

**DELEGATED**

**AGENDA NO.**

**REPORT TO PLANNING COMMITTEE**

**27<sup>th</sup> June 2007**

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

**06/0823/OUT**

**Land north of Blair Avenue, Ingleby Barwick**

**Revised outline application for approval in principle of mixed use development with associated car parking and means of access and hard and soft landscaping**

**Expiry date: 20th JUNE 2006**

## **SUMMARY**

The outline application seeks permission for the principle, siting and means of access of a mixed use commercial and leisure development, including a nursery and medical centre with associated car parking and landscaping on land to the north of Blair Avenue, Ingleby Barwick. Matters relating to design, external appearance and layout are reserved for future consideration. A plan has been submitted for consideration of the layout of the proposed development showing a range of single two and three storey buildings with car parking spaces, landscaping and an area of public open space.

The application has been publicised by means of a site notice, local press and individual notification letters. Over 160 letters of representation have been received, with the large majority objecting to the proposal. A few have raised no objections and there has been one letter of support.

Ingleby Barwick Town Council objects to the proposal as do a number of Ward Councillors.

The main planning considerations in respect of the proposed development relate primarily to planning policy implications; traffic, access and highway safety; visual impact including loss of open space; impact on the amenity of the residents of existing and proposed dwellings and businesses and the need for the development.

In light of the information supplied and responses from consultees, it is considered that the proposed development is contrary to a number of policies in the Adopted Structure and Local Plan, would have an adverse impact on local amenities and it is recommended that planning permission be refused.

## **RECOMMENDATION**

**Planning application 06/0823/OUT be refused for the following reasons**

- 1. In the opinion of the Local Planning Authority it is considered that the proposal would be detrimental to highway safety and the free flow of traffic in Ingleby Barwick due to giving rise to severe congestion, the provision of unsafe access to the development, an unacceptable internal layout and insufficient parking provision, contrary to policies GP1 and TR15 of the adopted Stockton on Tees Local Plan.**
- 2. In the opinion of the Local Planning Authority the application has failed to prove either sequentially or in terms of the need that the town centre elements of the development are justified in this out of centre location contrary to policy S2 of Alteration No 1 to the adopted local plan and Planning Policy Statement 6.**
- 3. In the opinion of the local planning authority the proposed siting of the buildings and other structures for which permission is sought would have an unacceptable adverse impact on the amenity of existing and future occupants of neighbouring properties contrary policies GP and S17 of the Adopted Stockton on Tees Local Plan.**
- 4. The application has failed to provide a Flood Risk Assessment to demonstrate that the development would not exacerbate flooding problems downstream within the catchment area contrary to the requirements of PPS25.**

## **Background**

1. Outline planning permission (planning permission reference number 03/2212/OUT) was granted in 2004 for the erection of a community centre, children's day nursery and associated car parking on 0.5 hectares of land adjacent to the Blair Avenue and Ingleby Way. All matters were reserved for future consideration. Indicative plans detailed a 100 place nursery and community centre served by an access to Blair Avenue and 27 shared car parking spaces.
2. A further application for outline planning permission (planning application reference number 05/0870/OUT) was submitted for a mixed use development with associated car parking and hard and soft landscaping. The application sought consideration of siting and means of access, with design, external appearance and landscaping reserved for future consideration. The scheme proposed a horticultural nursery, incubator/starter units, B1 offices, managed workspace/work village, health and fitness centre, youth and community centre, nursery pool with key worker accommodation, nursery, doctor's surgery and pub/restaurant. It also included an element of public open space located at the western end of the site. The stated intention was that the site was to be developed as an "Eco Park" using sustainable materials and ecological friendly construction technique. The application was withdrawn on the basis of advice given by officers for the applicant to reduce the scale and scope of the scheme and supply further supporting information. There was also a large amount of public

objection to the proposal primarily on the grounds of traffic, loss of open space as well as opposition to the uses proposed.

3. Other applications relevant to this site are three applications recently refused by Committee:
  - 06/3752/OUT which sought to develop the eastern end of land the subject of this application, an area of 0.689 hectares. It proposed the erection of a children's nursery (but of half the size, 50 places, of the facility previously granted outline approval), together with a 75 bed extra care home and a Primary Care Trust (PCT) facility. It was refused at committee on 14<sup>th</sup> March 2007 on three grounds – traffic, loss of open space and visual amenities.
  - 07/0492/REM which sought reserved matter approval of the details of development previously granted outline approval with permission 03/2212/OUT. It was also refused at committee on 14<sup>th</sup> March 2007 as members considered the location of the children's nursery building would not allow sufficient area around it to enable a satisfactory landscaping boundary treatment leading to an adverse impact on visual amenities.
  - 07/1136/REM which was a resubmission of 07/0492/REM adjusting the siting of the nursery building in an attempt to meet Members concerns. However, the view was taken that the changes were only minimal and accordingly the application was refused at Committee on 6<sup>th</sup> June 2007 for the same reason as before.
4. The applicant has appealed against all three decisions and has asked that all three appeals be dealt with at a hearing, the date of which has yet to be arranged.

### **The Site**

5. The application site comprises grassland and planted open space to the north of Blair Avenue, and extends to 2.937 hectares. To the north of the site, planning permission has been granted for residential development. To the east is Barwick Lane (Myton Way Link), a combination footpath and cycleway and to the south is Blair Avenue beyond which but not exclusively are Myton Park Primary and All Saints Schools. To the west are residential properties on Rowen Close, and Snowdon Grove.
6. Whilst the site is unallocated in the Local Plan, The Ingleby Barwick Master Plan (Revised 1991) shows the land between the areas earmarked for residential development as 'Local Open Space System'. The Development Brief for villages 5 and 6 indicates that the space might be used to allow a footpath to pass through the area.
7. There is no public access or right of way over the site.

### **The Proposal**

8. This outline application proposes the erection of a mixed use development comprising
  - Small/medium flexible office space (Use Classes A2 and B1)
  - Larger scale offices (Use Class B1 with possible A2)
  - Incubator starter units, incorporating some ancillary A1

- Managed workspace (Use Classes A2, B1 and D1)
  - Children's Nursery (Use Class D1)
  - Children's Party Centre, including Children's Climbing Wall (Use Class D2)
  - Youth/Community Centre (Use Class D2)
  - Pub Restaurant Use (Use Class A4)
  - Health and Fitness Gym (Use Class D2)
  - Medical Centre (Use Class D1)
  - An area of 0.9 hectares (2.38 acres) of public open space
9. The built development would occupy 7,070 square metres (76,100 square foot) together with 265 parking spaces
10. The submission includes drawings/images of the development, which whilst helpful are indicative only. As an outline application the matters reserved for future approval are design, external appearance and landscaping with approval sought for siting and means of access.
11. The applicant envisages that the design of the development would be sustainable and environmentally friendly, employing sustainable building techniques, and to that end up to three wind turbines are proposed, though only one is indicated on the submitted layout plan.
12. Vehicular access is proposed from two points onto Blair Avenue. The site layout and car parking area would accommodate both pedestrians and cyclists. Whilst difficult to predict accurately, the applicant envisages that 400 jobs could be created as a result of this proposal.
13. In support of the proposals, the applicant has submitted the following documents:
- Supporting Planning Statement setting out an analysis of the site and surrounding area, an analysis of the proposed development, the relevant planning policy background and a review of the planning issues associated with the proposed development.
  - Sequential Study setting out an analysis of sites suitable for the proposed office, incubator/starter units and managed workspace elements of the proposed development and whether they could be accommodated within existing industrial estates in the wider locality and whether there are sites available within Myton Way Neighbourhood Centre for Class A2, D1 and D2 uses as well as ancillary A1 units proposed.
  - Design Statement
  - Transportation Assessment Report
14. Subsequent to the main submission a sequence of draft amended layout plans were submitted for discussion but ultimately were not formally presented for consideration. Accordingly, the application, as submitted, is the scheme to be considered.

## CONSULTATIONS

15. Ingleby Barwick Town Council

“Ingleby Barwick [Town] Council does not support this planning application as the project represents a serious over development of the site which is at present open space. As there is already very limited open space in Ingleby Barwick any loss of space would be undesirable.

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There is already a nursery, a health and fitness gym and public house within 200 yards of the site. To duplicate their facilities threatens the viability of all of them. Also there is new office space at both Preston Farm and Teesside Industrial Estates, the further provision within this development is therefore unjustified.

The detailed transport assessment assembled by Cundall is impressive only for its detail. The conclusion that there are no traffic or transportation related reasons that should prevent planning permission being granted is not justified by the evidence presented. It is noted quite importantly that the traffic survey information used within the document is somewhat out of date, as the junction surveys date between December 2004 and April 2005.

The admission that the junctions in the area are already subject to congestion at peak times in no way justifies the claim that the effect of this development on traffic will be minimal. The increased traffic and congestion, which this development will generate is a reason to refuse this application.

The proposed development is adjacent to All Saints Secondary School and Myton Park Primary School. Concerns are raised with regard to the safety aspect for children attending the two schools if the application is allowed to go ahead, in view of the additional traffic and two vehicular accesses into the site opposite the schools.”

16. Landscape Officer

Objects to the proposal for the following reasons:

- Structure planting has been previously carried out over a large proportion of the site. This planting is now well established and was installed as part of the planting for the estates infrastructure roads. The majority of this tree and shrub planting will be lost if consent for this application is granted.
- The draft Open Space Audit identifies this site as open space (Blair Avenue Green Corridor No. 664). There are few substantial areas of open space within the estate and this area should be retained.
- The open space not only offers an amenity value for the surrounding area but it also acts as a green wedge between villages 4 and 6. This planned separation of the villages is vital to maintain village identities.
- The principle of wind turbines is welcomed, however the location of these must be questioned in respect of the close proximity to existing and planned residential development.

17. Environmental Health Officer

No objection in principle to the development but recommends that conditions be imposed in respect of noise disturbance from recording studio, noise disturbance from wind turbines, odour nuisance from the restaurant, drainage-grease trap-restaurant, construction noise-working period and contaminated land.

18. Head of Technical Services

The Head of Technical Services objects to the proposal as it is considered that the proposal would be detrimental to highway safety and the free flow of traffic in Ingleby Barwick due to severe congestion, unsafe access to the development, an unacceptable internal layout and insufficient parking provision.

Further to this he makes the following comments:

*Traffic Generation and Distribution*

- That the Transport Assessment has identified four off-site junctions are over-capacity, but does not provide any mitigation.
- That the development is located on land outside the Masterplan area allocated for development and the traffic generated by the development will be over an above the levels for current and committed development and has been assessed as such.
- The trip rates calculated by the applicant's consultant are an underestimate of the potential trip generation. Full details of the proposed distribution has not yet been provided and therefore its acceptability has not yet been confirmed.

*Site Access*

- The proposed ghost island priority junctions are located close to the accesses for Myton Park Primary School and All Saints Church of England Secondary School. As a result of junction spacing and direction of stagger, both junctions will result in right turn conflicts with school traffic. The Proposal results in left/right staggered junctions with both schools. The resulting junction layouts will result in both safety and operational problems.
- The western junction is on the outside of a bend. A 4.5m x 90m visibility splay to the right would encroach into the opposite carriageway, resulting in a potential blind spot of some 23 metres. This access also has parking spaces close the junction. The resulting manoeuvring close to Blair Avenue could impact on the operation and safety of the public highway.
- The eastern access has parking close to the junction with Blair Avenue. Vehicles manoeuvring could also affect the operation and safe use Blair Avenue.
- The eastern access has the drop-off lay by for the nursery. The lay by can only cater effectively for one car and no turning spaces are provided. It is therefore

likely that drop offs could occur within the parking spaces adjacent to the junction and also on Blair Avenue. Any drop offs on Blair Avenue would have a serious impact on safety and operation of the network, particularly given the location of the proposed and existing school accesses.

#### *Site Layout*

- The development does not comply with the Council's Car Parking Standards.
- A Travel Plan has not been provided. The problems associated with the possible shortfall of parking would be exacerbated without a Travel Plan.
- The analysis of the use of the pub restaurant and the offices are not supported by the parking accumulation and or further analysis supporting assumptions made. Therefore it is possible that the parking provision would not accommodate the likely demand possibly resulting in indiscriminate parking
- The internal layout is unacceptable as there is insufficient manoeuvring space for large service vehicles and some parking spaces have also insufficient manoeuvring space therefore be unusable.

#### *Traffic Impact*

- The capacity assessments included in the TA in respect of Myton Road/Ingleby Way, Ingleby Way/Barwick Way, Ingleby Way/Lowfields Avenue and Ingleby Way Thornaby Road are based on the average traffic generation and under estimate the development flows. The capacity assessments indicated that those junctions would be overcapacity with development traffic. No mitigation was included within the report for those junctions and the applicant has provided none during the subsequent discussions.
- The Council's VISSIM model of Ingleby Barwick has been used to compare the operation of the network in 2007 (opening year) with 2017 (design year). The assessments utilise the traffic generation proposed with the submitted TA, however these flows are lower than those derived by the Council.
- The models indicate that the network will struggle to cope with the increase in demand in future years, especially once all the committed housing has been built. The result of this traffic flow due to the committed development is that by 2017 there will be long delays throughout Ingleby Barwick, particularly on the South Stockton Link.
- In the morning peak there are long queues, which in many instances block back through a number of junctions in the network. In the evening peak long queues are observed on the routes into Ingleby Barwick, particularly the South Stockton Link. Therefore the development traffic will have a detrimental impact on the wider highway network.

- Traffic is observed to queue back through junctions, which results in significant increases in queues at certain locations on the highway network. However, any increases in traffic caused by the development will add to those queues.

19. Northumbrian Water

Two responses received referring to water supply and foul and surface discharge. One letter makes reference to a water main located within the site, which must be protected. No new buildings, structures, tree planting or landscaping will be allowed within 7 metres of the main, which may be diverted at developer's cost. There may be insufficient capacity in the system for foul flows; all other means of discharge must be investigated.

There is a public sewer within the application site, and no buildings, structures, tree planting and alteration of the land will be permitted within at least 3 metres of the sewer

20. Northern Gas Networks

No pipelines in the area

21. CE Electric UK

No objections

22. Environment Agency

Refers to the comments on the previous withdrawn application to which it objected on the basis that no flood risk assessment had been provided. Other comments raised previously included that surface water drainage from this site should be regulated so as not to exacerbate flooding problems downstream within the catchment. The discharge should be regulated to the greenfield run-off from a 1 in 1 year storm and sufficient storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.

The Agency is keen to promote the use of Sustainable Drainage Systems (SuDS), and feel this would be particularly relevant to this type of development, with control of surface water being dealt with as close to source as possible, as well as offering benefit to water quality and amenity. Measures such as permeable surfacing and the use of soakaways or recycling for rainwater will reduce the need for limitation of flows.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.”

23. Natural England (formerly English Nature)



“Based on the information provided, English Nature has no objection to the above proposal in respect of species especially protected by law because it would appear to be unlikely that they would be adversely affected by the development.

We note that the proposals include a number of progressive and innovative features that enhance the general environmental sustainability of the project, and the applicant should be congratulated for this.”

24. Tees Archaeology

There are no known archaeological sites in the area indicated. No objection to the application or comments to make.

25. Councillor Lee Narroway and Councillor Andrew Larkin

Object to the planning application on the following grounds:

Need – There is absolutely no evidence to suggest that there is a need for a development such as this in Ingleby Barwick. Almost all of the services offered in the plans can be found within a 200-metre radius of the site. Ingleby Barwick is a residential area and as such has no need for industrial or office units. There are such units standing empty on Teesside and Preston Farm Industrial Estates already. The developer has also refused to consult with residents to find out exactly what their needs are.

Location – Siting a business park adjacent to 2 schools can only present as a danger to the children of Ingleby Barwick by increasing the traffic on an already busy road. Also the impact on the quality of life of residents living adjacent to the site would simply be unacceptable.

26. Councillor David Harrington

Object to scheme on the following grounds:

Ingleby Barwick is a residential area, not an industrial area and there is a supply of high quality units and office accommodation already available outside Ingleby Barwick given the amount of commercial properties that are available to let adjacent to my ward in Thornaby Industrial Estate and further down the road at Preston Farm.

Many of the facilities the developer is hoping to provide in this site are already available within easy reach of Ingleby Barwick. This development would impact on the local businesses in the area.

Reservations about the green element. Research shows that wind turbines only work 33% of the time and are a highly expensive and hugely inefficient source of energy.

Visual impact of the development, not only to the local area, but within the greater community. Just one example, the wind turbines are a blot on the landscape and

clearly visible even from the apartments located just off Broom Hill Avenue (Hatchlands Park) Another example would be the height of the buildings.

The Tesco roundabout is a horrendous bottleneck at peak times and various other points throughout the day including weekends.

Given the development is opposite a 600 place secondary and 220 place primary school, I have concerns about pedestrians and the impact on road users in this area. The traffic survey fails to acknowledge a number of key points in this area.

Through their PR agency, the developer claim that he has consulted with various residents in Ingleby Barwick since they withdrew their previous application last year. Who have they consulted with and when? I would question this bold statement given the information I have received from residents living in this community.

In conclusion, the same old situation has developed. For too long, Ingleby Barwick has sacrificed its soul to receive very little, if anything in return from the developers. In this case the developers have dangled the carrot of a youth and community centre. The people of Ingleby Barwick do not want this development at whatever cost to our community. I hope in the longer term the developer will find an appropriate use for this land that will be acceptable to the residents of Ingleby Barwick. However, for that to happen the developer must consult with the residents and elected members in a clear and open way and hopefully a solution can be found

27. Councillor Kenneth Dixon

Objects to the development on the following grounds:

Ingleby Barwick does not lend itself to the construction of what amounts to a trading estate stuck in the middle of it, I have yet to see an estate such as ours with a hideous eyesore in the middle of it.

The traffic survey has fallen woefully short of the mark, when stating the amount of traffic using and is set to use road systems around Blair Avenue, the traffic around Tescos is horrendous at peak times, there is a school across the road from the proposed development, which at peak times is full of pedestrians and road users, which is you put the equation of the new development I would foresee danger for pedestrians.

The proposed erection of wind turbines, people object to the erection of these at sea and on the moors so it is unbelievable that they want to erect one or 3. Dr David Bellamy who is an environmentalist is against these they are ugly and a blot on the landscape.

There are over a 100 offices still waiting to be let on the Preston Farm estate just 1 mile away and quite a number of offices vacant on the Teesside Industrial Estate just half a mile away. They are not needed in Ingleby.

There are already a licensed premises, nursery, solicitors, estate agent, medical suite, and as far as I am aware all the plant nurseries are on the outskirts of estates not in the middle, this only serves as an encouragement for people to travel into our estate, yet another traffic hazard.

In their comments in community benefits, they state that this piece of land is a waste land, as far as I am aware it is a tree planted piece of land and has never been classed as wasteland, they also say that it will decrease car journeys. People will travel all over to the proposed nursery and this project will not enhance the quality of the existing townscape and immediate area and be of major benefit to Ingleby Barwick. It will degrade the area to one of an industrial estate.

The scoring of sites in the application is wrong, as there is a high score for the least appropriate site. How can the proposed site score highly for accessibility for vehicles when we are on a housing estate with a school opposite, impact on residential properties and for a site appropriate for development?

The developers have dangled the carrot of a youth and community centre, we do not want one at this cost, why don't the developers ask the people of Ingleby Barwick what they want not what they think the people want or being told what they want. If the people want such a development they will say.

28. No response has been received from the Police, Joint Public Transport Group, Campaign for the Protection of Rural England, Care for Your Area, Parks and Countryside Officer, Environment Project Manager and Tees Valley Wildlife Trust.
29. Although no written comments have been received from the Spatial Planning Manager, the Spatial Planning section have been involved with providing planning policy advice on the proposal from the initial pre-enquiry stage. The interpretation of planning policy contained within this report is in accordance with the advice given by the Spatial Planning Section.

## **Publicity**

30. The application has been publicised on site, in the local press and by means of individual letters. Over one hundred and sixty letters and emails have been received. Nearly all object to the proposal with a small number raising no objections to the proposal.
31. The representations have been received from the occupants of the properties on The Rings, Rowen Close, Snowdon Grove, Cradoc Grove, Cennon Grove, Castlemartin, Lambfield Way, Abbotsford Court, Exford Close, Sugar Loaf Close, Marchlyn Crescent, Washford Close, Bowood Close, Gayle Moor Close, Trecastell, Brendon Grove, Alwin Close, Caldey Gardens, Aberbran Court, Newport Close, Badger Lane, Vaynor Drive, Hartburn Lane, Brecon Crescent, Thorntree – Middlesbrough, Greenside, Fountains Avenue, Harlech Court, Glyder Court, Merioneth Close, Thorn Close - Stockton, Cambrian Court, Pennal Grove, Dovey Court, Rothbury Close, Bronaber Close, Penderyn Crescent, Weaver Close, Persimmon Homes – Newton Aycliffe, Bannatynes Health Club – Myton Road, and Copeland Veterinary Surgeons – Myton Road.

32. A petition has been received from Ron Hall signed by 41 residents from Marchlyn Crescent, Dovey Court, Neath Court, Beacons Lane, Lockton Crescent, Talybont Grove, Cambrian Court, Bala Close, Rowen Close, Pennal Grove, Sugar Loaf Close, Dinas Court, Cennan Grove, Felbrigg Lane, Nevern Crescent, St. Brides Court, Bronaber Close, Norton Court, Cradoc Grove, Snowdon Grove, Rochester Court and Rhinog Grove, objecting to the proposal on the following grounds:

- Use of Green Wedge open space for development
- A better use of the site would be for a school
- The new buildings will be an eyesore
- In traffic terms, Blair Avenue is already busy
- Disturbance from the building site

33. The grounds for objection received can be summarised as follows:

#### *General Comments*

- Ingleby should remain a residential area, as it is primarily a residential area - one of the largest in Europe.
- The development would be detrimental to the residents of Ingleby and infrastructure and planning permission should be denied.
- The development is an unnecessary and unwelcome addition to our community.
- The site is parkland and not wasteland as referred to in the application forms.
- Industrial (or part) estates belong outside residential and housing estates.
- The area of land has consistently formed part of an area of green space within a variety of masterplans stemming back to 1974. The site is designated open space.
- Evidence of need is required to justify the development.
- Ingleby is a residential area not a town centre and the phrase “retail and leisure should seek to promote the vitality and viability of existing town centres” is not applicable.
- There are many new areas being built in the estate, and the development could be better planned within those areas.
- The site would be better used for a playing field, baths or leisure facility
- Residents and those moving to the area we were told that this area would not be built on apart from maybe community facilities near the roundabout.

#### *Traffic and Highway Safety*

- Traffic problems- the development will add to the chaos and the extra traffic would add to the congestion and cause more delays at peak times
- Blair Avenue and the junction/roundabout and roads are near to saturation point, and the roads are very busy at peak times, schools and returning from work.
- The increase in traffic flow to the development will give rise to serious health and safety implications given the site is opposite a large educational establishment.

- Parking on Blair Avenue outside the schools is becoming a hazard, especially parents parking on grass verge whilst waiting to collect children – an accident waiting to happen.
- Parking on the site would only cater for the workforce leading to parking on Blair Avenue
- Already extensive parking in the area so why build more?
- Not enough parking for 400 employees and visitors – 265 spaces provided will lead to parking on the highway.
- Blair Avenue is a quick though route and very busy and should not be added to. It is also a bus route.
- The roundabout at Tesco is busy and getting busier by the week. The closure of Lowfields Avenue has exacerbated the problem, particularly at peak times
- Additional traffic will impact on the Tesco roundabout causing more traffic in front of the primary and secondary schools.
- There is no space for an increase in the load on this roundabout. It is the primary route to the link road
- The development will add to the growing problem of access to and from the estate, and the lack of an underpass is a planning flaw as it is.
- Turning cars (to and from the site over Blair Avenue) will add to pollution and risks to children
- Danger of two accesses opposite All Saints School – a danger to pupils. Lowfields Avenue was closed for this very reason.
- A matter of time before a child is injured.
- Impact on pedestrian safety and particularly children walking and cycling to and from school
- The documentation referring to accidents covers a period of 3 years yet the schools have not been there for 3 years, how can this information be used to suggest that a park this size will not cause a risk to school children.
- The extra traffic would be a hindrance to emergency vehicles
- Careful traffic management proposals must be put in place before any application is approved.
- The development does not address the need for sustainable transport or reduce the need for travel
- Blair Avenue is a very fast and dangerous road with no proper protection and means for families to cross.
- The development should be turned down in view of the precedent set by the closure of Lowfields Avenue, which serves a school.
- Increase in heavy wagons travelling through the estate
- Cundall's traffic assessment acknowledges that the junctions are not operating within their efficient operation capacity without further development and the introduction of the committed development has further worsened the problem. The introduction of the proposed development traffic has a minimal effect on the traffic at these junctions. Cundall's acknowledge that the junctions are already over capacity and therefore suggest that a few extra trips will not matter. This is not an acceptable statement and if the development is approved, the applicant should be bound to undertake work to improve the traffic flow situation within the vicinity of the site.

### *Open space and landscape/visual impact*

- The area is designated whiteland alternatively known as green belt, this land should be retained as open space as intended in the masterplan
- Loss of one of the few open spaces left in Ingleby Barwick
- Loss of open space will reduce residents' quality of life
- Loss of significant area of parkland/open space, which is a premium in Ingleby Barwick.
- The area should remain open parkland and should be suitably maintained
- It is stated by English Nature that everyone should have access to green areas less than 300 metres (5 minutes walk) from home. The proposed development will drastically reduce the quality of life of those residents in the area
- The landscaped site has been designated as an open area, which would not be developed. Why is this development being considered now?
- The site would be better developed as a park for local residents of all ages or leave it be.
- A park would be a far more ecological proposal
- A public open space/large grassed area/football and cricket pitches are required -
- something like Ropner Park is required
- A small amount of green space should be kept for us to relax and children to play in.
- Lack of green space for young families and for children to play in
- Set a precedent to destroy other green spaces.
- The three storey buildings are not appropriate to the area and would have a detrimental visual impact to the surrounding properties
- The development will be an eyesore
- There is no where for anybody to go in Ingleby to relax or for entertainment

### *Trees and Nature Conservation Interests*

- Loss of hundreds of well established trees as well as old hedges.
- The application form states that no trees would be uprooted yet the trees will be removed, and they have just started to mature.
- Loss of wildlife, trees and hedgerows.
- Mention of endangered Skylark habitat is being eliminated

### *Details of the development*

- The graphics show the 3 storey buildings as single storey buildings. Ingleby is not a town and 3 storey buildings are not in keeping with other buildings in Ingleby. The school opposite may be tall but it is not a box/block.
- The development is more akin to an industrial estate than a park, as little grassed area will be left over
- Supports the principle of bringing forward the public house, the doctors, nursery and community centre, but has grave concerns over the other uses and their impact on residential amenity.
- The development must be landscape led, rather than dominated by buildings and car parking.

- The proposal shows Persimmon land being eaten into, and would continue to object to the development on the basis of the scheme as laid out
- Why is the landscaping and design of the external appearance of the building not finalised? Is this so that the developers can get away with anything?
- The building to the area if the site is far too dense and will look like a large car park to local residents
- The new buildings will be visible to residents of Snowdon Grove and this is not acceptable.

### *Need for the development*

- Replacement of significant parkland/open space by commercial units that will not benefit local residents.
- Office space is not required in the area as there are vacant shops and offices in and around Ingleby. Preston Park [Farm], Teesside Industrial Estate and Bowesfield, which is currently under construction, are also available nearby.
- No more industrial units are needed especially in the middle of a housing estate
- Most of the proposed facilities already exist in Ingleby, e.g. pubs, gym, office space, doctors' surgeries and a garden nursery Peter Barrett is very near.
- No objection to a small community/youth centre and/or nursery on a small part of the non-landscaped site, however there are more suitable sites in Ingleby as well.
- There has already been an extension to Myton Park shopping/business complex – there are still a number of units still not let.
- Business use inappropriate in a residential area
- No need for another pub, there are 3 in the area
- No need for fitness centre there are 6 within a five mile radius, with a wide range of facilities and budgets. People in Ingleby do not walk anywhere, and they will not choose this gym because of its location.
- The smaller units in Block B have no hope of commercial success, they have no frontage for passing trade, essential for the likes of florists, estate agents and similar.
- There is an abundance of office space on Preston Farm Estate and Teesside Industrial Estate. Even Myton Park is not at full occupancy.
- There is no demonstrable need for a G.P. facility. Ingleby already has three centres, Barleyfields only completed in the last few months is massively under-utilised and Woodbridge has limited consulting/open hours and is under-utilised.
- A Retail Impact Assessment should be submitted to prove that the demand for further retail units is there. This assessment should also be made to consider any future potential extension to the Tesco store.
- There is a need for community facilities but should the price be to accept a business park?
- No need for another nursery in Ingleby there are plenty of nurseries and many childminders
- No need for florist kiosk which would encourage vehicle trips,
- No need for a recording studio, bed/bathroom outlet (better elsewhere)
- No need for Estate agent == have 3 already

- No need for bank – Ingleby Safeway had one inside and this was not well used. People tend to telephone bank or Internet, which is more eco friendly than using land and driving to it.
- Viability of Myton Park will be threatened by this.
- Vacant premises at Beckfields Centre awaiting tenants
- Ingleby needs a youth club where youths can get together rather than hanging about in shopping centres
- The shops and facilities are welcome but office buildings are not.
- Not objecting to the public house, but feel it would be better if it were a restaurant

#### *Residential amenity*

- The 3 storey buildings will be intrusive by overlooking homes
- Would affect the re-sale value of homes near the site
- Increase in noise to properties on Cambrian Court

#### *Other Environmental Effects*

- Increase in noise and pollution to residents
- Likely noise from the pub and children's centre
- Global warming – open green spaces filled with trees, plants, animals, insects, birds etc are needed to help combat global warming. Buildings, car parks should not be erected on every possible space of land.
- The site will become another area for youths to congregate with all the anti-social behaviour associated with it, bringing noise and nuisance nearer to residential properties.
- Impact of traffic and noise during building would be disruptive to the residents of Ingleby, and will disrupt children in school.
- General comings and goings would affect the concentration of school children
- The Woodbridge development is full of takeaways which are closed during the day, and we do not want our village to look like Thornaby Town Centre with lots of steel shutters over shops and empty offices/shops.
- Overdevelopment of the site to the detriment of the area, and proposed new housing.
- Industrial units will introduce noise and atmospheric pollution, litter and commercial waste problems, creation of security risks, destroy the tranquillity of the area, encourage rodent population, increase fire risks
- Public house will distract pupils, provide poor role model for children, entice undesirables into the area, noise and disturbance, devalue house prices nearby
- This area of land closest to Rowen Close is in an almost permanent state of flooding, this flows across the road after even light rain creating dangerous driving conditions, this development will make it worse
- It is the flight path of air traffic

#### *Wind Turbines*



- The wind turbines would seem to be a green carrot to pacify those with environmental concerns.
- [Three wind turbines] not appropriate in the country's largest residential area
- The site is not hilly nor windy – unsuitable for wind turbines
- Visual disruption, noise, shadow, flicker and reflected light, resulting in a detrimental impact on residential values.
- The turbines area token so that the developers can use the term eco and try to portray the development as environmentally friendly.
- Devalue house prices, ugly monstrosities ruining the locale, minimal production of worthwhile energy, danger from malfunction, adverse effects on radio, tv and satellite, ice shear and white noise
- No consultation with the people who overlook the wind turbines
- Cats and dogs are sensitive to the noise frequencies emitted by turbines. This has the potential to be the cause of significant distress to patients and is not acceptable. The incidence of noise phobias in patients has seen a surge in recent years. The turbines are unnecessary and will badly affect the practice and patient care.

#### *Other Comments*

- There will be insecticides, pesticides and herbicides on site, which are toxic.
- Why not ask the people of Ingleby what they want?
- Why has there been no consultation with local residents?
- When can we have a park, my kids will soon be too old?
- Tesco's application for a larger car park cannot be turned down on traffic grounds only to allow more traffic on the other side of the road
- The new housing for the over 50's will also affect the traffic when completed.
- The development offers little benefits/compensation to residents
- No local consultation, and this should have happened as promised last year.
- Pay outrageous Council tax for third rate services and be expected to have industrial estate placed on door step
- How would the developer demonstrate their ability to manage the climate change levy and how they would contribute to the community?
- How will the Council compensate local residents for a devaluation of property?
- The Council should provide a park on this site from the council tax that is paid.
- Why hasn't the use of solar panels been suggested? They are not visually intrusive.
- The site should be kept for a secondary school or college for the growing number of school children. It is not eco-friendly to have children travelling out of Ingleby Barwick to attend school. A school here could be linked by footbridge to the All Saints School.
- Cannot find plans on the website
- Why not make the plans available in Ingleby?
- Claims that the development is a done deal and there should be an enquiry.
- Bannatynes comment that they have not been consulted
- The whole of Ingleby should be notified of the proposal as it affects the delicate traffic flow balance that Ingleby Barwick is famous for.
- The development would ruin the community spirit

*Comments specifically relating to the sequential study*

- The above site indicated as 'K' in the Sequential Study only achieves 2 score points above site 'G'. However, the accessibility for service vehicles and cars has been given 4 points each which does not reflect the need for modifications to the Tesco roundabout and on Blair Avenue to allow for turning traffic and industrial vehicles into and out of the proposed development. Traffic pollution is already a problem opposite the school and at the roundabout. The impact on residential properties has been rated as 3. The residents who live here rate it as 0.
- Nunthorpe Nurseries are indicating that accessibility by foot is a problem in other areas. It might be suggested to them that they could run a free Nunthorpe mini bus on a half hourly roundtrip basis from the Myton Bus stop to a development say site 'G' for instance.
- The rating given to the various alternatives, discussed in the sequential study, were not without bias. For example, the proximity to a bus route was deemed positive, so then why create in excess of 200 parking spaces.

**PLANNING POLICY CONSIDERATIONS**

National Planning Policy

34. National Planning policies are set out in Planning Policy Guidance Notes (PPG) and the newer Planning Policy Statements (PPS).

35 Relevant to this application are:

PPS 1 "Delivering Sustainable Development"

PPG 4 "Industrial and Commercial Development and Small Firms"

PPS 6 'Planning for Town Centres'

PPG 13 "Transport" (promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas)

PPS 22: Renewable Energy

PPS 25 Development and Flood Risk

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the adopted Stockton on Tees Local Plan (STLP)

Regional Planning Policy

RPG1 - Regional Planning Guidance for the North East (November 2002)

37. RPG 1 was published in November 2002. The guidance sets out the broad strategic planning policies as well as a broad development strategy for the region over a 15 to 20 year period. The aim of the Spatial Strategy is to:

“Continue to strengthen and diversify the economy, improve living conditions and safeguard the region’s outstanding cultural and natural heritage to create a truly sustainable future for the North East.”

#### Regional Spatial Strategy (2005)

38. A review of the planning framework at the regional level is under-way with the production of Regional Spatial Strategies (RSS). An RSS Submission Draft (“View: Shaping the North East”) was published in July 2005 and has been subject to an Examination in Public and the draft findings published. The RSS is currently expected to be adopted in 2007, and will supersede RPG 1 as the Regional Spatial Strategy.

#### Tees Valley Structure Plan

39. The Tees Valley Structure Plan policies that particularly need to be considered include:
- ENV16 (protection of trees and hedgerows)
  - SUS1 new developments must make a positive contribution towards achieving sustainable development.
  - SUS2 (Sustainable Development Policy) states the Tees Valley authorities should give regard to several factors through their local plans, development control decisions and partnership activities, including: give preference to brown field sites, and prevent the unnecessary use of Greenfield sites; promote the re-use of vacant land and buildings; encourage development in locations which minimise the need for travel and can be well served by public transport; maintain and enhance the vitality and viability of town and district centres.
  - STRAT1 majority of future development to be located on previously developed sites within in urban area particularly along the Tees Corridor
  - EMP2 priority to be given to business and industrial development on brownfield sites meeting certain criteria in respect of access by public transport and good footpath and cycleway links.
  - TC4 requires a sequential approach to be applied to all large-scale retail, office and leisure uses.
  - TC5 states large scale retail and leisure uses outside of town centres will only be permitted where justified in terms of need, cumulative impacts doe undermine the vitality and viability of any nearby centre, if retailing that it is not within an area identified for open space purposes, not result in a shortage of industrial land and incorporate measures to reduce the need for travel. The development should improve the local environment and be located on derelict or disused land.
  - T25 (Transport Requirements for New Developments) promotes the location of new development to give priority to walking, cycling and public transport access.

### Stockton on Tees Local Plan

40. STLP Policy GP1 requires all proposals for development to be assessed not only against Structure Plan policy, but also against a number of criteria which include concerns about the external appearance of the development, effect on the amenities of neighbouring occupiers, access and parking arrangements, need for a high standard of landscaping and its relationship with the surrounding area.
41. STLP Policy EN6 seeks to safeguard protected plant and animal species and their habitats by ensuring that if consent for a proposal deemed harmful to the species is given, they will consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the protection of the species.
42. STLP Policy EN11 states “The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.”
43. STLP Policy EN30 states that development, which affects sites of archaeological interest will not be permitted unless an investigation of the site has been undertaken and an assessment has been made of the development upon the remains and where appropriate provision has been made for preservation in situ.
44. STLP Policy EN32a which relates to the need for a Flood Risk Assessment to be carried out in certain locations
45. STLP Policy EN34 states that development of sites which are contaminated may be permitted provided that the nature and extent of contamination of the site has been established and measures are included to reduce the hazard posed by contaminants to an acceptable level at which it can be maintained and would not add to the sites contamination. Furthermore, no significant adverse effect on the environment should result from any disturbance of contaminants or their movement into surrounding ground during and after development.
46. STLP TOUR4 states that within the built up area proposals, inter alia, for new public houses and restaurants will be permitted unless the design and external appearance of the new building are not sympathetic in scale and detailing to the character of the area.
47. STLP REC4 states a park will be provided as part of the major centre area at Ingleby Barwick
48. STLP TR5 states that development likely to attract significant flows of traffic will require to provide for the safe passage cyclists onto and within the site and to any existing cycle routes

49. STLP TR6 requires the provision of secure and convenient cycle parking provision.
50. STLP Policy TR9 states “New developments for housing, employment, shopping or community facilities should be located and designed to enable the provision and convenient use of public transport services.”
51. Policy TR15 states “The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.”

#### Alteration No 1 (2006)

52. The Council has undertaken a partial review of the Adopted plan, Alteration No 1 which was adopted in March 2006. The plan deals solely with retail and town centre proposals and developments that lie in flood risk areas. Reflecting the renewed emphasis on town centres for retailing; shopping policies in the alteration to the local plan seek to maintain the existing town centres as the dominant element in the shopping hierarchy. New investment should be delivered towards existing centres as far as is possible, in line with the general approach to sustainable development. Relevant Policies are:
  53. Policy S1 – aims to guide future retail development and ensure that it is appropriate to the role of the respective centres. For this purpose an agreed hierarchy of centres has been established.
  54. Policy S2 – advises that proposals for new or extensions to major retail development outside the primary shopping areas will not be permitted unless there is a clearly defined need for the proposed development, it can be clearly demonstrated that there are no other sequentially preferable sites or premises, the proposal would not have an adverse impact on the vitality and viability of any defined centre and the proposed development would be accessible by a choice and means of transport whilst assisting in reducing the need to travel by the motor car.
  55. Policy S17 – states that small scale shopping outside of retail centres will be granted subject to a number of criteria being met. These include that it is within defined settlement limits, is to serve local needs only and being of an appropriate scale, would not have an adverse impact on the amenity of neighbouring properties or the character of the area, not undermine the vitality and viability of listed centres and does not conflict with any other policies in the plan.

#### **MATERIAL PLANNING CONSIDERATIONS**

56. The main planning considerations are the wider planning policy implications, traffic, access and highway safety, visual impact – including loss of open space, impact on the amenity of the occupiers of surrounding properties (business and residential), and need for the development.

## Planning Policy

57. The site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997. It is recognised that the Ingleby Barwick Master Plan (Revised 1991) and which therefore pre-dated the local plan, indicated the areas between residential areas, including this site as “Local Open Space System” and that the draft Open Space Audit identifies the area as part of the Blair Avenue Green Corridor. It should be understood, however, that neither of these documents provide statutory protection for the area. The more recent document, the open space audit is only a research study intended to inform the preparation of a Supplementary Planning Document on open space provision to be prepared as part of the Local Development Framework process.
58. The outline planning permission granted in 2004 has established the principle that the site, at least for a small part, is appropriate for development including two of the uses now proposed – the children’s nursery (D1 of the Use Classes Order) and the Youth and Community centre. Nevertheless, given that the present proposal seeks to significantly extend the scale of development, and includes a number of commercial and business uses; regard needs to be given to current planning policy in respect of the additional uses as well as the principle of extending the area.
59. As well as the children’s nursery and youth and community centre, which have previously been given outline approval, other uses may also be acceptable on policy grounds.
60. The development provides a significant area of public space (0.9 hectares). Whilst little information has been provided as to the exact nature of the medical centre (D1), the applicant has stated previously that discussions have been held with relevant departments in the Primary Care Trust and other interested parties in the health care profession who wish to have a presence in the area. It is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery. Nevertheless, with the growing population additional health related facilities may well be required and the site is well positioned in terms of links to local centre as well as public transport for it to attract such uses. Noting the lack of any locational policies with regard to the siting of such facilities it is considered that the site is a sustainable location for such a use and in this accords with Planning Policy Statement 1.
61. The proposed other uses include office development of various sizes (B1); some A1 retail uses; pub/restaurant (A4); health and fitness gym (D2); children’s party centre (D2), and “Managed Workspace” (A2, B1 and D2). Recognising that to meet planning policy (in particular the requirements of PPS 6) and to demonstrate that the application is sequentially the best location in land use terms to site the proposed development, the applicant’s planning consultant has prepared a Sequential Study of alternative locations. The study focuses on two particular elements: whether the “industrial” element i.e. the proposed office, incubator/starter unit and managed workspace development could be accommodated within existing industrial estates within the wider locality; and whether the are sites available in the Myton Way centre to accommodate the Class A1, A2, D1 and D2 uses.

62. The study dismisses locating the A1; A2, D1 and D2 uses within Myton Way on the basis that no sites were found that were available or appropriate. However, it is argued that the application site is an edge of centre location and that the uses proposed would actively support and enhance the Local Centre.
63. With regard to the other uses a number sites (11) within the Teesside Industrial estate and Preston farm were examined and assessed in a matrix against a number of standards. The scoring used indicated that the application site scored highest against the planning considerations indicated.
64. There are reservations about the scoring method and weighting, a matter of concern to a number of the objectors and Councillor Dixon. Whilst it helps inform on the decision, it is not sufficiently comprehensive and fails to consider disaggregation of the proposed uses for it to substantively prove that only the application site is appropriate for the uses proposed. The case, particularly for the B1 uses is not well made and given the amount of B1 office space already approved within the Borough and the need to sequentially to be located the firstly within Town centres in accordance with PPS 6, it provides insufficient evidence to justify the land use planning case. The same is true of the retail and leisure uses proposed. There have been discussions with the applicant to secure changes to the proposal to make it more acceptable leading to the recently refused planning application. However, the application as submitted remains the proposal for which approval is now sought.
65. Justification for the development also has been sought through reference to both PPS1 which encourages forms of development that “contribute to sustainable economic development” and PPG4 which states “it is now generally recognised that it may not be appropriate to separate industry and commerce – especially small-scale developments – from the residential communities for whom they are a source of employment and services”. It is recognised that the development is potentially in a sustainable location and the fact that housing is nearby is no reason in principle to reject the mixed development now proposed.

#### Traffic, access and highway safety

66. One of the major concerns of local residents, consistently raised in respect of any development proposal on this site, is the potential adverse traffic impact exacerbating existing congestion problems in Ingleby Barwick and reducing highway safety through increased traffic generated by the development. The application is supported by a Transport Assessment prepared by consultants on behalf of the applicant and it concludes that there are no traffic or transport related reasons that should prevent the granting of planning permission for the proposed development.
67. However, your officers disagree. The Head of Technical Services objects as it is considered that the proposal would be detrimental to highway safety and the free flow of traffic in Ingleby Barwick due to severe congestion as well as for other highway reasons discussed further below. With regard to the traffic impact he is firmly of the view that the traffic associated with the development will add to the significant queues already found at existing junctions and adds, based on models produced that by 2017 just with the committed development for the area, there will long traffic delays throughout Ingleby Barwick. He also has some technical reservations about the TA including that there is an underestimate of potential trip generation.

68. With regard to the proposed access points, he considers that as proposed these are unsafe and as set out in paragraph 18 above, the eastern access will conflict with school traffic and the western access has a potential blind spot.
69. The site layout is also unsatisfactory from his standpoint. Not only does it not comply with Council parking standards (though the applicant argues that sufficient parking has been provided) the siting of some of parking would add to highway safety concerns in respect of the use of the access points. Further, that problems associated with a shortfall of parking could be exacerbated on the basis that no travel plan has been provided attempting the control the use of common parking areas. This could lead to indiscriminate parking and conflict between the competing uses particularly the office uses and the pub restaurant. An additional concern is that there is insufficient manoeuvring space for large service vehicles as well as for some of the parking spaces.
70. These concerns about traffic highway safety and insufficient parking are shared by many of the local residents who particularly highlight the problem at the nearby Tesco roundabout as well as concerns for child safety given the proximity of the schools. The residents argue that there have been a number of traffic accidents in the area. The consultant has examined road accident data for the area and concluded there are unlikely to be any safety issues associated with the development.

#### Loss of Open Space

71. As well as the traffic issue, local residents are also concerned that the development would lead to a loss of a significant area of open space within Ingleby Barwick, which has always intended to be retained for such purposes. In addition concerns are raised over the loss of trees on the site as well a potential impact on local wildlife.
72. The development proposes utilising the majority of the site for built development (approximately 2 hectares) including a part, which is already subject to approval for development (0.5 hectares). It is acknowledged that the land has some new planting, which appears well established, and will be lost to development though the rest of the site at present is largely over grown and unattractive. However, the development includes an open area (0.9 hectares) for public use at the western end of the site and retention of existing boundary hedgerows and trees can be secured through planning conditions together with additional new landscaping. A small "park "area is also indicated at the eastern end of the site.
73. The comments of the Landscape Architect are noted but it has to be recognised that the land is not public open space (nor defined as such in the local plan as previously discussed). Instead it is in private ownership and currently not available for public use. Whilst it may be desirable that all the land is retained for public open space purposes as part of the estates overall landscape framework and taken into public ownership/control as a park as suggested by some, this application provides the mechanism only to do so for one third of the site. The land is not statutorily protected. Alternative proposals to provide a park elsewhere are also well advanced.



74. Comments made that the site houses protected species are not justified and it is noted that no objection has been raised from Natural England, the relevant statutory body.
75. The proposal does involve the loss of an area of potential open space that separates the villages, but the loss is only partial and provides the opportunity for some of it to be made available for public use. At present it is not and could be fenced off to prevent any informal usage. In the circumstances it is not considered that a refusal on the basis of the loss of open space can be sustained.

Impact on the amenities of neighbouring occupiers and uses

76. The proposal includes a significant degree of built development and whilst in outline the application seeks approval for the siting of these buildings.
77. In this context the land immediately to the north is to be developed for housing with private residential properties immediately backing on to the site. An assessment has therefore to be made on the likely impact the development could potentially have on the amenity of the future occupants of those dwellings as well as the impact on existing uses opposite the site on the south side of Blair Avenue including the schools. Some of the indicated building will be three storey, some are two storey and distances to the northern boundary are as little as 9m with certain elements e.g. bin store only 8m distant and in prominent locations. There are possible overlooking issues particularly from the three storey incubator/starter units. There are also concerns over the siting of certain building in terms of visual impact, for example the medical centre location is hard up against the eastern boundary where it borders onto the existing footpath/cycleway. Not only would existing hedgerow be lost it could result in an obtrusive visual impact out of character with the area. Similar concerns can be raised against the siting of other buildings.
78. The siting of some of car parking is also a concern. The highway safety element has already been discussed but some areas are proposed immediately adjacent to the residential boundary to the north. In the location there is potential to cause the residents disturbance not only from noise but from light pollution at nighttime from the likely security lighting.
79. The development also includes a “small” wind turbine prominently located at the eastern frontage of the site and described also as a site marker. The design statement also refers to a number of miniature wind turbines though their siting is not indicated on the submitted layout. A number of concerns have been raised about the suitability of such a facility on the site because of concerns not only visually but also because of noise, light flicker, shadowing, affect on birds and other issues raised against such structures. Advice on dealing with such development is given in PPS22 and its companion guide. It is clear from this that such development should be encouraged because of their renewable energy benefits. However, before granting an approval issues such as visual impact, availability of wind location in relating to existing development public safety, ecological issues all have to be considered. In principle use of wind technology in a development such as proposed is to be supported. However, there are reservations about its prominent siting next to a public footpath and close to housing and schools. The concerns could potentially be overcome by restricting the size of the unit (height is not specified) and possible relocation to a less prominent site, provided sufficient information is submitted for approval.

80. As stated earlier attempts have been made to secure changes to the development to overcome the various concerns raised and whilst some draft plans have been subject of discussion and a new application made, the application as submitted remains the development for which outline permission is now being sought.

#### Need for the development

81. A number of objectors have claimed that the uses proposed in the development are not needed within the Ingleby Barwick, though it also been argued that the growing community needs increased facilities and increased choice. The applicant is required to demonstrate need for the town centre uses (retail, office and leisure uses) but has failed to do so. In respect of the retailing use, the applicant relies partly on a statement in PPG6 which indicates that shops may be proposed as ancillary to other forms of development such as, inter alia, industrial/employment areas and on policy S17 of alteration No 1 of the local plan that planning permission may be given for small scale retail development outside of existing shopping centres. It is also argued that the site is an edge of centre location.

82. The provision of the uses proposed is largely a commercial decision and the proposals themselves are largely speculative. Also the applicant has failed to fully demonstrate need for the town centre uses as part of the planning process. Nevertheless, it is recognised that there is continuing demand for some of the proposed uses including private nursery provision, Youth and Community centre and medical facilities. As stated earlier, whilst it is recognised that there are existing Doctors surgeries within the adjacent Myton centre as well as a dental surgery, with the growing population additional health related facilities may well be required.

83. It has to be recognised that the site is well positioned in terms of links to local centre as well as public transport for it to attract many of uses proposed but if outline permission is granted their location on the site will be mainly a commercial decision and the fact that such uses already existing within Ingleby Barwick is not reason in itself to reject the development.

#### Residual matters

84. A number of other issues have been raised that have not already been discussed and require to be addressed.

85. It has been stated that the proposal constitutes over development of the site. However, the development only proposes the development of approximately two thirds of the available land and within the built part of the site significant amount of amenity open space is indicated on the layout plan accompanying the planning application.

86. Another concern raised is that site could be better used for other purposes including for educational purposes as additional secondary school provision. For such purposes the land would have to be acquired, probably compulsorily, and it would also prevent the land ever becoming available for general public open space use. However, that has never been formally proposed and the application as submitted it the matter to be considered and has to be on its own planning merits.

87. Concerns have been raised that the development could potentially give rise to increase in anti-social behaviour particularly from youths congregating in the car parking areas. The Police have been consulted on the application but have not responded. However, it should be recognised that this is an outline application with matters of detail in terms of design, landscaping etc reserved for future approval. Matters such as secured by design and other security issues could be addressed at that time.
88. Noise and pollution arising from the development is one further issue raised. Pollution from traffic fumes may be a concern from the significant traffic movements. Noise can be controlled by planning conditions in respect of hours of construction. Noise generated by the proposed uses, if advised by Environmental Health as likely to be a concern can also be similarly controlled by condition.
89. The Environment Agency has lodged an objection on the basis that no flood risk assessment (FRA) has been produced and is concerned about flooding problems down stream. The site is within zone 1 and the standing advice is that for developments of this type a FRA should be produced. Whilst the applicant has failed to provide a FRA, it is likely that specific concerns over flooding down stream could be controlled through appropriate planning conditions. However, the failure to provide a FRA is a reason for refusal of development. The agency also now has “call-in” powers should authorities be minded to approve application to which the agency has objected.
90. Site drainage from the site can be controlled by condition but it is noted there may be insufficient capacity in the system for foul flows. The presence of a water main running along the front of the site is a constraint and if development was to be approved on the site, its diversion may need to be investigated. The same concerns arise from the public sewer identified by Northumbrian Water as being within the site.
91. It is noted that complaints have also been received that there has insufficient public consultation of the application. However, the application has been well publicised as evidenced by the number of objections lodged.
92. Other matters such as impact on property values and the development is only profit motivated are noted but are not material to the planning decision.

## **CONCLUSIONS**

93. In conclusion it is considered the application site is a sustainable location in accord with Planning Policy Statement 1. The outline planning permission granted in 2004 has also established the principle that the site is, at least in part, appropriate for development. Additionally it is noted that the site is not specifically allocated for any purpose in the adopted Stockton on Tees Local Plan 1997 and is not protected from development. It is therefore considered that a refusal on the basis of the loss of open space cannot be sustained.
94. With regard to the traffic and highway concerns it is noted that the Head of Technical Services objects to the development on a number of grounds – traffic, access, parking and general highway safety concerns. The concerns raised are well founded and provide a strong reason to refuse the application.

95. The application seeks approval for the siting of the proposed built development. There are significant concerns about the relationship of the buildings with the surrounding uses. The concerns relate to the impact on amenities of the future housing to the north and the visual impact of the siting of certain elements of development particularly the medical centre and potentially the wind turbine. Whilst discussions have continued on these aspects and a new separate application submitted for a reduced scale of development, these have not lead to an acceptable scheme. The proposal as submitted in terms of siting of buildings and parking areas is not acceptable.
96. Allegations that the uses proposed are not necessary are noted. The provision of the uses proposed is largely a commercial decision and the proposals themselves are largely speculative. However, the applicant has failed to fully demonstrate need for the town centre uses as part of the planning process. Nevertheless, it is recognised that there is continuing demand for some of the proposed uses and that the site is well positioned in terms of links to local centre as well as public transport for it to attract many of uses proposed. The fact that such uses already existing within Ingleby Barwick is not reason in itself to reject the development
97. The applicant has failed to provide a Flood Risk Assessment (FRA). It is likely that specific concerns over flooding down stream could be controlled through appropriate planning conditions. However, the failure to provide a FRA is a reason for refusal of development.
98. Other issues such as over development of the site, that there are better alternative uses for the site, the potential to encourage anti-social behaviour, drainage, noise and pollution concerns, that the site would be better used for educational purposes as additional secondary school provision, noise and pollution etc have all been considered but do not justify a refusal of permission.
99. There is potential for some development on the site but it would have to substantially reduce from the present proposal to overcome the traffic constraint. The concerns of residents in this respect are well founded. The application is also deficient in a number of other areas, in terms of siting and failure to properly demonstrate need for the town centre uses proposed.
100. Accordingly, it is considered the application a submitted is unsatisfactory and should be refused.

Director of Neighbourhood Services and Development

Contact Officer: Peter Whaley - Telephone No. 01642 526061

**Financial Implications:**

None

**Environmental Implications:**

See report

**Human Rights Implications**

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

Community Safety Implications

None

**Background Papers:**

Application files: 03/2212/OUT; 05/0870/OUT; 06/0823/OUT; 06/3752/OUT;  
07/0492/REM; 07/1136/REM

**Ward and Ward Councillors:**

Ward	Ingleby Barwick West
Ward Councillor	Councillor K Dixon

Ward	Ingleby Barwick West
Ward Councillor	Councillor L Narroway

Ward	Ingleby Barwick West
Ward Councillor	Councillor R Patterson