

DELEGATED

AGENDA NO 5
PLANNING COMMITTEE

UPDATE REPORT

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

12/2517/OUT

Land At Low Lane, High Leven, Ingleby Barwick
Outline application for the erection of Ingleby Manor Free School and Sixth Form and residential development (350 dwellings) including means of access

Expiry Date 21 January 2013

SUMMARY

Since the original report to members of the planning committee further correspondence has been received from two Ward Councillors, Natural England and the Head of Technical Services, these are detailed in full within the consultation section.

Additional indicative drawings and a revised masterplan have also recently been received. These detail how an appropriate landscape buffer could be provided and show the amalgamation of open space into one area to achieve the minimum space standards. An image showing how screen planting (similar to that proposed) could grow and mature over time has also been included within the submission. These are attached to the appendices of this report.

Additional comments have also been received from the applicant (as to how the school and housing are linked), the Ingleby Free School group and the Education Funding Agency have submitted a delivery programme, these comments are attached to the appendices of this report. An additional 40 letters of support have also been received since the original committee report, the content of which is also set out within this update report.

Updated Heads of Terms are also detailed at the end of the report that now include the financial contributions required in respect of the highway improvements.

RECOMMENDATION

That Planning application 12/2517/OUT be Refused for the following reasons;

Green Wedge/landscape character:

01. **In the opinion of the Local Planning Authority the proposed development represents an unjustified incursion into the Bassleton Beck valley green wedge and by virtue of its scale and nature would have an unacceptable detrimental impact on the open character and visual amenity of the area and thereby harm the amenity value or the site and the separation that exists between the settlements of Ingleby Barwick and Thornaby, contrary to saved policy H03 of the Adopted Stockton on Tees Local Plan and policies CS3(8) and CS10(3) of the Adopted Core Strategy and paragraph 123 of the National Planning Policy Framework (NPPF).**

Affordable Housing:

- 02 In the opinion of the Local Planning Authority the applicant has failed to provide any justification or viability assessment that to satisfy the Local Planning Authority that would reasonably justify a reduction in affordable housing provision, from the minimum 20% level identified within the Core Strategy, contrary to the requirements of Policy CS8(5) of the Core Strategy and paragraph 50 of the National Planning Policy Framework.**

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

PROPOSAL

1. Additional indicative drawings and a revised masterplan have submitted for consideration. These demonstrate that additional landscaping can be incorporated either within the application site, or on land owned by the applicants and that a larger area of open space can be provided. Further information also sets how similar screen planting to that proposed could grow and mature in a relative short timeframe, thereby screening the proposed development.

CONSULTATIONS

Local Ward Councillor - Ken Dixon

Members of the planning committee I would urge you to take my following **FACTUAL** observations into account when deliberating on the application before you;

Ingleby Barwick will by the time the Sandhill development is completed have over 8000 houses, we have 6 primary schools and ONE 700 place secondary school (All Saints). This means at the moment we have staggeringly over 800 children being transported off to other schools at a cost to the rate payer of over £250,000 per annum (13 buses a day).

By the time we reach 2015-17 there will be nearly 1200 children being transported off **SO WE MUST DO SOMETHING NOW!** What cost to the tax payer then!

By the time the projected 2000 houses are completed in Yarm and Eaglescliffe the numbers from these areas will rise by at least 500 who will obviously require places in schools in their own area. So give the projected 1200 children from Ingleby Barwick and the reduction in Eaglescliffe and Conyers by 500 where are the children from Ingleby going to go, it's a recipe for disaster as there are NO plans to legislate for these numbers!

To compound this situation Conyers have announced that they have gone into Academy status (I find this an unbelievable u-turn from a year ago when there was no way they would go the Academy route). This in essence means that SBC will not control the school either in size or build so cannot factor this school in future school numbers or increasing size to cope with demand. This also means that the parents of children attending Conyers will have to at some stage **PAY** for any bus service to the school which in these austere time is another burden on them particularly if there is more than one sibling attending the school from one family, would you want to saddle any parent with such a hefty bill at this moment! There is also the added traffic any reduced bus service would bring!

So you can see there is an irrefutable case for a new secondary school in Ingleby Barwick and only then will we be able to adhere to Stockton's School ethos that a school should be at the heart of the community!

I understand there is a financial link between the building of the school and monies raised by the new housing development. I am unclear how many houses are required to fund the school as we have not seen any detailed financial information. The request for 350 houses but without the financial information it is difficult to comment on the need for this number of properties as an enabling development for the free school. I do understand the need for innovative funding streams due to the reduction in public funds but further information would have been appreciated.

I would also request that should this be approved that a request is made to the developer to gift the rest of the green wedge land over to Stockton to be kept as a green wedge area.

Thank you for the time to read this statement.

Local Ward Councillor – David Harrington

"As a neighbouring Ward Councillor, I would like to comment on this application. I appreciate that the Planning Committee will have a difficult decision to make in determining the application. Having read the Mr Grundy's report, I do understand the professional conclusion he has made. I acknowledge that the application has timed out. With the consent of all parties involved, I would urge Members to consider deferring this application until the next Planning Committee for clarification to be sought on the following points in the case of openness and transparency which is one of the main areas that has caused concern within the community:-

- Have the Government confirmed that the Free School is approved? The developer has removed the link for housing by changing the application from a "Permitted Development" to fall under the "5 Year Housing Supply" rule. Concern exists within the community that if Government decides not to approve the school, what happens if Planning Committee are mindful to approve the application today? Would this mean that by stealth, permission has been granted for housing? **Please could clarification be sought here and if necessary could suitable conditions be worked up to prevent this, or even further housing occupying what would be the footprint of the school if Government decides not to approve the application submitted by the Parents Group?**
- I note that the majority of objections are quoting the principal reason for refusal as additional housing on the existing strained infrastructure in Ingleby Barwick and the surrounding area. Residents are concerned to see what would appear to be two access roads on the outline site plans. **What are those access roads for? The Planning Committee need to be assured that this application of 350 homes (which the majority of residents accept is the price worth paying for another secondary school) is NOT a Trojan Horse for further housing development in the future. Again could this be conditioned?**
- BOSS2 (which is now the Ingleby Manor Foundation Trust) was established by Councillor Patterson and I. The aim of this group was to secure additional secondary school places in Ingleby Barwick or close to its boundaries. The Group was NEVER created to seek additional housing in the community. **Is it appropriate for the Planning Committee to be informed of who negotiated the deal for the homes and the numbers involved given the original application was for a "Permitted Development" not under the "5 year housing rule"?**

Please be aware that this representation is based on the dialogue with residents since the Planning Application was lodged last year. Not one member of the Ingleby Manor Foundation Trust have directly approached me for support with regards to this application. This fact does surprise me. If Planning Committee receives satisfactory answers to the above points, SBC has an opportunity to receive what could be a £20m investment in secondary education for the young people of this Borough. That said, it is the call of the Planning Committee to determine with the professional advice from Officers that 350 homes may be worth accepting to secure another secondary school in Ingleby Barwick once the points above have been answered. In conclusion, I support the additional secondary school which was the original aim of the Group."

Natural England (summarised)

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

Our Standing Advice Species Sheet: Bats provides advice to planners on deciding if there is a „reasonable likelihood“ of bats being present. It also provides advice on survey and mitigation requirements.

How we used our standing advice to assess this bat survey and mitigation strategy
We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats and came to the following conclusion: Box (iii) advises the authority that “Permission could be granted (subject to other constraints)” and that the authority should “Consider requesting enhancements”.

For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a „reasonable likelihood“ of protected species being present and whether survey and mitigation requirements have been met.

The Head of Technical Services

General Summary

This report provides a further update to the previous comments provided by Technical Services and address both Highway and Landscape and Visual comments.

It is noted that in addressing the Landscape and Visual comments that the provision of increased Public Open Space (POS), increased landscape buffer zones and the potential of shading in gardens would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350 houses.

Highways Comments

Access Road and Roundabout Junction

The applicant has confirmed that a signalised crossing on Low Lane would be provided as part of the roundabout design and delivered as part of the Section 278 Agreement.

Cycle and Pedestrian Links

The applicant has confirmed that a Section 106 contribution would be provided for a footpath south of the Regency Park development connecting the site to Barwick Way, in the vicinity of the proposed Toucan crossing close to the junction with Windmill Way.

Travel Plans

The heads of terms for a school and residential travel plan have been provided. Whilst there are some welcome initiatives, there are some key omissions and further discussions should take place with the Councils Environmental Policy team to develop the travel plans in more detail. The final detail with regards to travel plans could be conditioned

In accordance with other developments locally, the Heads of Terms of the Section 106 agreement should request £100 per dwelling be made available as a travel plan incentive payment. A total cost of £35,000. The residential Travel Plan Coordinator should devise a list of priorities for the remaining funding should all dwellings not take up this incentive.

Transport Modelling

The applicant has confirmed that a financial contribution of up to £300,000 towards the improvements at the A174/Thornaby Road junction would be provided and this should be secured via a Section 106 Agreement. This contribution would be paid on occupation of the 50th dwelling. This contribution has been agreed to deliver the works that are required to mitigate the impact of the development at the junction.

The applicant has also confirmed that a financial contribution of up to £100,000 would be provided to improve the Low Lane/Thornaby Road junction. This contribution would be paid on occupation of the 150th dwelling and should be secured via a Section 106 Agreement. The provision of junction improvements should mitigate the traffic impact of the development.

Summary

Subject to the agreed mitigation being provided, there would be no highway objection to the proposal.

Landscape & Visual Comments

Additional Information

Open space

Following the submission of revised plans concerning Public Open Space (POS) and the landscape planting buffer the following additional comments are made:

Option A is acceptable in principle as it fulfils the basic requirements.

The larger open space with suitable buffer zones would serve the needs of active informal recreational pursuits. It is proposed to be roughly square but would need to be designed to be level and well drained area. The area should not be adjacent to major roads or other hazards. The margins to the 0.6ha area could also act as an open space 'landscape buffer zone' softening the transition between the housing area and the green wedge to the north, at the location for the open space. The open space should also include a fixed play area of approximately 2500m². Details for a formal area of play within the development details are provided in the informative section of the previous memo. The needs for formal sports provision are to be catered for as part of the community use agreement associated with the proposed school. The provision of detailed drawings for the POS must be conditioned as part of any consent. Option B is not acceptable as it is too narrow to allow active recreational pursuits to take place without causing a nuisance to future residents that would abut the site.

The requirement for the increased area of POS would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350.

Landscape buffer

The applicant has confirmed additional landscape buffer zones along important boundaries to mitigate the visual impact of the proposed development and assist the integration of the proposed development into its surroundings. The Indicative Landscape Structure Plan (drawing ref TAG 8) indicates boundary planting designed to soften the impact of the development ranging from a wide buffer zone on the southern site boundary of approximate varying width of 20 - 30m to 15 - 20m on the northern and north eastern site boundaries and southern site boundaries near Maltby Farm. It is considered that this width of structure planting could provide the necessary screening of the proposed buildings and to assist their integration into their surroundings is acceptable.

It is understood that the buffer zone planting on the northern and north eastern boundaries will be provided on land within the blue line boundary land. However on the southern site boundary just north of Little Maltby Farm housing numbers may have to be reduced to accommodate the landscape buffer as the buffer would be situated within the site red line boundary. The requirement for the increased landscape buffer zones would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350 houses subject to the provision of the required buffer planting and or a Grampian condition to secure the off-site planting.

Without shade assessment drawings it is not possible to consider how the buffer zones would relate to the proposed housing and there are concerns that given the current layout shading problems could lead to the loss of amenity and likely maintenance issues over time as residents would request that trees are removed to allow sun into their gardens eroding the integrity of the buffer zone.

Shade assessment drawings must be provided to assess the detailed housing layout and any reserved matters application layout should aim to remove the shade issues from gardens to a level

that amenity is not adversely affected. The provision of shade drawings must be conditioned as part of any consent. It may, for example, be necessary to have large gardens for the dwellings nearest the buffer zone planting to mitigate against the shading effect.

The section B - B illustrates a buffer width of 15m and is dissected by an existing hedge at southern end. The same shade issues raised for section A - A would also apply to this section of buffer zone planting.

Advanced planting of the landscape buffer planting proposed on the Indicative Landscape Structure Plan drawing ref TAG 8 would assist in reducing the long-term visual impact of the development. Typical native woodland block planting would take 15 years for screening to make a noticeable affect.

PUBLICITY

2. Publicity has been given to the application by neighbour letters, a press advert and site notices. Any comments received are detailed below (in summary). A total of 38 additional letters of support have been received;

Support comments:

- General support for the Free School
- Need for additional secondary school in Ingleby Barwick
- Result in fewer children being bussed from Ingleby Barwick
- Opportunity to deliver school paid for by Central Government
- Only viable location for the school within Ingleby Barwick
- There is no house free scenario
- Council has already approved school building on Green Wedge (Ingleby Mill Primary School, 2003) and house building on Green Wedge (Morley Carr Farm, 2012)
- Queries/rebutals over statements made by objectors
- Support for school and 350 houses as opposed to the potential for 1200 houses and no school
- Core Strategy document identified the site was an option for residential development.
- Would bring about a much needed community facility

Supporters:

David Morris – 44 Nevern Crescent
Laureen Morris - 44 Nevern Crescent
Emma Pennock – 44 Nevern Crescent
Mr David Dixon - 26 Penberry Gardens Ingleby Barwick
Robert & Jacqueline May - 39 Thornwood Avenue, Ingleby Barwick
Alistair Corbishley - 18 Brodie Close, Ingleby Barwick
Scott Bradley - 42 Talbenny Grove, Ingleby Barwick
Stephen Fryer - 16 Wensleydale Grove – Ingleby Barwick
Carl Dixon & Michelle Manning – 39 Hilden Park, Ingleby Barwick
Mrs C Green - 38 Dunmoor Grove, Ingleby Barwick
Karen and Paul Connett - 53 Langleeford Way, Ingleby Barwick
Helen Gregory - 5 Ramsay Gardens, Ingleby Barwick
Mrs Angela Robinson - 6 Owletts Court, Ingleby Barwick
Claire Fryer - 33 Whernside Crescent, Ingleby Barwick
Ian Fryer - 33 Whernside Crescent, Ingleby Barwick
Mrs Louise Hoyland - 1 Talbenny Grove, Ingleby Barwick
Mr Geoff Hoyland - 1 Talbenny Grove, Ingleby Barwick
Simon Caughey - 21 Hillway, Ingleby Barwick
Howard Fryer - 53 Wensleydale Grove
Kath Fryer - 53 Wensleydale Grove
Michelle Fryer - 16 Wensleydale Grove

Albert Bartley - 19 Burniston Drive, Wolviston
Angela Dawes - 47 Priorwood Gardens, Ingleby Barwick
Mrs Elizabeth Atkinson -10 Gilwern court, Ingleby Barwick
Philip Drewery - 5 Hasguard Way, Ingleby Barwick
Mark baines - 8 Parracombe Close, Ingleby Barwick
Vicki Stephenson - 1 Usway Court
Mr Geoff Hoyland – 1 Talbenny Grove Ingleby Barwick
Karen Ellis - 8 Gayle Moor Close, Ingleby Barwick
Gerard Holmes - 27 Trecastell, Ingleby Barwick
Liz Atkinson -10 Gilwern Court, Ingleby Barwick
Ms Rebecca English - 160 Davenport Road, Yarm
Miss J Graham - 16 Embsay Close, Ingleby Barwick
Mr Stephen Williams - 16 Embsay Close, Ingleby Barwick
Mrs Claire Atkinson - 7 Dovey Court, Ingleby Barwick
Mr Craig Walton - 5 The Pasture, Ingleby Barwick
Miss Stacey Caddy - 26 Vaynor Drive, Ingleby Barwick
Mr Raymond Barber - 62 Apsley Way, Ingleby Barwick
Ms Linda Reeve - 2 Wychwood Close, Thornaby
Steve Ransome – 15 Melford Grove, Ingleby Barwick

MATERIAL PLANNING CONSIDERATIONS

3. All the main material planning considerations remain as detailed within the original planning committee report, unless otherwise indicated below.

Visual impact/impact on the Green Wedge;

4. The applicant has confirmed additional landscape buffer zones along important boundaries to mitigate the visual impact of the proposed development and assist the integration of the proposed development into its surroundings. The Indicative Landscape Structure Plan (drawing ref TAG 8) indicates boundary planting designed to soften the impact of the development ranging from a wide buffer zone on the southern site boundary of approximate varying width of 20 - 30m to 15 - 20m on the northern and north eastern site boundaries and southern site boundaries near Maltby Farm. It is considered that this width of structure planting could provide the necessary screening of the proposed buildings and to assist their integration into their surroundings. However on the southern site boundary just north of Little Maltby Farm housing numbers may have to be reduced to accommodate the landscape buffer. The requirement for the increased landscape buffer zones would require the applicant to agree revised wording for the application so as to agree a maximum figure of 350 houses along with the required buffer planting and a Grampian condition to secure the off-site planting.
5. Without shade assessment drawings it is not possible to consider how the buffer zones would relate to the proposed housing and there are concerns that given the current layout shading problems could lead to the loss of amenity and likely maintenance issues over time as residents would request that trees are removed. Shade assessment drawings should be considered as part of a reserved matters application and such drawings should aim to remove the shade issues from gardens to a level that amenity is not adversely affected. It may, for example, be necessary to have large gardens for the dwellings nearest the buffer zone planting to mitigate against the shading effect.
6. Advanced planting of the landscape buffer planting proposed on the Indicative Landscape Structure Plan drawing ref TAG 8 would assist in reducing the long-term visual impact of the development. Typical native woodland block planting would take 15 years for screening to make a noticeable affect.

7. Whilst the additional information addresses some of the previous concerns in respect of mitigating the visual impact, it is not considered that the issues in terms of the loss of the green wedge, as set out in the original committee report have been. The reason for refusal therefore remains in this regard therefore remains.

Open Space;

8. It is considered the required open space can be provided on site although it should also include a fixed play area of approximately 2500m². Option A is preferred, in view of option B's narrow nature, furthermore option A is considered to be better related to the residential development and proposed pedestrian linkages. The needs for formal sports provision are to be catered for as part of the community use agreement associated with the proposed school. This provision must be secured through appropriate planning conditions and s.106 agreements.

Access and Highway safety;

9. The Head of Technical Services has confirmed that agreement has been reached with the applicant in respect of a number of matters, these include financial contributions for the previously detailed mitigation works, the provision of a new pedestrian crossing point on Low Lane and footpath provision to the south of Regency Park to connect to Barwick Way. These aspects are reflected in the Heads of Terms although it is not considered that there is any fundamental change to the position previously outlined within the original committee report in respect of highway safety. matters relating to the travel plan could be conditioned.

Protected species;

10. Following the receipt of an additional protected species survey, which shows that there was no evidence of roosting bats in any of the trees identified as having potential in the Phase 1 habitat survey and that the only features of bat conservation value are the hedgerows.
11. As a result Natural England has removed their objection to the proposed development and it is no longer considered that the proposed development poses any significant risks to any protected species. Consequently the previously indicated reason for refusal (no.3) can be removed. Planning conditions could be imposed to ensure the recommendations of the latest protected species report are fully adhered to, this would include; limiting tree removal to between September and February and further survey work should more than 2 years elapse between the survey and any proposed felling should the application be approved.

CONCLUSION

12. In view of the additional information received the benefits associated with the development are again acknowledged as is set out within the original committee report. It is however, considered that no new information has come forward which the recommendation in respect of the green wedge and affordable housing provision. The application therefore remains with a recommendation for refusal as set out above.
13. In the event that Members consider the application favourably, they will need to consider the following requirements which would need to be in the form of a Section 106 Agreement which would need to be completed before a planning consent could be issued

HEADS OF TERMS

Contributions for Highway Improvements for;

- ❑ £300,000 for a double right turn at the A174 / Thornaby Road (to be paid on occupation of the 50th dwelling); and
- ❑ £100,000 for a signal scheme at Low Lane / Thornaby Road (to be paid on occupation of the 150th dwelling).

- The provision of a footpath south of the Regency Park development connecting the site to Barwick Way in the vicinity of the proposed Toucan crossing close to the junction with Windmill Way.

Education contribution of £728,000 towards Primary School Places

Requirement for 20% Affordable Housing provision

To meet with Open Space requirements, unless alternative arrangements are provided

Local Labour Agreements

Provision of land for free school and access

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick East

Ward Councillor Councillor Jean Kirby, K C Faulks & Gillian Corr