
6. To improve the quality of the water environment the Council will:
 - a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
 - b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
 - c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

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.

2. A comprehensive, integrated and efficient public transport network will be delivered by:
 - a. Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;
 - b. Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;
 - c. Supporting upgrades to railway stations within the Borough to improve access and safety;
 - d. Improving public transport interchanges to allow integration between different modes of transport;
 - e. Working with public transport operators to maintain and enhance provision wherever possible;
 - f. Working with partners to promote the provision of accessible transport options for persons with reduced mobility; and
 - g. Ensuring appropriate provision is made for taxis and coaches.
 3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:
 - a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and
 - b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.
 4. Sites and routes which will play a role in developing infrastructure to widen transport choice will be safeguarded from development which would impact negatively on their delivery or attractiveness to potential users; routes include:
 - a. Bridge and footway/cycleway link across the Rivers Tees between Ingleby Barwick and Egglescliffe;
 - b. Cycleway/footway from Durham Road, Thorpe Thewles to Wynyard Woodland Park;
 - c. Cycleway/footway to the north of Mill Lane, Long Newton;
 - d. Cycleway/footway from Elton Interchange to Durham Lane Industrial Estate;
 - e. Cycleway/footbridge across the A689 (via a bridge) to connect with the wider cycleway network at Wynyard Road; and
 - f. Car parking to the west of Eaglescliffe Station and footbridge over the railway line.
 5. Essential infrastructure that will facilitate sustainable freight movements by rail and water will be retained.
- Highways Infrastructure
6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.
 7. Targeted improvements will be delivered at the following priority locations (routes are safeguarded where identified):
 - a. Strategic road network:
 - i. A66 (including A66 Elton Interchange);
 - ii. A19 Widening Norton to A689 (route safeguarded);
 - iii. A19/A689 Interchange; and
 - iv. A19/A67 Interchange (Crathorne).
 - b. Local road network:
 - i. Junctions associated with the West Stockton Sustainable Urban Extension;
 1. Darlington Back Lane and Yarm Back Lane junction.
 2. Horse and Jockey Roundabout (Durham Road, Junction Road and Harrowgate Lane).
 3. Harrowgate Lane and Leam Lane.

- ii. Junction of A1027, Junction Road and Norton High Street, Stockton; and
- iii. Junction of Durham Road, A1027 and Bishopton Avenue, Stockton.
- iv. A689 at Wynyard:

1. Improvements at five roundabouts on A1185 Seal Sands Link Road- Wolviston Services- Wynyard Business Park- Wynyard East- Wynyard West.

2. Additional Lane on the northern carriageway of the A689/A19 junction to provide 3 lanes (removing existing footway) and a replacement separate cycle/footbridge over the A19.

8. The Council and its partners will support the development of the Key Route Network which through continual assessment of the strategic and local road network, will help identify and ensure appropriate improvements are delivered.

Aviation

9. The Councils approach to development at Durham Tees Valley Airport is outlined in Policy EG5.

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

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.

13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Material Planning Considerations

- 38. 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

39. The site is a housing commitment in the adopted Local Plan, allocated at policy H1(8) for approximately 1,100 dwellings thereby accepting the principle of using this land for residential development. There has been no fundamental change in planning policy and therefore this remains an acceptable land use subject to all other material planning considerations.
40. This site forms part of a wider housing allocation and seeks approval for 243 dwellings. Part of the allocation has already been delivered with approximately 316 units already built.
41. Comments in terms of need are noted, however this is an allocated site and the theme of the NPPF relate to boosting housing supply and making efficient use of land.
42. Policy ENV6 expects development proposals to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. BMV agricultural land surrounding the application site and the wider Wynyard Sustainable Settlement, is generally Grade 3, and therefore the site appropriately avoids the development of land with a high likelihood of BMV land.
43. The applicant has confirmed that construction will start this year and is expected to deliver approximately 30 homes per year, making a significant contribution towards housing delivery.
44. 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

45. In terms of services the application site is close to employment with commercial and employment uses at Tees Valley Court and Wynyard Business Park (1km south-east) and there are recently built local shops including a convenience store approximately 550 metres from the site. There is also the recently constructed Supermarket close to the A689 and other services nearby
46. Secondary and Further Education facilities are provided in Billingham and there are primary schools in Wynyard, Wolviston and Billingham. However contributions are sought through the standard formula, should there be a need for additional capacity/improvements.
47. The nearest bus stops are situated on Hanzard Drive, to the south of the site, and are serviced by the X40, X41 and 36A bus routes. The routes provide services across Stockton, Billingham, Wynyard Business Park, Middlesbrough and Hartlepool, facilitating connections to wider transport networks.
48. Overall it is considered that the site is sufficiently sustainable to support residential development.

Landscape and visual impact

49. 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.
50. The application site lies to the north of established housing and extends to the woodland surrounding the site. Whilst there would be a local visual change for residents it would not impact on the wider landscape character of the area given the substantial screening.
51. Comments in relation to the development being excessive are noted however this scheme is of a similar density to others in the area and it is not considered to be out of keeping with the remainder of this parcel of Wynyard Housing Estate.
52. The proposed development on this allocated site is not considered to have a significant adverse impact on the character and appearance of the area sufficient to warrant refusal of the application.

Proposed layout and design.

53. The scheme shows a mixture of dwellings providing 3, 4 and 5 bed dwellings at 2 and 2.5 storey high with 9 bungalows. Each dwelling will have the space for parking and be provided with the facilities for electric car charging and secure cycle parking. Each dwelling will also have a designated space for refuse and recycling.
54. 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.
55. Policy H4 requires 50% of new homes to meet Building Regulation M4 (2) accessible and adaptable dwellings” and 8% of new dwellings to meet Building Regulation M4(3) Wheelchair User Dwellings”. In this instance the number of dwellings that will be M4(2) compliant will be 122 (50%) and 20 (8%) M4(3) dwellings which accords with the requirements of the policy
56. The dwellings have been designed to ensure that adequate separation distances are met and a palette of materials has been provided and 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 also acceptable.
57. Comments from Cleveland Police are noted and have been passed to the applicant for consideration. In terms of means of enclosure it is acceptable to erect 1,8 metre high fences and any higher will be out of character.
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 landscape master plan which shows the enhancement of the planting and incorporates street planting on the main access roads. Whilst broadly acceptable, final details have been conditioned.

59. Existing tree planting is retained, and a condition is recommended to ensure the trees are adequately protected during construction along with the requirements for the SuDs basin planting. Whilst the construction methodology does not demonstrate that all construction activities can be safely carried out from within the site boundary, with no adverse impacts on established mature trees a condition can be imposed to ensure adequate protection is in place with an updated Construction Method Statement.
60. In terms of open space, the development will include two Local Areas for Play (LAPs) and one Local Equipped Area for Play (LEAP), designed following the Part 5 Play Areas Technical Guidance and Standards. These spaces will feature natural play equipment offering play experiences and will be strategically located to ensure easy access for all residents within the development and the surrounding areas with seating included. Alongside these areas, the existing area of open space which is situated immediately east upon entering the proposed site and has been delivered as part of the southern development will be integrated into the proposed development.
61. Policy H4 requires the provision of 20% affordable housing however development costs usually translate to unaffordable rents for properties at Wynyard so in this instance, Strategic Housing have requested a commuted sum in lieu of the 20% affordable housing requirement which would be secured within the Section 106 Agreement.
62. 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.
63. 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.

64. The main neighbours to this development are to the south and a number of objections have been received in relation to impact on privacy and overlooking. The proposed development achieves the separation distances as required in the SPD and it is considered that this is acceptable and there are no reasons to refuse the application based on the impact on neighbours.
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. In terms of trip generation, the development is expected to result in negligible impacts and therefore are predicted to be not significant in accordance with IAQM guidance and as such, the implementation of additional mitigation measures during the operational phase is not required. Therefore based on the results of this assessment, it is concluded that air quality should not be a prohibitive factor in the determination of this planning application
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. Mud on the Road will be covered in an

updated construction management plan which will also limit the impact on neighbours during construction works.

Highway related provisions

67. The application is accompanied by a Transport Assessment and updated Technical Notes 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. With regards to objection comments on the lack of the footbridge across the A689, this was secured against earlier housing developments. Contributions have to date funded the design of the footbridge and Officers are in active dialogue with all parties and the combined authority to secure the required contributions/funding to bring about the delivery of the footbridge.
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.
70. In terms of car parking the development provides the requisite spaces to serve the development, and this would not be a reason to refuse the application.
71. The plans have been reviewed by Active travel England; National Highways and the Highways, Transport and Design Manager who raised no objections to the proposed scheme subject to mitigation measures and contributions towards highway improvements as details in the comments form the HTDM.

Impacts on flood risk and drainage

72. The applicant has submitted a flood risk assessment, drainage strategy and are providing a SUD ponds to serve the development. Objections have been received concerns raised over flooding and surface water drainage. The proposed residential development which is classified as 'more vulnerable' is located within flood zone 1 where residential development should be located.
73. The proposed surface water drainage for the site has been designed to discharge to a watercourse. The proposed surface water design can accommodate up to a 1 in 100-year critical storm event plus 45% climate change and 10% urban creep with on-site attenuation provided. Attenuation is provided by attenuation basins located at the north of the proposed development. Foul water will drain via gravity and rising main to the adjacent development to the south of the site.
74. The LLFA and Northumbrian Water have reviewed the plans and raised no objections subject to conditions which have been recommended.
75. 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

76. An Ecological Impact Assessment (accompanies the application and comprises of a desk study and an ecological walkover survey. A Great crested newt (GCN) environmental DNA (eDNA) surveys was undertaken along with breeding bird surveys, bat transect surveys and remote monitoring. There are no statutorily designated sites within 2km of the site.
77. Bat activity surveys recorded moderate levels of activity and the site supports regular bat activity that is dominated by widespread, generalist species such as common pipistrelle. Overall, open fields at the site are considered to be of local value for foraging and commuting bats, with the woodland edge habitat of up to parish value.
78. Ponds within 500m of the site were assessed for suitability for Great Crested Newts and the three ponds that were suitable were tested and proved negative for GCN. Breeding bird surveys conducted found the land supports two territories of skylark. Usually, compensatory land for breeding skylark will be required. Off-site creation of skylark plots is not possible as the applicant does not have access to open fields of the appropriate crop and size to support the plots. The applicants approached a number of conservation bodies in the area to offer compensation via contribution, but these were declined. A revised mitigation for additional on-site habitat enhancement is therefore to be incorporated into the scheme as an alternative approach to this matter as this approach has been suggested by a qualified Ecologist. This will include the planting of native hedgerows and areas of scrub, which can be secured by a suitably worded planning condition. These measures are not relied upon as direct skylark mitigation but will provide wider biodiversity benefits (in particular for birds) in line with local and national planning policy. Given the small number of skylark territories recorded, the limited extent of habitat affected, and the availability of suitable skylark habitat within the wider landscape (the open arable fields to the north), the residual impact on skylark is considered to be minor and not significant at the local scale and is acceptable in this instance.
79. The site is considered of up to parish value for birds and foraging and commuting bats, and local value for common amphibians, badgers, otter, brown hare and hedgehog, with other protected and priority species absent. The results of the site survey combined with the desk study have highlighted a number of ecological mitigation or compensation requirements which has been secured by condition.
80. The Forestry Commission considered the proposal and made a number of comments. The Applicants ecologist suggested the use of root protection areas along with a number of mitigation measures. This was following a site survey which found the woodland on site and woodland edges around the development site not to be characteristic of ancient woodland. However, the woodland adjacent to the site connects with the Ancient Woodland to the north and appropriate mitigation measures will be required to avoid and reduce impacts to surrounding woodland habitats. These measures have been secured by condition and the Forestry Commission had no further comments to make, following the receipt of the above suggestions from E3 Ecology.

Biodiversity Net Gain

81. The BNG Assessment accompanies the application and on-site compensation for habitat units is not considered to be achievable. To achieve a 10% net gain in

biodiversity, offsite enhancement measures is to be explored to be fully compliant with the relevant planning policies within the National Planning Policy Framework..
Appropriate conditions have been recommended.

Nutrient Neutrality

82. A shadow HRA was submitted which demonstrates that the development will not increase nutrient loading into the Teesmouth and Cleveland Coast SPA and Ramsar site and the development is therefore acceptable in terms of Nutrient Neutrality.

Contaminated Land

83. A site investigation report was submitted and this has been taken in accordance with the relevant guidance. There is no contamination identified and with respect to radon, between 1-3% of homes are estimated to be above the action level.
84. This has been reviewed by the Environmental Health Team who are satisfied that all of the risks associated with contaminated land have been assessed, and no further action is required.

Archaeology

85. Tees Archaeology have reviewed the application and inclusion of an Archaeology & Built Heritage Desk-Based Assessment. The site has previously been archaeologically evaluated and was found to be of low archaeological potential. No further archaeological work is necessary.

Conclusion

86. 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.
87. 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
88. 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.

Financial Implications: No cost to the Council. Contributions as detailed in Heads of Terms

Environmental Implications As detailed in the report

Legal Implications None

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.

Human Rights Implications

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

Ward and Ward Councillors

Ward	Northern Parishes
Ward Councillor	Councillor John Gardner
Ward Councillor	Councillor Vanessa Sewell

Background Papers

National Planning Policy Framework
National Planning Practice Guidance
Stockton on Tees Local Plan Adopted 2019
SPD's
Application files

Name of Contact Officer: Elaine Atkinson

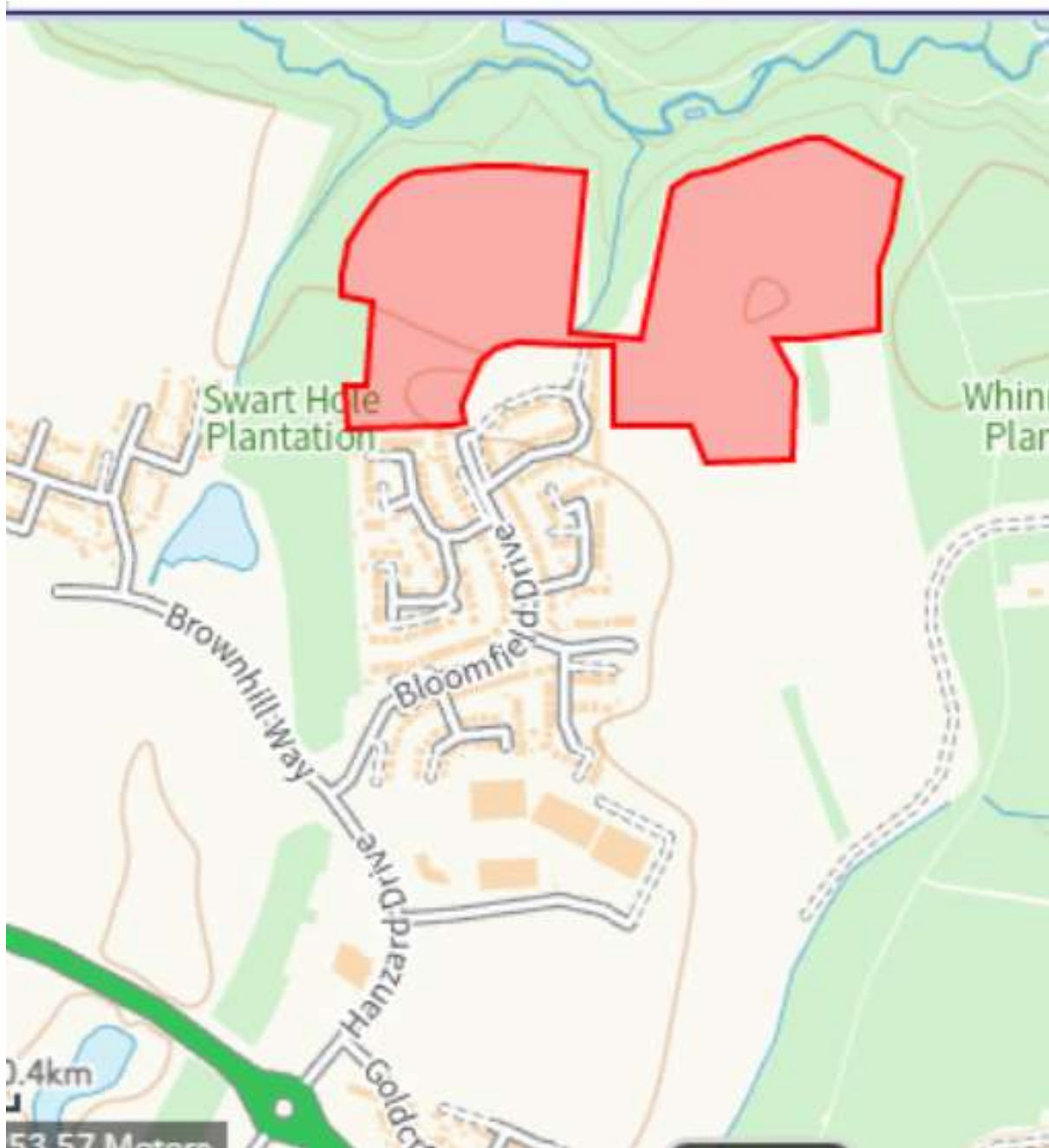
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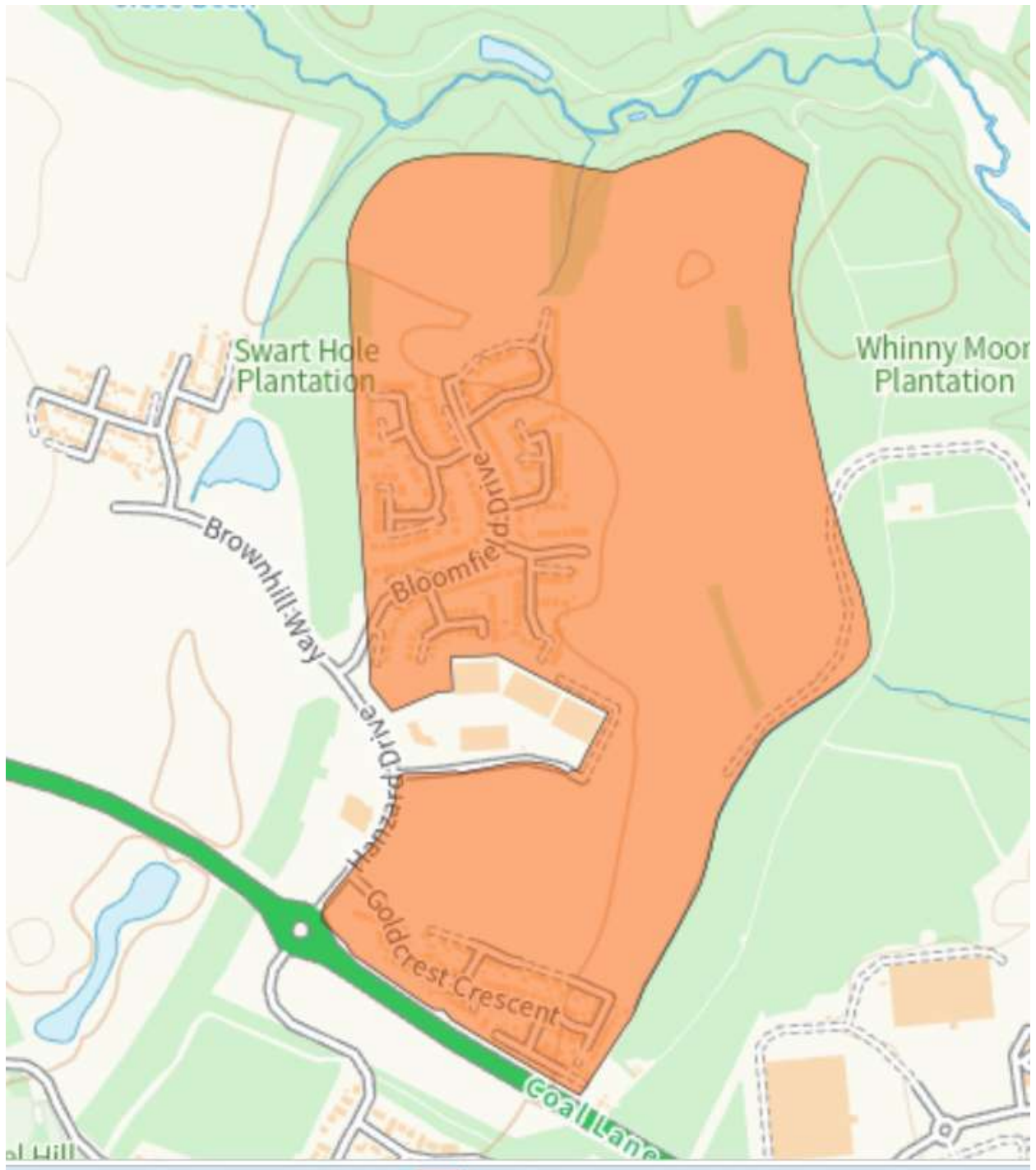


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Notes	
1	20m
2	10m
3	5m
4	2.5m
5	1.25m
6	0.625m
7	0.3125m
8	0.15625m
9	0.078125m
10	0.0390625m
11	0.01953125m
12	0.009765625m
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Appeal Decisions

Site visit made on 31 March 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal A Ref: APP/H0738/C/25/3359857

Appeal B Ref: APP/H0738/C/25/3359858

Land at Handley Cross, Leven Bank, Leven Bank Road, Yarm TS15 9JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act).
- The appeal is made by Mrs Wendy Bates (3359857) and Mr William Charles Bates (3359858) against an enforcement notice issued by Stockton-on-Tees Borough Council.
- The notice was issued on 8 January 2025.
- The breach of planning control as alleged in the notice is without planning permission the material change of use of the Land from use as a paddock to residential use.
- The requirements of the notice are to:
 - a) Remove the unauthorised caravan and cease the residential use of the Land.
 - b) Remove the hardstanding access road on the Land and restore the Land to grass.
 - c) Remove from the Land any resultant debris/materials associated with complying with points a) and b) above and re-seed the Land with grass.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (d), (f) and (g) of the Act.

Decision

1. It is directed that the enforcement notice is varied by:
 - In paragraph 6 of the notice, the deletion of “3” and its substitution with the word “nine” as the time for compliance.
2. Subject to the variation, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. The appeal was lodged on the grounds (f) and (g) only. However, part of the appellants case is also that the hardstanding access road has been in place for around 29 years. I consider that this argument properly falls to be considered as an appeal under ground (d); that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. The Council have responded to this matter in their statement of case. It would not therefore prejudice the Council’s case for me to also consider the appeals on ground (d).
4. The appellants statement of case refers to issues such as other possible uses of the site including whether the caravan can be used as a welfare facility for site maintenance and home office space. I am unable to comment on such issues as this appeal only relates to the matters alleged in the notice. I have dealt with the appeals accordingly.

Appeals on ground (d)

5. In order for an appeal on ground (d) to succeed it has to be shown that at the time the notice was issued it was too late for enforcement action to be taken. The burden of proof is on the appellants and the relevant test is the balance of probability. If the Council has no evidence itself to contradict or otherwise make the appellant's version of events less than probable, an appeal on ground (d) can succeed, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
6. With regard to the use of land, section 171B(3) of the Act states that no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. The appellant claims that the access road has been used consistently for over 29 years to move vehicles, further stating that recent work that was carried out was to enable essential maintenance of the site.
7. The Council clarify that the access entrance from the main highway has been in place for many years, however, the laying of the access track for residential use is the recent work. Appendix 3 of the Council's delegated report provides Google Earth images of the appeal site from 2023 and 2020 which do not show an access track on the site.
8. Other than the assertions from the appellants, there is no convincing evidence before me which clearly shows that the hardstanding access road has been in place and in residential use for over 10 years.
9. As a matter of fact and degree, and on the balance of probability, the alleged development was not in use more than 10 years before the notice was issued and it was not too late for the Council to take enforcement action on these matters.
10. The appeals on ground (d) therefore fail.

Appeals on ground (f)

11. An appeal on ground (f) is that the requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. The notice requires the cessation of the residential use as well as the removal of the caravan, hardstanding access road and any resultant debris/materials, and then the land to be re-seeded. The purpose is therefore to remedy the breach of planning control.
12. The appellant argues that the removal of the hardstanding access road is excessive, as there are vehicles regularly using the track for upkeep of land, buildings, vehicles, boundaries and trees, and it would become a highway safety concern if the track were to be reinstated to its original muddy state and overgrown grass. It is apparent from the Google Earth images that the hardstanding access road was introduced after May 2023 and therefore before this time the site would have been accessed in some form to allow for the upkeep of the land. I do not consider that the removal of the hardstanding access road would result in a situation where the appellants cannot get onto their site to undertake the upkeep of land and other matters.
13. Given that in respect of the breach of planning control the notice requirements are to cease the use and remove the associated works, it is clear that the

requirements clearly go no further than remedying the breaches. Anything less than removal would not fully remedy the breaches.

14. I therefore find that the requirements of the notice are not excessive and the appeals on ground (f) fail.

Appeals on ground (g)

15. Ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellants seek 18 months rather than three months to comply with the requirements of the notice.
16. The appellants case is that the compliance period is too short. They explain that the caravan is being used as a residential home whilst they actively search for a permanent property to purchase and also that there are difficulties in securing short-term rentals in the area. In light of these circumstances, I consider three months is not a reasonable time for compliance. A period of 18 months however would be too excessive and therefore on balance, I consider of period of nine months would be more reasonable.
17. The appeal on ground (g) therefore succeeds to this limited extent and I have varied the notice accordingly.

Conclusion

18. For the reasons given above, I conclude that the appeals should fail on grounds (d) and (f), and succeed on ground (g). Subject to the variation of the enforcement notice, as detailed in paragraph one, the appeal is dismissed and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR

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Appeal Decision

Site visit made on 7 May 2026

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st June 2026

Appeal A: Ref: 6004722

Footpath Outside 28 Yarm Lane, Stockton-on-Tees, TS18 1ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Verity Cheyne of BT Group Plc against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/2146/FUL.
 - The development proposed is installation of new BT street hub and associated display of advertisement panels to both sides of the unit.
-

Appeal B: Ref: 6004723

Footpath Outside 28 Yarm Lane, Stockton-on-Tees, TS18 1ET

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Verity Cheyne of BT Group Plc against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/2147/ADV.
 - The advertisement proposed is installation of new BT street hub and associated display of advertisement panels to both sides of the unit.
-

Decision

Appeal A: Ref: 6004722

1. The appeal is dismissed.

Appeal B: Ref: 6004723

2. The appeal is dismissed.

Preliminary Matters

3. Various wordings for the location and the description of the proposals have been given in the submitted documents. However, in the interests of consistency I have used the location and descriptions as given in the appellant's Appeal Statement.
4. The proposals are located on the same site and relate to each other. I have therefore considered the appeals in a single decision letter to avoid repetition. I have also dealt with 2 appeals¹ for similar proposals elsewhere in the Council's area, and due to these similarities there will be some repetition in the respective decisions letters. However, I have considered each proposal on its individual merits.

¹ Appeal Refs: 6004725, 6004726

5. In relation to Appeal B, the reasons for refusal refer to the policies of the development plan and a supplementary planning document (SPD). However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan policies and SPD into account, they have not been a decisive consideration in my determination of this appeal.

Main Issues

6. The main issues in respect of Appeal A are the effect on the character and appearance of the area, with due regard to the Stockton Town Centre Conservation Area; and crime and anti-social behaviour.
7. The main issues in respect of Appeal B are the effect on amenity.

Reasons

Character, Appearance and Amenity

8. The appeal site is located on a wide area of footpath to the front of a number of commercial properties in Stockton town centre. The pavement includes some street furniture including litter bins, a service cabinet, bollards, railings, lampposts and poles. However, the existing features are of a limited height or are of a slim appearance, and notwithstanding the amount of street furniture this extent of footpath has an open character.
9. The appeal site is within the Stockton Town Centre Conservation Area (CA). As set out in the CA Appraisal, the CA has many fine buildings of note of varying architectural styles. Cumulatively, the layout and original elements of the town centre combine to create a pleasant and attractive town centre of some architectural and historic note, and it is these features that contribute to the importance of the CA as a designated heritage asset.
10. However, the CA Appraisal also notes that historic frontages are often retained only above street level. In particular, the CA Appraisal identifies the poor streetscape of Yarm Lane and that the only evidence of fine buildings can be found at first and second floor level, at ground level these have been greatly altered. The CA Appraisal recognises this as a key street requiring improvements if this is to remain within the CA.
11. However, even within the poor streetscape of Yarm Lane at ground level, the proposed street hub would be a prominent and obtrusive feature which would be distinctly separate from the commercial frontages. The proposed illuminated advertisements would add to this jarring appearance, with the illumination and changing nature of the advertisements drawing the eye. Whilst the hub may be slimmer in profile than a typical phone kiosk, it would introduce a freestanding slab-like feature with illuminated changing displays into part of the streetscape where no such feature currently exists, introducing obtrusive clutter into a relatively open area.
12. In views along the streetscape from the east, the proposals would be viewed against the facade of a public house which projects forward of the building line of the commercial properties closest to the appeal proposal. However, this would do little to mitigate for the intrusive appearance of the proposal due to the separation

distance from the appeal site and the contrast between the modern appearance of the proposed hub compared to the traditional facade of the public house.

13. Reference has been made to the removal of a phone kiosk in the vicinity of the site. However, this was not in place at the time of my visit and its removal is therefore not dependant on the appeal proposal. In any event, based on the evidence before me, the kiosk was of a traditional appearance which complemented this streetscape within the CA and also did not include illuminated displays. The previous phone kiosk does not therefore establish a principal in favour of the form and appearance of the appeal proposals.
14. Due to their obtrusive location and design, the proposals would lead to significant harm to the character and appearance of the area. The proposals would also fail to preserve or enhance the character and appearance of the CA. The harm to this designated heritage asset would be less than substantial, but I attach great weight to the conservation of the CA.
15. The harm to the CA should be weighed against the public benefits of the proposals, and I have had regard to the benefits identified by the appellant. This includes benefits relating to Wi-Fi and connectivity, access to public and emergency services, device charging, environmental and traffic monitoring, as well as business, council, community and emergency services messaging. However, many of these benefits are already available as part of general service provision and may also be provided by infrastructure of a more appropriate design and location. The illuminated advertisements may also provide indirect lighting, although the area is already served by street lighting.
16. In respect of Appeal A, these benefits therefore carry limited weight in favour of the appeal proposal, and they do not outweigh the significant harm I have identified. In respect of Appeal B, advertisements should be subject to control only in the interests of amenity and public safety, and these benefits therefore weigh neither for nor against the appeal.
17. For the reason stated above, in respect of Appeal A, the proposals would lead to significant harm to the character and appearance of the area, and would fail to preserve or enhance the CA. The great weight I give to the harm in respect of the designated heritage asset of the CA would not be outweighed by the limited public benefits arising from the proposal. In respect of Appeal B, the proposal would lead to significant harm to the amenity of the area. The proposals would therefore be contrary to the public realm, design principles and heritage asset requirements of Policies SD1, SD5, SD8 and HE2 of the Stockton-on-Tees Local Plan 2019. The proposals would also conflict with the National Planning Policy Framework (the Framework) with regards to achieving well-designed places as well as conserving and enhancing the historic environment.
18. The advertisements would also not comply with the advice of the Shop Front Design and Advertisements SPD with regards to clutter and appearance resulting in harm to visual amenity.

Crime and Anti-Social Behaviour (Appeal A only)

19. The appeal site is in an area that has faced a variety of crime and anti-social behaviour issues, as is set out in the comments of the Council's Community Safety Team as well as Cleveland Police. Although the 'Clear, Hold, Build' community

safety initiative appears to be winding down, the evidence suggests that the area remains vulnerable as is indicated by the recorded crimes set out by Cleveland Police as well as the ongoing 'Operation Nightfall'.

20. Within this context, there is a significant possibility the services provided by the hub would be a focus for crime and anti-social behaviour in the area. This would include the freephone and wi-fi facilities, and the location of the hub would potentially be a gathering point for activities that have been identified by consultees and the Council.
21. The appellant contends that there is no evidence that the street hub unit would encourage anti-social behaviour, and that it does not provide an enclosed space that would encourage people to loiter. However, the Police have referred to issues arising in locations elsewhere associated with the freephone facility, and whilst this is anecdotal I have no reason to doubt that this is an accurate summary of the issues that can be created by facilities such as this.
22. The appellant has submitted an Anti-Social Behaviour Management Plan which refers to measures including regular monitoring of the site and the use of automatic anti-social call restriction. However, this also states that suspected criminal behaviour may need to be managed through official police channels and the appellant also refers to the ability to adapt operational controls in agreement with the police. To my mind, this would mean adding unacceptably to the workload of the police in an area where there is clear evidence of elevated levels of crime and anti-social behaviour.
23. Although the appeal site is located in a commercial town centre area rather than a residential setting this does not diminish the harm that can arise from anti-social behaviour. Although no objections have been received from nearby properties this does not lead me to a different conclusion about the harm arising from anti-social behaviour in this location.
24. The appellant submits that an existing kiosk will be removed as part of the proposal thereby helping to reduce the risk of crime. However, the kiosk had been removed at the time of my visit and this matter does not therefore weigh in favour of the proposal.
25. I therefore conclude that the proposal would exacerbate issues of crime and anti-social behaviour in this area. The proposal therefore conflicts with Policy SD8 of the Local Plan with regards to being designed to reduce crime. The proposal is also contrary to the Framework with regards to promoting safe communities.

Other Matters

26. With regards to Appeal B, the Council has not referred to matters of public safety in its reasons for refusal. Although I have identified issues of crime and anti-social behaviour in respect of Appeal A, this is in relation to the hub unit rather than the advertisements. On that basis, I have no reason to disagree with the Council that the proposal which is the subject of Appeal B would not lead to harm to public safety.
27. Reference has been made to existing digital advertising units elsewhere in the Council's area as well as other Appeal Decisions. However, it has not been demonstrated that these are a direct parallel to the appeal proposals in respect of

matters including the form of the units, the site context, or the circumstances that led to those units being allowed. In any event, I have determined the appeals before me on their own merits.

Conclusion

28. Considered individually and cumulatively, the public benefits arising from the proposals carry no more than limited weight in favour of the appeals, and would not outweigh the harm I have identified. For the reasons given, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR

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Appeal Decision

Site visit made on 7 May 2026

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st June 2026

Appeal A: Ref: 6004725

Footpath outside 45 Oxbridge Lane, Stockton-on-Tees, TS18 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Verity Cheyne of BT Group Plc against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/2148/FUL.
 - The development proposed is installation of new BT street hub and associated display of advertisement panels to both sides of the unit.
-

Appeal B: Ref: 6004726

Footpath outside 45 Oxbridge Lane, Stockton-on-Tees, TS18 4AP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Verity Cheyne of BT Group Plc against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 25/2149/ADV.
 - The advertisement proposed is installation of new BT street hub and associated display of advertisement panels to both sides of the unit.
-

Decision

Appeal A: Ref: 6004725

1. The appeal is dismissed.

Appeal B: Ref: 6004726

2. The appeal is dismissed.

Preliminary Matters

3. Various wordings for the location and the description of the proposals have been given in the submitted documents. However, in the interests of consistency I have used the location and descriptions as given in the appellant's Appeal Statement.
4. The proposals are located on the same site and relate to each other. I have therefore considered the appeals in a single decision letter to avoid repetition. I have also dealt with 2 appeals¹ for similar proposals elsewhere in the Council's area, and due to these similarities there will be some repetition in the respective decision letters. However, I have considered each proposal on its individual merits.

¹ Appeal Refs 6004722, 6004723

5. In relation to Appeal B, the reasons for refusal refer to the policies of the development plan and a supplementary planning document (SPD). However, the Regulations require that decisions are made only in the interests of amenity and public safety, as appropriate to each case. Therefore, although I have taken the development plan policies and SPD into account, they have not been a decisive consideration in my determination of this appeal.

Main Issues

6. The main issues in respect of Appeal A are the effect on the character and appearance of the area; and crime and anti-social behaviour.
7. The main issues in respect of Appeal B are the effect on amenity.

Reasons

Character, Appearance and Amenity

8. The appeal site is located to the front of a parade of commercial premises on the busy through-road of Oxbridge Lane. The streetscape in the vicinity of the site predominantly consists of commercial and community uses, with other uses on upper floors. However, the character of the wider area is predominantly residential.
9. There is some street furniture in the area, including litter bins, lampposts, railings and traffic lights for a pedestrian crossing. However, these features are of a limited height or are relatively slim in appearance. The exception to this is a bus shelter which includes a double-sided illuminated advertisement panel. Despite the extent of street furniture, this wide area of footpath to the front of the commercial units is of a relatively uncluttered character.
10. Whilst the hub may be slimmer in profile than a typical phone kiosk, it would introduce a freestanding slab-like feature with illuminated changing displays. The illuminated advertisements on the bus shelter are of a similar scale to those proposed. However, these are viewed as being integral to the bus shelter, whereas the appeal proposals would be a free-standing structure of an obtrusive appearance within the pavement. Moreover, the advertisements on the bus shelter are static images, and are therefore less intrusive than the changing images of the proposals. On balance, I consider that the bus shelter and associated advertisements are materially different to the proposals and do not establish a context that justifies the appeal proposals.
11. Even within the context of the nearby commercial frontage, bus shelter and streetscape, the proposed street hub would be a prominent and obtrusive feature which would be distinctly separate from the commercial frontages and of a different appearance to nearby features. The proposed illuminated advertisements would add to this jarring appearance, with the illumination and changing nature of the advertisements drawing the eye.
12. Reference has been made to the removal of a phone box elsewhere on Oxbridge Lane. However, this is some distance from the appeal site and is not viewed as being part of the same streetscape. In any event, this phone box is located in a less prominent position towards the back of the pavement. Although the removal of this phone box would be a benefit, it would not outweigh the harm arising from the obtrusive appearance of the proposals in this part of the streetscape.

13. For the reasons stated above, in respect of Appeal A, the proposals would lead to significant harm to the character and appearance of the area. In respect of Appeal B, the proposal would lead to significant harm to the amenity of the area. The proposals would therefore be contrary to the public realm and design principles of Policy SD8 of the Stockton-on-Tees Local Plan 2019. The proposals would also conflict with the National Planning Policy Framework (the Framework) with regards to achieving well-designed places.
14. The advertisements would also not comply with the advice of the Shop Front Design and Advertisements SPD with regards to clutter and appearance resulting in harm to visual amenity.

Crime and Anti-Social Behaviour (Appeal A only)

15. The appeal site is in an area that has faced a variety of crime and anti-social behaviour issues, as is set out in the comments of the Council's Community Safety Team as well as Cleveland Police. Although the 'Clear, Hold, Build' community safety initiative appears to be winding down, the evidence suggests that the area remains vulnerable as is indicated by the recorded crimes in the area set out by Cleveland Police as well as the ongoing 'Operation Nightfall'.
16. Within this context, there is a significant possibility that the services provided by the hub would be a focus for crime and anti-social behaviour in the area. This would include the freephone and wi-fi facilities, and the location of the hub would potentially be a gathering point for activities that have been identified by consultees and the Council.
17. The appellant contends that there is no evidence that the Street Hub unit would encourage anti-social behaviour, and that it does not provide an enclosed space that would encourage people to loiter. However, the Police have referred to issues arising in locations elsewhere associated with the freephone facility, and whilst this is anecdotal I have no reason to doubt that this is an accurate summary of the issues that can be created by facilities such as this.
18. The appellant has submitted an Anti-Social Behaviour Management Plan which refers to measures including regular monitoring of the site and the use of automatic anti-social call restriction. However, this also states that suspected criminal behaviour may need to be managed through official police channels and the appellant also refers to the ability to adapt operational controls in agreement with the police. To my mind, this would mean adding unacceptably to the workload of the police in an area where there is clear evidence of elevated levels of crime and anti-social behaviour.
19. Although the appeal site is located close to a commercial frontage, this does not diminish the harm that can arise from anti-social behaviour. In any event, the wider area is of a residential character which could be affected by the issues identified by the Council and consultees. Although no objections have been received from nearby properties this does not lead me to a different conclusion about the harm arising from anti-social behaviour in this location.
20. The appellant submits that an existing kiosk will be removed as part of the proposal thereby helping to reduce the risk of crime. However, this kiosk is located some distance from the appeal site and its removal would not justify the introduction of the appeal proposal in this particular location. That said, I saw that there was some

evidence of anti-social behaviour associated with the existing kiosk and its removal would be a benefit to the wider area. However, it has not been demonstrated that this kiosk provides the same extent of facilities as the appeal proposal, including those which can exacerbate anti-social behaviour. On balance, I do not consider that the benefits of the removal of the kiosk outweigh the harm arising from the appeal proposal on this issue,

21. I therefore conclude that the proposal would exacerbate issues of crime and anti-social behaviour in this area. The proposal therefore conflicts with Policy SD8 of the Local Plan with regards to being designed to reduce crime. The proposal would also be contrary to the Framework with regards to promoting safe communities.

Other Matters

22. With regards to Appeal B, the Council has not referred to matters of public safety in its reason for refusal. Although I have identified issues of crime and anti-social behaviour in respect of Appeal A, this is in relation to the hub unit rather than the advertisements. On that basis, I have no reason to disagree with the Council that the proposal which is the subject of Appeal B would not lead to harm to public safety.
23. I have had regard to the benefits identified by the appellant. This includes benefits relating to Wi-Fi and connectivity, access to public and emergency services, device charging, environmental and traffic monitoring, as well as business, council, community and emergency services messaging. The illuminated advertisements may also provide indirect lighting, although the area is already served by street lighting. Furthermore, many of these benefits are already available as part of general service provision and may also be provided by infrastructure of a more appropriate design and location.
24. In respect of Appeal A, these benefits therefore carry limited weight in favour of the appeal proposal, and they do not outweigh the significant harm I have identified. In respect of Appeal B, advertisements should be subject to control only in the interests of amenity and public safety, and these benefits therefore weigh neither for nor against the appeal.
25. Reference has been made to existing digital advertising units elsewhere in the Council's area as well as other Appeal Decisions. However, it has not been demonstrated that these are a direct parallel to the appeal proposals in respect of matters including the form of the units, the site context, or the circumstances that led to those units being allowed. In any event, I have determined the appeals before me on their own merits.

Conclusion

26. Considered individually and cumulatively, the public benefits arising from the proposals carry no more than limited weight in favour of the appeals, and would not outweigh the harm I have identified. For the reasons given, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR



Appeal Decision

Site visits made on 9 April and 19 May 2026

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th June 2026

Appeal Ref: 6004414

76 High Street, Yarm, TS15 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Fatih Omer of La Piazza Richmond North Yorks Limited against the decision of Stockton-on-Tees Borough Council.
- The application Ref 25/0106/VARY, dated 21 January 2025, was refused by notice dated 30 July 2025.
- The application sought planning permission for "Installation of a new shop front and flue to rear. Creation of hardstanding to existing car park to the rear." without complying with conditions attached to planning permission Ref 24/1172/FUL, dated 29 November 2024.
- The conditions in dispute are Nos 2 and 3 which states that:

2. **Approved Plans**

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

Plan Reference Number	Date Received
SN/24/001/001	21 June 2024
SN/24/001/002	21 June 2024
SN/24/001/005	21 June 2024
SN/24/001/004/A	4 November 2024

3. **Materials**

The proposed external finishing materials of the new shop front shall be in accordance with the information in the accompanying Planning, Heritage, Design and Access Statement (timber) and details of the colour and finish shall be agreed in writing with the local planning authority prior to installation.

- The reasons given for the conditions are:
 - 2. *To define the consent.*
 - 3. *To ensure a satisfactory form of development in the interests of the conservation area.*
-

Decision

1. The appeal is dismissed insofar as it relates to flues to rear.
2. The appeal is allowed insofar as it relates to installation of a new shop front and creation of hardstanding to existing car park to the rear and planning permission is granted for installation of a new shop front and creation of hardstanding to existing car park to the rear at 76 High Street, Yarm, TS15 9AH in accordance with the terms of the application, Ref 25/0106/VARY, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached schedule.

Preliminary Matters

3. I have taken the date of the application in the heading above from the date given in the Declaration on the planning application form.
4. At the time of my visit, the shop front included a menu display extending over an area described as existing brickwork on the submitted plans. This menu display is not specified on the submitted plans, and for the avoidance of doubt I have determined this appeal on the basis of the submitted plans.
5. A Noise Impact Assessment (NIA) was submitted with the appeal. Following my initial site visit, I had a number of queries in respect of evidence within the NIA, including the relationship with noise sensitive receptors. The appellant as submitted an amended NIA (NIA2) which has provided further evidence on these issues. The Council has had the opportunity to comment on this but no further comments have been received. I revisited the site to assess the evidence in NIA2.

Background and Main Issues

6. The appeal site is in use as a restaurant. Planning permission has previously been granted for development including the installation of a new shop front and flue to rear. This permission was subject to conditions requiring the development to be carried out in accordance with the approved plans and controlling the use of materials for the shop front. However, the works have been undertaken and do not reflect the approved details regarding the flue and shop front. The appellant is therefore seeking to vary the relevant conditions retrospectively to reflect the development as built.
7. The Council has not raised any concerns in relation to the new shop front, and no objections have been received on this element of the proposal.
8. On that basis, the main issues are:
 - Whether sufficient evidence has been submitted regarding the amenity of the area and the living conditions of nearby residents in respect of noise and odour; and
 - The effect of the proposal on the character and appearance of the Yarm Conservation Area (CA).

Reasons

Noise and Odour

9. The original planning permission related to a single flue located on the rear of the building. The proposal which is the subject of this appeal relates to 2 flues in approximately the same position.
10. In respect of **noise**, the appellant has submitted an amended Noise Impact Assessment (NIA2) with the appeal which concludes that the system which includes silencers and an acoustic jacket would have a low impact on Noise Sensitive Receptors (NSRs). NIA2 has identified extents of residential development closest to the rear of the site which reflect those I observed on my visits, including Carleton Terrace from which a number of objections have been submitted by residents. However, the identified NSR1 identified in the NIA2 is

located towards one end of Carleton Terrace and would not be the closest NSR to the flues. This calls into question the robustness of NIA2.

11. Moreover, as NIA2 recognises, the calculation method used is subject to uncertainties, but is an accepted method when the noise sources are yet to be introduced to the site. However, the flues are in place and have been for some time. It would therefore be appropriate to base an NIA on measurements undertaken on site when the flues are in operation, and the appellant's evidence does not do this.
12. Both of my visits took place at a time when the restaurant was open and the flues were in use. At the time of my visits the weather was calm and there was some intermittent noise from vehicle and pedestrian movements within the car park, as well as people talking and birdsong. Despite activity associated with the car park, the sound environment was of a relatively secluded area. This was particularly the case to the front of Carleton Terrace where at ground level a significant degree of screening is provided by a high wall and buildings.
13. I observed that the noise from the flues, in particular the larger of the 2 units, was readily apparent as a constant low frequency hum with a slight warbling element. This was apparent from a significant distance from the site across the car park to the rear. The noise from the flues was also apparent when standing to the front of nearby properties on Carleton Terrace, and in that instance I am mindful that I was standing behind a high wall which will have provided significant noise screening.
14. Even allowing for the potential reflection from the hard surfacing of the car park and nearby buildings, the volume and characteristics of the noise I observed is representative of the intrusive noise referred to by nearby residents. I am particularly mindful that the photos provided by nearby residents show a clear line of sight of much of the extent of both flues from upper floor windows, so that there will be minimal screening provided by intervening features.
15. I have had regard to the evidence and conclusions of NIA2. However, although NIA2 does allow for the tonality of the noise source, the calculated noise rating level simply does not reflect the noise levels I observed from the flues on my visits.
16. Reference has been made to noise from other features associated with the restaurant, such as refrigeration equipment. However, these are not part of the proposal before me. Nevertheless, in the interests of clarity, at the time of my visits I did not observe any noise from refrigeration units and the noise from the site was clearly dominated by the noise from the flues.
17. In conclusion on the matter of noise, the appellant's noise evidence, in particular NIA2, is based on a method for when the noise sources are yet to be introduced to the site. However, the noise sources have been introduced onto the site, and the noise environment I observed does not reflect the conclusions of NIA2. On that basis, I consider that the appellant's noise evidence is not accurate and robust.
18. In respect of **odour**, the appellants have submitted an Odour Impact Assessment (OIA) with the appeal which concludes that subject to proper maintenance of the proposed extraction system then it is highly unlikely that odour would become an issue in the future.

19. At the time of my visits odour from the appeal site was not apparent. However, comments from residents of properties in close proximity to the site refer to odour associated with the business and that this does not dissipate.
20. The original approved plans included a specification that the extraction flue would be 1m above the ridge height of the adjacent building. In the appeal before me, 1 of the flues would not project above the parapet of the adjacent flat roofed building, and a larger flue would project above the parapet to only a limited degree. Although there is a large open car park to the rear, the location of the flues has an enclosed character on 3 sides due to the proximity of higher buildings. Even allowing for the separation distance to some of the buildings, the relatively enclosed context would reduce the ability for odours from the flues to be dispersed.
21. The OIA is based on a dispersion criteria of 'moderate' which relates to discharging 1m above eaves at 10-15m/s. However, 1 of the flues does not project above the parapet of the flat roof, and although the larger flue projects above the parapet I am not persuaded that this is by at least 1m. In any event, the flues do not project above the eaves of the closest pitched roof building or the eaves of the main building fronting onto High Street. On the basis of what I have observed and read, I am not persuaded that the OIA represents the circumstances of the proposal and the context of the site, particularly with regard to dispersion and the relatively enclosed nature of the site. On that basis, I consider that the concerns of the Council regarding the evidence in respect of odour and the observations of nearby residents are well-founded.
22. The appellant contends that the Council does not provide detailed reasoning in respect of residential amenity in its Statement of Case, implying that the Council considers that the submitted assessments on noise and odour show compliance with the appropriate regulations. However, to my mind the Council's Statement does not represent a tacit acceptance that the submitted evidence addresses its concerns, and in any event this does not outweigh my conclusions based on my own observations and the submitted evidence.
23. The appellant sets out that the previous use as a bank and more recently as a vacant building would have produced very little noise or odour, and the nearby residents would have got used to that. However the appellants also states that there will be other residential properties around the Yarm high street near restaurants, public houses, and hot food takeaways where residents have become accustomed to some noise and odour and expect it. However, it has not been demonstrated that extraction systems associated with other businesses in the area lead to the same issues that are raised by the appeal proposal. In any event, it is the appeal proposal that is the 'agent of change' in this area and it should be required to provide suitable mitigation.
24. I therefore conclude that the appellant's evidence in respect of noise and odour is not robust, in that insufficient evidence has been submitted to demonstrate that the proposed flues do not adversely affect the amenity of the area and the living conditions of nearby residents with regard to noise and odour. The flues which are the subject of this appeal are therefore contrary to the requirements of Policies SD1 and SD8 of the Stockton-on-Tees Local Plan 2019 (the Local Plan) regarding the amenity of existing and future occupants of land and buildings. The proposal is also contrary to the National Planning Policy Framework (the Framework) which

seeks to achieve a high standard of amenity for existing and future users of places.

Character and Appearance of the CA

25. A focus of the CA is the High Street and market place, and as set out in the CA Appraisal the buildings along High Street are of the highest quality, although many become less grand and imposing on rear elevations. The character of the High Street is derived from its mix of town centre uses and there is some variety in the design, age and scale of buildings. Another feature of the CA are the Wynds which project from the High Street at right angles and are composed of smaller dwellings and other buildings of lesser importance and quality. The Wynds generally maintain a strong courtyard feel with a straight continuous building line and are of an enclosed nature that greatly adds to their character. The CA Appraisal sets out that the Wynds have become popular as Yarm's profile has been raised. It is the historic importance, architectural quality and intricate physical form within a meander of the River Tees that contribute to the importance of the CA as a designated heritage asset.
26. The flues are located on the rear elevation of a relatively modern flat-roofed building projecting to the rear of the main building. It is the main building that fronts onto High Street, and the rear part of the appeal site is of an understated and utilitarian character. However, it is bounded on either side by the Wynds of Carleton Terrace and Blenavon Court, which are representative of the courtyard character of Wynds referred to previously. There is also a public car park extending to the rear towards a highway leading along the bank of the Tees. Despite the extent of hard surfacing and the functional nature of the car park, this area is of a pleasant and open character due to extents of planting, decorative surfacing and the setting provided by the adjacent Wynds.
27. Within this context, the proposed flues are of a bulky, obtrusive and industrial appearance that detract from the pleasant character of this area within the CA. The open aspect to the rear means that the flues are readily visible from the public realm of the car park and detract from the setting of the nearby Wynds. Based on photos provided by third parties, the flues are also prominent in views from the upper floors of dwellings on Carleton Terrace.
28. The rear of a commercial property such as the appeal site will be likely to contain features of a utilitarian appearance, and the CA Appraisal emphasises that the area to the rear of High Street is of lesser importance and quality. Indeed, there is a flue located to the rear of a building in the vicinity of the appeal site. However, the nearby flue is of a much slimmer design, and although it is taller it represents an acceptable compromise between visual appearance and the functional requirements of features such as this.
29. The appellant refers to other flues, plant and storage cages to the rear of properties, but it has not been demonstrated that these are a direct parallel to the appeal proposal with regards to design, setting and the history of the site. Even allowing for the functional nature of ventilation and extraction systems and the understated and utilitarian nature of the rear of the site, the proposed flues are unduly clumsy and overdominant features that detract significantly from the character and appearance of the CA.

30. The Council refers to views from a public footway to the rear of the site, and I saw that there was a right of way close to the river bank which was well-used by pedestrians. This right of way is bounded by a high wall adjacent to the car park which shields views of the appeal site from the footway. However, views of the flues would be enabled via the entrance to the car park, and in any event the shielding provided by the wall does not negate the harm I have identified to other views of the appeal site.
31. The appellant has proposed the use of a louvred screen to block views of the extraction system from public vantage points. However, the screen as proposed would be a contrived and awkward feature projecting over part of the rear elevation. It has also not been demonstrated how the screen would address views from Carleton Terrace, and indeed the screen itself may be an overbearing feature due to the proximity to the windows of the dwellings. The colour of the flues could also be addressed by condition, but this would do little to mitigate for their bulk and jarring design. The provision of the proposed screen or the external treatment of the flues would not address my concerns regarding character and appearance, and indeed the screen itself would be an incongruous feature leading to significant harm to the character and appearance of the CA.
32. The appellant also emphasises that the only alternative location for the extraction system would be on the roof of the building which would increase its visibility. However, it may be possible to implement a flue of a slimline design such as exists on premises elsewhere in the CA. Although a taller flue on the roof may be more prominent, a suitable design may mitigate that prominence. The appellant also contends that the extraction system cannot be made smaller without there being an effect on the amenity of nearby residents, but has not provided substantive evidence to demonstrate this.
33. The Council has raised no concerns regarding other elements of the proposal, including the new shop front. Based on what I have seen and read I agree that the other elements of the scheme will not harm the character or appearance of the CA. However, this does not negate the harm I have identified regarding the flues.
34. I therefore conclude that the proposed flues lead to significant harm to the character and appearance of the CA, and that this would not be mitigated by measures such as the erection of a screen or the painting of the flues. That said, given the scale and location of this element of the proposal, the harm arising to the CA would be less than substantial.
35. The Framework requires that less than substantial harm is balanced against any public benefits. I am mindful that an extraction system is required to protect the living conditions of nearby residents.
36. However, I have previously concluded that the extraction system as built does not protect the living conditions of residents in respect of noise, and the evidence provided by the appellants regarding both noise and odour is not robust. There is also no substantive evidence before me to demonstrate that an extraction system of a suitable design cannot provide suitable protection for living conditions. Similarly, although the restaurant provides economic benefits through investment and employment and provides a recognised facility in the town centre, it may be that these benefits could still be provided with an extraction system of a more appropriate design. On that basis, the public benefits arising from the appeal

proposal and the business it serves carry no more than limited weight in favour of the appeal.

37. The limited public benefits arising from the flues would not outweigh the great weight I give to the harm to the CA, particularly as it has not been demonstrated that more suitable designs of extraction system are unviable. The implementation of the flues on the basis of the appeal proposal will therefore conflict with the heritage requirements of Policies SD5, SD8 and HE2 of the Local Plan. The proposal will also conflict with the Framework with regards to conserving and enhancing the historic environment.

Other Matters

38. Comments from third parties have raised concerns regarding the use of the car parking area associated with the business. However, this can be addressed by a condition stating that the hardstanding area to the rear will remain as a car park, and I am mindful that there will be activity associated with the existing public car park to the rear. The Council has not objected to the use of the hardstanding for car parking, and I see no reason to disagree.
39. The Council's Officer Report refers to the comments of the Historic Buildings Officer and the setting of a listed building. However, the setting of a listed building is not referred to in the Council's reasons for refusal, and I have not been provided with the Listing Details of any relevant heritage asset. On the basis of the evidence before me, the proposal would not harm the setting of a listed building.
40. The appellant submits that the property is being operated within its conditioned hours. However, they have confirmed that the planning permission does not condition the opening hours and that they are included in the premises licence. The licensing document provided to me relates to the supply of alcohol rather than wider operating hours.

Conditions

41. In its Statement of Case, the Council has referred to a number of recommended conditions but has not provided a list of suggested conditions. Nevertheless, I have had regard to the comments of consultees and the conditions placed on the original permission.
42. I have not specified a condition relating to the commencement of development as the development has already commenced. I have reimposed the plans condition insofar as it relates to the flue to rear and the creation of hardstanding to existing car park to the rear as originally proposed in the interests of certainty.
43. I have added a condition in respect of the shop front being implemented in accordance with the amended details, also in the interests of certainty. This replaces Condition 3 of the previous permission.
44. A condition in respect of the painting of the flue is required in the interests of character and appearance.
45. The Council's Environmental Health Unit (EHU) has suggested conditions in respect of noise and odour and I note the appellant's response to these in their final comments. The noise condition is more detailed than that imposed on the previous consent, and the condition in respect of odour is an additional requirement

compared to the previous permission. Although the appellant has submitted reports regarding noise and odour, I have concluded that they do not represent the environment and context I observed on site, and that they are not sufficiently robust. On that basis, I consider that the conditions suggested by the EHU regarding the submission of further details are reasonable and necessary in the interests of the living conditions of nearby residents. I have amended the conditions to reflect the fact that development has commenced, and to ensure that the approved measures are implemented and maintained.

46. Condition 5 on the original permission relating to noise disturbance from the new flue is not required as this is superseded by the new noise condition suggested by the EHU. A condition in relation to the position of the flue is not required as this is specified on the approved plans and will be addressed further by the details submitted in respect of the noise and odour conditions.

Conclusion

47. For the reasons given above the appeal should be allowed in part and dismissed in part.

David Cross

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:
 - SN/24/001/001, dated June 2024
 - SN/24/001/002, dated June 2024
 - SN/24/001/005, dated June 2024
 - SN/24/001/004/A, dated June 2024 (revised 16.8.24)
- 2) Notwithstanding Condition 1, the new shop front shall be carried out in accordance with drawing refs:
 - SN/24/001/004/C, dated January 2025 (revised 5.2.25)
 - Proposed Shop Front, Front Elevation, Rev 0, dated 3/2/25
 - Internal Swing Doors Horizontal Section, Rev 0, dated 3/2/25
 - Proposed Shop Front, Vertical Section Through, Rev 0, dated 3/1/25
- 3) The flue hereby approved shall be factory painted matt black and shall remain as such hereafter.
- 4) The hardstanding area to the rear will remain as a carpark and should not be used for any other purpose (including temporary events) without the prior written approval of the local planning authority.
- 5) Within 3 months of the date of this permission (or in accordance with a timescale agreed in writing by the local planning authority), a scheme shall be submitted to and approved in writing by the local planning authority demonstrating that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 1-hour

LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

The approved scheme shall be implemented in full within 3 months of the date of this permission or in accordance with a timescale agreed in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained.

- 6) Within 3 months of the date of this permission (or in accordance with a timescale agreed in writing by the local planning authority), a detailed report in accordance with 'IAQM: Guidance on the Assessment of Odour for Planning' shall be submitted to and approved in writing by the local planning authority in respect of the ventilation and fume extraction system.

This report shall include a full technical specification of the position of the flue outlet points and the type of filtration or other odour treatment such as grease traps, pre-filters, Electrostatic Precipitator, Carbon filters and odour neutralizer or other odour treatment which shall be installed and used at the premises which shall be suitable for the planning permission use class of the premises. The report shall also cover air flow velocity, dispersion, size of kitchen, cooking type (odour and grease content) as detailed in EMAQ Guidance, a maintenance programme for items such as replacement filters and cleaning schedules, the impact of odour upon nearby sensitive receptors and appropriate mitigation measures should be recommended, installed, and maintained for the lifetime of the development.

The approved scheme shall be implemented in full within 3 months of the date of this permission or in accordance with a timescale agreed in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained.

End of Schedule

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