

DELEGATED

Report to Planning Committee

09 September 2025

Report of Director of Regeneration and Inclusive Growth

25/0759/LA

Land East of Clarendon Road, Thornaby

Expiry Date: 31 July 2025

Extension of Time Date: 9 September 2026

Summary

Planning permission is sought for the provision of a new footpath and cycleway as part of wider pedestrian/cycle network improvement scheme across the Borough.

The application was presented to planning committee on the 5 November 2025 and was deferred to allow for additional information to be obtained to address issues that had been highlighted by Cleveland Police. A request was also made that an arborist attend the next meeting to discuss the removal of trees should a deferral be agreed. The report has been updated to consider the revised layout and changes to the National Planning Policy Framework. The original Committee Report is attached for information.

Since the deferral of the application, officers have met with Cleveland Police, and a revised scheme has been submitted which includes the realignment of the footpath. The amended proposal was subject to further consultation. Cleveland Police have maintained their objection to the development. While these concerns are acknowledged, officers consider that, when weighed against the wider public benefits of the proposal and the mitigation measures put forward, the planning balance remains in favour of the development. Accordingly, the recommendation remains one of approval.

In accordance with the Councils scheme of delegation, the application is to be determined by Planning Committee as the application is Local Authority development with a total site area of over 500 square metres.

Recommendations

That planning application 25/0759/LA be approved subject to the following conditions;

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
T2-05-SBC-20001 Rev P3

Date Received
13 August 2026

Reason: To define the consent.

03 Contaminated Land

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

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

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" guidance (2023). Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that new development is appropriate for its location, taking into account risks posed by pollution and other hazards; that any impacts which development might have are taken into account in accordance with P2 of the National Planning Policy Framework.

04 Dust Omissions

The development hereby permitted shall be undertaken in accordance with a scheme which has first been submitted to and approved in writing to control dust emissions, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.

Reason: To protect the residential amenity of existing residents from the development in accordance with Policy SD8 of the Stockton on Tees Local Plan and P3 of the National Planning Policy Framework.

05 Construction Hours

In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing residents from the development in accordance with Policy SD8 of the Stockton on Tees Local Plan and P3 of the National Planning Policy Framework.

06 Biodiversity Net Gain

The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Assessment, submitted 13 August 2026 (project ref 65211061) to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development and the Plan shall be implemented in full.

No development shall commence until a Biodiversity Management and Monitoring Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Management Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports.

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: In the interests of ensuring measurable net gains to biodiversity and allow the LPA to discharge its duties in accordance with Policies SD5, SD8 and ENV5 of the Stockton-on-Tees Local Plan and N2 of the National Planning Policy Framework.

07 Landscaping Softworks

Notwithstanding the submitted plans, no development shall commence until full details of soft landscaping and associated maintenance has been submitted to and been approved in writing by the Local Planning Authority. Those details shall include; a detailed planting plan and specification of works (indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers); a phasing programme for the implementation of landscaping and associate maintenance; details of all existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan.

The soft landscape maintenance details should include details of access routes to demonstrate operations can be undertaken from publicly accessible land, long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic gardens. 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. All planting works shall be in accordance with the approved plans and details and shall be implemented prior to the first planting season following completion of each identified phase of development. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity and in accordance with Local Plan Policy SD8 and N3 NPPF

08 Lighting

Notwithstanding the submitted plans, no development shall commence until full details of the lighting scheme to illuminate the cycleway have been submitted to and agreed in writing by the Local Planning Authority. The scheme should detail the type of luminaries and their Lumen levels, locations, means of affixation, heights, angles plus the level of light trespass in lux. The position of all columns shall avoid conflict with the positions of trees as approved under condition 08. The lighting shall be implemented wholly in accordance with the agreed scheme prior to the cycleway becoming operational.

The scheme shall demonstrate how the occupiers of the neighbouring premises will be protected from light intrusion.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, amenity of the area and protection of biodiversity on and adjacent to the site and in accordance with Local Plan Policy SD8 and P3 of the National Planning Policy Framework.

09 Discharge of Surface Water

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system; (for each phase of the development).
- II. Detailed overland flow management assessment & Integration with Adoptable Drainage Network
- III. Finished Floor Levels (FFLs) – Minimum finished floor levels shall be set based on the development's post-construction flood risk profile, including critical water levels arising from the 1 in 100-year event plus 40% climate change allowance, with a suitable freeboard applied.
- IV. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- V. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- VI. 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 N2 National Planning Policy Framework.

10 Ecological Mitigation Measures

All ecological mitigation/ recommendation measures within Chapter 4 of the submitted preliminary ecological appraisal report as received by the Local Planning Authority 13 August 2026 shall be implemented throughout the development in full accordance with the advice and recommendations.

Reason: To preserve, protect and enhances the biodiversity of the site in accordance with Local Plan Policy ENV5 and the NPPF

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.

Site and Surroundings

1. The application site lies relates to a parcel of land which runs to the east of Clarendon Road in Thornaby. The land abuts residential dwellings either side with St Patricks Catholic College set to the northeast of the bend off Baysdale Road. The land abuts Milbank Lane to the south and extends northwards to the bend of Redcar Road and Humber Road. The site to which this application relates, however, terminates just north of the bend off Baysdale Road, adjacent to the school entrance.
2. The land comprises a grassed area containing trees around the periphery, mainly grouped to the south of the parcel of land. There is an existing footpath network which runs along the rear of the properties to the east.
3. The site lies within the defined settlement limits of the main conurbation and is designated open space within the Stockton Local Plan.

Proposal

4. Planning permission is sought for the provision of a new footpath and cycleway together with associated landscaping and lighting, to be constructed through the land, connecting Milbank Lane and the main entrance of St Patricks Catholic College.
5. The proposal is part of a wider pedestrian/cycle network improvement scheme across the Borough and involves the provision of new pedestrian/cycle safety features.
6. The plans have been amended to including the following changes
 - To combat antisocial behaviour the scheme incorporates various design measures intended to discourage an authorised access and reduce opportunities social behaviour
 - Installation of barriers to help control access at key points of entry
 - Installation of boulders as part of access control measures
 - A revised cycle in footpath alignment relocated for the east increasing in the distance from residents back fences
 - Reduction in the number of trees to be removed

Consultations

6. Consultees were notified, and the following comments were received on the revised plans.

Cleveland Police

In relation to this application, my previously submitted comments, below, still stand.

ALL roadways and pathways, adopted or otherwise, are recommended to be to BS5489-1:2020 standards with a uniformity preferably to Secured by Design recommended one of 40%, as a minimum 25%.

Any proposed PROW, informal pathways, cycle lanes etc. are to be incorporated into active street frontages to avoid creating potential crime generators and are to be lit to the above standard.

With the above considerations I would not recommend the route to rear of properties at Clarendon Rd. 25/0759/LA, as it could become an additional problem to those already referenced by residents.

I have also liaised with the local policing team who confirm the issue at the location with off road motorcycle nuisance and any cycle route would exacerbate the issue.

Police would not support this proposal.

Publicity

7. Neighbours were notified by individual letters and wider publicity has been given via a site notice. Three additional objections have been received which are summarised

Objections

- Revised proposals have not gone far enough to protect the area from anti-social behaviour.
- The rear of properties are exposed with increased footfall and a highway for illegal ebikes on drug runs and such like.
- Development will make it impossible for dog walkers and children to be able to play in the community space as they do currently enjoy.
- Police do not currently fully support the proposals
- Nothing at all is being done to combat the flooding issue
- Loss of the green area
- Why not continue the cycle path along the road

Planning policy Considerations

8. 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.
9. 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.
10. 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.
11. 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

12. The purpose of the planning system is to contribute to the achievement of sustainable development, by managing the use and development of land in the long-

term public interest. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. 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 (Paragraph 17).

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision-making policies in the Framework are a material consideration in making decisions and should be read alongside the policies in the development plan.

Planning decisions must also reflect relevant international obligations and statutory requirements, as must the preparation of development plans.

The national decision-making policies should be read as a whole (including relevant footnotes and annexes). Some of these policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused.

The following policies are relevant to this application

DM3: Determining development proposals

1. When considering development proposals, local planning authorities should:

- a. Work with the applicant in a positive and proactive manner, where necessary seeking solutions to problems arising from initial proposals, to enable a timely decision;
- b. Take a proportionate approach to the consideration of the planning matters raised by the proposals, in a way that reflects their scale, complexity and potential impact;
- c. Take account of planning matters raised during any pre-application engagement, including any positive responses to this engagement, as well as representations on the proposals;
- d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision, there are public safety risks from proceeding without advice, or more detailed advice may enable an approval rather than a refusal;
- e. Consider whether otherwise unacceptable development proposals could be made acceptable through the use of planning conditions or planning obligations; and
- f. Not refuse applications for development which should clearly be approved, having regard to their accordance with the development plan, the policies in this Framework and any other material considerations.

TR8: Public rights of way

1. Development proposals should:

- a. Protect and enhance the network of public rights of way, including through suitable diversions agreed with the highway authority; and
- b. Take opportunities to extend, link or improve the quality of existing routes where this enables one or more of the following:
 - i. Improved access to green spaces and the countryside;
 - ii New direct and circular routes and connections between local and long-distance footpaths, bridleways and cycle routes;
 - iii. The provision of accessible, safe and convenient links to services and facilities;

and

iv. Improved connections with public transport stops and interchanges.

HC7: Development affecting existing recreational land and facilities

1. Development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, other formal and informal play space and allotments, unless:

- a. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves; or
- c. The development is for public service infrastructure, and the resulting loss would be replaced by equivalent or better provision in terms of quantity and/or quality; or
- d. The development is for alternative open space, sports and recreational buildings and land, the benefits of which clearly outweigh the loss of the current or former use.

HC8: Development affecting Local Green Space

1. Development proposals for land which has been designated as Local Green Space should be determined in a manner consistent with the relevant national decision-making policies for land in the Green Belt, excluding provisions relating to grey belt and previously developed land.

P3: Living conditions and pollution

1. Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

2. Within this context development proposals should:

- a. Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

Local Planning Policy

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

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

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

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

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

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

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

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

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
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.

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.

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.

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:

- Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;
- Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;

3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:

- Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and
- Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.

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.

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:

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

Material Planning Considerations

14. Since the NPPF has been amended it is considered necessary to revisit each section of the previous material considerations and whether there are any amendments to change the recommendation as well as considering the revised plans:

- The principle of development.
- Visual and Landscape Impact

- Amenity Impact
- Highway Implications
- Flood Risk and Drainage
- Biodiversity Net Gain
- Other Matters

Principle of Development

15. The application site lies within the development limits of the main conurbation and is designated open space as allocated in the Stockton on Tees Local Plan.
16. Policy ENV6 (3) which specifically relates to open space states that the Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. It advises that the loss of any open space would not be supported unless the proposal is for another sport or recreational provision, the needs of which would clearly outweigh the loss, or the proposal is ancillary to the use of the open space. In all cases, it would need to be demonstrated that there would be no significant harm to the character and appearance of the area.
17. Policy SD6 relates to transport and infrastructure strategy and states that the Council will work with partners to deliver a sustainable transport network which will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users.
18. Concerns have been raised with respect to the loss of open space to facilitate the development, stating that the land is used for dog walkers, children's play and social, communal gatherings. Policy ENV6 seeks to resist the loss of open space unless the proposal is in relation to another sporting or recreational provision. In this case, the proposal would introduce a hard surface to improve pedestrian and cycle facilities which would broadly align with the aims of ENV6. Further to this, the foot/cycle paths would only take a small section of the width of the land, thus leaving green space either side to enable the continued use of this recreational space.
19. Further to the above it must be recognised that the proposal is part of a wider pedestrian/cycle network improvement scheme across the Borough and the benefits to be brought about such as improvements to the routes for pedestrians, cyclists and other users is wholly consistent with the aims of Policy SD6 and is considered to outweigh the minor harm in terms of the loss of open space.
20. Given the policy context above, the application is considered to be acceptable in principle subject to further material planning considerations as identified below.

Visual and Landscape Impact

21. Chapter 14 of NPPF Policy DP3 seeks to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.
22. In addition, the Stockton on Tees Local Plan, encourages high standards of design through Policy SD8 which states that new development should be appropriate to the context of the surrounding area and be of an appropriate style, proportion, and materials.
23. Concerns have been raised that the resultant development will negatively impact upon visual amenity and the general character of the area.

24. The impact on the character of an area is not something which is purely about the visual appearance, it is also about the nature of development and how that creates a sense of place. The proposal will undoubtedly alter the character of the open space through the introduction of built form; however, the footpath and cycleway are common features, often found in open green spaces and would not look out of character therein. It is proposed to introduce a grass strip between the two paths together with tree and shrub planting as part of the Biodiversity Net Gain requirement, therefore the proposal would be deemed to enhance the area, making the space more usable and visually attractive.
25. In terms of existing trees, according to the submitted Landscaping layout plan there will be 2 no trees removed from within the application boundary. Other tree removal works are to take place; however, this is outside of the jurisdiction of this application. The trees earmarked for removal are on Council owned land and are not protected and whilst it is undoubtedly regrettable for their loss, the wider benefits of the proposal in terms of pedestrian/cyclist safety would be considered to outweigh this harm. Tree planting is proposed to replace those lost trees, to be secured by condition and will be discussed further in the report
26. On the whole, the development would be acceptable in terms of design, scale and materials and would not adversely impact upon the character and appearance of the site and wider area. The proposal would therefore comply with Policies SD8 and ENV6 of the Stockton-on-Tees Local Plan and relevant design Chapters of the NPPF.

Amenity Impact

27. In respect of the neighbouring properties, planning policies SD3 and SD8 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings, while guidance within the Householder Alterations and extensions SPD provides further clarity over the impacts that development can have on neighbouring occupiers.
28. Policy SD8 also states that proposals should 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.
29. Policy TR4 (c) seeks to ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility). This includes reflecting relevant aspects of policy DP3(2), as well as employing measures to:
 - i. Minimise the scope for conflict between pedestrians, cyclists and vehicles;
 - ii. Meet the needs of disabled people, older people and children in relation to all modes of transport, and
 - iii. Avoid unnecessary street clutter.
30. Concerns have been raised that the proposed footway and cycle path would lead to privacy issues, increasing foot traffic near private homes and increasing potential for loitering and security risk. Concerns have also been raised that the new path/cycleway will be used as a 'motorway' by quad bikes, scooters and motorbikes for illicit purposes which already travel at speed. Residents fear the path will exacerbate anti-social behavioural issues.
31. Cleveland Police have been re consulted as part of the application and concur with the concerns of local residents regarding the issues with existing motorcycle nuisance. Cleveland Police therefore do not support the application.

32. Noting the concerns raised, it must be recognised that the site is an established recreational area. While the introduction of a hard-surfaced foot path and cycle path may increase foot traffic and occasional congregation, its primary purpose is to provide safe, direct pedestrian and cycle access for local residents including children from the nearby secondary school, supporting wider sustainable and active travel aims. Although concerns about crime are acknowledged, such issues are unlikely to arise solely from construction of the proposed development. The scheme includes lighting which will enhance surveillance and help deter anti-social behaviour. Existing motorcycle nuisance is a policing matter and falls outside the scope of planning and it is not considered that there is sufficient evidence to strongly indicate a direct link between the proposals and any further nuisance occurring.
33. The Environmental Health Unit have been consulted and have raised no objection to the principle of development stating that the lighting is for safety purposes and with regards to an amenity perspective has been designed with smart lighting controls which minimises light intrusion. Conditions have however been recommended relating to construction working hours, contaminated land, light intrusion and dust emissions. These conditions have duly been included.
34. Overall, based solely on the nature of the development proposed, it is considered that subject to appropriate conditions, the proposed development would not directly result in a loss of amenity to occupiers of neighbouring properties and therefore would not conflict with the policy aims of the Local Plan or the NPPF.

Highway implications

35. Local Plan Policy SD8 states that new development should be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport.
36. Policy TR6 (4) of the National Planning Policy Framework sets out that development should only be prevented or refused on highways grounds if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.
37. The proposed development relates to improvements to pedestrian and cycle routes within the locale. The Highways Transport and Design Manager has reviewed the application and raise no objections to the proposed development.
38. Overall, the proposed development would comply with the provisions of SD8 as the development would result in improvements to pedestrian and cycle routes without causing detrimental harm to the wider road network. The proposal would not be deemed to result in an unacceptable impact which would be deemed a severe impact on highway safety or the wider road network, thereby according with the NPPF.
39. Accordingly, the proposal is deemed acceptable in terms of highway safety.

Flood Risk and Drainage

40. Concerns have been raised that the development is to be constructed in close proximity to residential dwellings, in an area which is subject to flooding due to a culverted beck a few metres underground, which runs the entire length of the proposed site. Concerns are

raised that the paths will result in a puddle for most of the year and therefore will not be fit for purpose.

41. Stockton Local Plan Policy ENV4 advises that reducing and mitigating flood risk is an important issue for planning particularly as the effects of climate change are being realised. To ensure sustainable economic growth is achieved, it is essential that development (new and existing) is safe from flooding and incorporates approaches to reduce risk. When addressing flood risk, it is important to consider all sources of flooding which include fluvial, surface water, sewer and groundwater flooding.
42. The development has been considered in terms of drainage and flood risk, and the site is noted to be within EA flood zone 1. Drainage measures have been incorporated into the scheme and the LLFA have been consulted as part of the application. The LLFA have raised no objection to the proposed development, however following the revised realignment of the footpath, updated drainage plans had not been received, a condition to secure the updated drainage plans has therefore been advised.
43. Overall, it is considered that an achievable drainage solution can be achieved which would ensure the development would not lead to an increase in flood risk on-site or off-site and would be acceptable from a flood risk and drainage perspective in accordance with Policies SD5 and ENV7 of the Stockton-on-Tees Local Plan and the NPPF.

Ecology and Biodiversity Net Gain

44. Concerns have been raised from local residents regarding the impact on local wildlife and querying how BNG can be achieved through the introduction of a hard surface. The submitted preliminary ecological appraisal report found the site to be of low or negligible ecological value. A condition has however been recommended to secure the recommendation and mitigations as outlined within the report.
45. The application was submitted after the 12th of February 2024, therefore the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to this planning application and necessitate that the proposed development should achieve biodiversity net gains of at least 10%.
46. According to the submitted BNG Assessment, the total overall ecological baseline (habitat) of the Site is 1.58 BU. The report identifies that the survey area comprised of an area of modified grassland which has been categorised as 'poor' and individual rural trees classified as 'moderate'. As such, the scheme would not achieve a 10% net gain in habitat BUs on Site without habitat improvement.
47. In conjunction with the submitted Landscape drawings, a Biodiversity Gain Plan, and Habitat Management and Monitoring Plan is required and will be conditioned as part of the Biodiversity Net Gain requirements, to achieve a 10% net gain in biodiversity. It is envisaged that this will be achieved through the introduction of habitat creation through new modified grassland and replacement tree planting. Following these measures the total overall habitat value (on-site and off-site habitat) post development enhancements is 1.58, which would equate to a proposed diversity change of 15.4% which would exceed the 10% requirement, thus satisfying trading standards.
48. Subject to condition to secure details of a final Biodiversity Gain Plan, to include management and monitoring details, the application would accord with Policy ENV5 of the Stockton-on-Tees Local Plan, NPPF, and the requirements of the Environment Act 2021.

Other Matters

49. Comments have been received raising concerns about the cost of the development together with on-going maintenance costs, which are deemed to outweigh the need for the footway and cycle path. Whilst the scheme is recognised to be part of a wider Council scheme relating to pedestrian and cycle safety improvements across the Borough, this matter is outside of the control of planning and therefore has no bearing on the outcome of the decision.

Conclusion

50. In view of the assessment above and taking into account the concerns received by local residents and representatives from Cleveland Police, it is 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 are no technical reasons why the proposed scheme would be deemed unacceptable.
51. In planning terms, the proposed development is considered acceptable in all other regards and is therefore recommended for approval subject to those planning conditions set out in the report.

Financial Implications

No known implications other than the associated costs of implementation of the proposals/maintenance.

Environmental Implications

There will be a loss of green space and some trees as a result of the works proposed, however the proposal is subject to BNG therefore replacement planting should mitigate this impact.

Legal Implications

None known

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

Councillor Ian Dalgarno
Councillor Mick Moore

Background Papers

National Planning Policy Framework
National Planning Practice Guidance
Stockton on Tees Local Plan Adopted 2019
SPD2 – Open Space, Recreation and Landscaping - Dec 2009/2014

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