
STOCKTON ON TEES BOROUGH COUNCIL

**Outline application for the erection of Ingleby Manor Free School
and Sixth Form and residential development (350 dwellings)
including means of access.**

Land at Low Lane, High Leven, Ingleby Barwick, TS15 9JT

Appeal Reference: APP/H0738/A/13/2192538

Council Reference: 12/2517/OUT

PROOF OF EVIDENCE OF ROSEMARY YOUNG BA (Hons) MRTPI

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Proof of evidence of Rosemary Young BA (Hons), MRTPI

1. Qualifications and Experience

- 1.1 I am Rosemary Young Spatial Planning Manager at Stockton-on-Tees Borough Council. I have held this position since June 2006 and my role is to lead the team responsible for the preparation of the Council's development plan. I am a qualified planner and have a BA (Hons) Degree in Town Planning and am a Member of the Royal Town Planning Institute. I also have a Diploma in Management from the Chartered Management Institute. I have been employed as a professional planner in a variety of roles since 1988.
- 1.2 I am familiar with the Site and the issues relevant to rebutting this appeal.

2. Introduction

Background

- 2.1 This Proof of Evidence is submitted by me on behalf of Stockton on Tees Borough Council (“the Council”) in respect of the appeal against the refusal of planning permission for the development of the Ingleby Manor Free School and a residential development of up to 350 dwellings.
- 2.2 The following reasons relating to green wedge/landscape character and affordable housing were the reasons for the refusal of planning application 12/2517/OUT:

Reason for Refusal - Green Wedge/landscape character

- 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 of 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 (see Core Document 1) and policies CS3(8) and CS10(3) of the Adopted Core Strategy (see Core Document 2) and paragraph 123 of the National Planning Policy Framework (NPPF).

Reason for Refusal - Affordable Housing

- In the opinion of the Local Planning Authority the Appellant 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.
- 2.3 The application was also refused on grounds relating to protected species. The issues relating to this reason for refusal have now been resolved and it no longer stands as a reason for refusal.

The Development Plan

- 2.4 Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point is to identify the development plan. The development plan currently comprises the Stockton-on-Tees Core Strategy LDD (adopted March 2010), the saved policies of the Stockton-on-Tees Local Plan 1997, and the Tees Valley Joint Minerals and Waste LDD (September 2011). At the time the

application was determined it also comprised the North East Regional Spatial Strategy (RSS). The Secretary of State has issued a Revocation Order for the abolition of the RSS and this came into effect on 15th April 2013.

Compliance of the adopted Core Strategy with the NPPF

- 2.5 Paragraph 213 of the NPPF states: *'Plans may therefore need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.'*
- 2.6 Paragraph 215 of the NPPF states: *'In other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the policies in the Framework, the greater the weight that may be given).'*
- 2.7 The Council has recognised that the policies that deal with the location of housing and housing mix are not NPPF compliant. For this reason the Council has undertaken a targeted Core Strategy Review on these matters. However, the rest of the adopted Core Strategy is NPPF compliant and not therefore part of the review. Full weight as part of the statutory development plan therefore attaches to the rest of the adopted Core Strategy.

The emerging Development Plan

Reasons for reviewing the housing element of the adopted Core Strategy

- 2.8 The adopted Core Strategy is focused on achieving regeneration, and implementing the plans and strategies of other service providers, such as those which provide health and education. The Council remains very strongly committed to these objectives. However, the Council is also firmly committed to ensuring that its plans are realistic and achievable. It has always recognised that delivering its regeneration objectives would not be easy but the significant reduction in the availability of public investment has greatly exacerbated this. Changes in government policy such as cancelling the Building Schools for the Future (BSF) programme in the Borough have also had an impact on the availability of potential housing sites.
- 2.9 Every year the Council undertakes an exercise to show how many new homes have been built in the recent past and to predict how many will be built in the future. The resulting projection is known as the housing trajectory.
- 2.10 The housing trajectory identifies that from 2021 to the end of the plan period there are not enough sites that are both deliverable and compliant with the adopted Core Strategy to meet the housing target.

The Council considers it very important to address this shortfall to meet housing need and demand, reduce the deficit of affordable housing in the Borough and to enhance the economic competitiveness of the Tees Valley. The shortfall must also be addressed in a planned and coordinated way rather than through piecemeal and un-coordinated development.

Scope of evidence

2.11 The scope of the evidence presented is as follows:

- The Council will discuss the housing requirement in the context of explaining why how this requirement is to be met is the subject of a targeted Core Strategy Review. This discussion will also address the question of whether a 5% or 20% buffer should be added to the supply of deliverable housing sites and will also comment on the ability of the Site to contribute to the five year supply of deliverable housing sites.
- The Policy requirement, both adopted and emerging, for affordable housing provision will be stated. The background for how this requirement was arrived at will be stated including how the economic viability sieve has been applied in arriving at the requirement. The case of the Appellant, as presented through the planning application process, will then be related to the policy position and discussed in this context.
- In the next section the evolution of green wedge policy is explained and the challenge by the Appellant to the integrity of the Bassleton Beck Green Wedge designation is rebutted. How green wedge has been assessed through the Regeneration and Environment LDD process and the support of the majority of respondents for strengthening their protection is discussed. The links between the Site and the Council's Green Infrastructure Strategy are explained.
- The final section of this Proof of Evidence will present the Council's case regarding the importance of a Masterplan led approach in the context of Ingleby Barwick. By way of background the proposed development is set in the context of the history of the Ingleby Barwick development demonstrating that a Masterplan led approach and ethos has been consistently applied from the outset and continues to be with the ongoing development of Villages 5 and 6. This will also be related to some of the core planning principles stated in the NPPF.

3. Relevant policy and evidence base – the housing requirement

Relevant policy

National Planning Policy Framework (NPPF) – Paragraph 47

3.1 'To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- Identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

NPPF – Paragraph 52

3.2 The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing

so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development.

The Adopted Statutory Development Plan

3.3 The development plan currently comprises the Stockton-on-Tees Core Strategy LDD (March 2010), the saved policies of the Stockton-on-Tees Local Plan 1997, and the Tees Valley Joint Minerals and Waste LDD (September 2011). At the time the application was determined it also comprised the North East Regional Spatial Strategy (RSS). The Secretary of State has issued a Revocation Order for the abolition of the RSS and this came into effect on 15th April 2013.

Core Strategy Policy 1 (CS1) – The Spatial Strategy

3.4 Point 2 of Core Strategy Policy 1 (CS1) - The Spatial Strategy, states that 'Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.'

3.5 Point 3 of Policy CS1 states 'The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby.'

3.6 The proposal is therefore, contrary to the spatial strategy for housing in the adopted Core Strategy.

Core Strategy Policy 7 (CS7) – Housing Phasing and Distribution

3.7 The pre-ambule to the policy states that 'Stockton's housing requirement is set by the Regional Spatial Strategy which requires the provision of 11,140 new dwellings over the period 2004 to 2024 and by Planning Policy Statement 3. Housing, which requires the maintenance of a continuous 5-year rolling supply of housing.'

3.8 Point 1 of Policy CS7 - Housing Distribution and Phasing, sets out how housing will be distributed and phased consistent with the housing spatial strategy. Point 2 states The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

- 3.9 The proposal would contribute to achieving overall housing targets and to reducing the shortfall in the 5-year supply of deliverable housing land and is therefore consistent with Point 1i) and Point 1ii) of the Policy without reference to the spatial strategy context for the policy. The proposal is contrary to Point 1iii) of the Policy and there is the potential for conflict between it and Point 1iv) of the Policy.
- 3.10 The NPPF states: 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' (paragraph 49)
- 3.11 The relevant policy for the supply of housing is Core Strategy Policy 7 (CS7). The authority is not currently able to demonstrate a five-year supply of deliverable housing sites. This policy is therefore, not up-to-date. Points 2 and 3 of Policy CS1 - The Spatial Strategy, set out the housing spatial strategy. Points 2 and 3 of Policy CS7 are therefore, also not up-to-date.

The Core Strategy Review of Housing Options

- 3.12 The Council has recognised that because of changing economic circumstances and the reductions in the public funding available to support regeneration schemes, the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. Although the Council retains very strong regeneration aspirations, it is firmly committed to achieving the housing requirement for the Borough. For this reason the Council decided to undertake a review of housing options. This review encompasses the housing spatial strategy and the housing distribution and phasing policy as well as aspects of the housing mix. The period covered by the review is 2014 to 2029.

The Core Strategy Review – Issues and Options (see Core Document 4)

- 3.13 The review process formally began with the Core Strategy Review of Housing - Issues and Options, public consultation held over a 12 week period in summer 2011. The Site was part of a larger site, referred to as 'Land at Ingleby Barwick' with an indicative estimated dwelling capacity of 1,530 dwellings, identified in the Issues and Options document and consulted upon as part of this process. However, it was not carried forward as a potential housing allocation in the Regeneration and Environment LDD Preferred Options.

The Regeneration and Environment Local Development Document – Preferred Options (see Core Document 5)

- 3.14 The results of the Core Strategy Review of Housing have been incorporated into the Regeneration and Environment Local Development Document Preferred Options draft. This documented

was formally consulted on over an 8 week period in summer/autumn 2012.

- 3.15 The housing requirement over the period 2014 to 2029 is 8,325 dwellings (an error in the Preferred Options LDD is acknowledged that referred to a figure of 8,250 dwellings). This is based on the average annual housing requirement of 555 dwellings identified in the Adopted Core Strategy multiplied by 15 (the number of years the Regeneration and Environment LDD plan period covers).

The Regeneration and Environment Local Development Document – Preferred Options Policy H1 Housing Allocations

- 3.16 Policy H1 – Housing Allocations, allocates land for about 6,950 dwellings. The introductory text (paragraph 8.2) states that housing trajectory work indicates that not all of these dwellings will be built during the plan period. If all of the commitments (principally planning permissions) assessed as likely to build out are added to the draft housing allocations then it is possible that the build total during the plan period will exceed the housing requirement.

- 3.17 It is explained that the Council does not regard the additional 5% buffer as a ceiling and wishes to plan for higher delivery in order to ensure that housing need and demand are fully met and that its aspirations for economic growth are delivered.

- 3.18 The Land at Ingleby Barwick site is not identified as a draft housing allocation in Preferred Options Policy H1 Housing Allocations.

The Regeneration and Environment Local Environment Local Development Document – Publication Draft

- 3.19 The Publication draft of the Regeneration and Environment LDD was scheduled to be consulted upon for a period of 6 weeks commencing on 2nd May 2013. However, this has been delayed as the Council is awaiting infrastructure evidence to demonstrate the delivery of its preferred sites.

Evidence base

The 5 Year Deliverable Housing Supply Final Assessment 2012 – 2017 (see Core Document 9)

- 3.20 The Council has produced a report entitled ‘5 Year Deliverable Housing Supply Final Assessment: 2012 – 2017’. The Report concludes that the Borough has a supply of deliverable housing land of 4.08 years. The Council is not therefore able to demonstrate a 5-year supply of deliverable housing land.

ARUP highways modelling

- 3.21 With regard to the sites that are being considered as housing allocations for the Publication draft of the Regeneration and

Environment LDD, the Council has commissioned ARUP to assess the deliverability of these sites within a highways context. There have already been some findings from this work in relation to current planning applications and where this is the case, the findings have been publicised as part of the process of consultation and participation for the application. All of the housing allocations with the potential to have impacts on the highway network are being assessed and the work is complex and ongoing. When it is fully complete it will be reported to the Council's Cabinet and will be one factor informing the final selection of sites for housing allocation in the Publication draft of the Regeneration and Environment LDD. It will be publicly available as part of the evidence base for the Regeneration and Environment LDD.

4. The Council's case – the housing requirement

Should a 5% or 20% buffer be added to the supply of deliverable housing sites?

4.1 The NPPF requires the maintenance of a rolling five year supply of deliverable housing sites. Performance on an annual basis over the last the five year period 2007/08 to 2011/12 has been as follows:

Annual performance over previous 5-year period			
Year	Annual housing requirement	Net additional dwellings delivered	Proportion of annual housing requirement delivered
2007/2008	600	1141	190%
2008/2009	600	496	83%
2009/2010	600	542	90%
2010/2011	600	459	77%
2011/2012	530	471	89%
Average performance over previous 5-year period			
Period	Housing requirement over period taking previous performance into account	Net additional dwellings delivered	Proportion of housing requirement delivered
2007 - 2012	3434	3109	90%

4.2 The guidance in the NPPF states that a 5% or 20% buffer must be added to the supply of deliverable sites, depending on whether or not there has been persistent underperformance. The Appellant contends that the Council should add a 20% buffer to the requirement for a five year supply of deliverable housing sites. Taking into consideration that from 2008 onwards, conditions in the housing market have been very challenging, the Borough has a strong housing delivery performance. It is considered therefore that at the present time the appropriate target is a supply of specific deliverable sites sufficient to provide five years worth of housing requirements plus a 5% buffer. It is acknowledged that the buffer may have to be revised to 20% if persistent under delivery occurs.

The ability of the Site to contribute the five year supply of deliverable housing sites

4.3 The NPPF encouragement to boost the supply of housing is fully acknowledged by the Council's housing delivery aspirations. This was the catalyst for the Core Strategy Review of housing options. However, it is important that land released for housing, whether

directly through the development management process or via the plan-led allocation route, achieves the housing delivery purpose that is put forward as the justification for its release. This is particularly the case when the land currently has a policy designation such as Strategic Gap or Green Wedge. The Appellant contends that the Site should be released because the Council is not currently able to demonstrate a five year supply of deliverable housing sites.

- 4.4 The Appellant has not yet provided any evidence to demonstrate how the application, if approved, would contribute significantly to the five year supply of housing sites. The application was originally linked to the delivery of a 'flagship' school (the proposed Free School). However, no evidence has yet been presented to show how the Free School will be delivered. Nor has any evidence yet been presented to demonstrate that there is a developer with an option agreement on the land. The Appellant's planning consultant, Mr Griffiths, has acknowledged that no Registered Social Provider has entered into an agreement, to date, to deliver the affordable housing component of the proposal. The Appellant has not been forthcoming in terms of identifying the developer for the Site and no build out schedule has been provided. It is likely that it will take time to secure a developer, formulate the final details of the layout and then proceed to start on site. Without robust evidence of deliverability and particularly given the competition from the ongoing development of Ingleby Barwick Village 6 the possibility should be considered that this would be a land banking consent.

5. Relevant policy and evidence base – affordable housing

Relevant policy

NPPF – Paragraph 50

- 5.1 Paragraph 50 of the NPPF states: ‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
 - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
 - where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.’

Adopted Core Strategy

Core Strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision

- 5.2 Point 4 of Core Strategy Policy 8 (CS8) states ‘the average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums not ceilings.
- 5.3 Point 5 of Policy CS8 states ‘Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

Regeneration and Environment LDD Preferred Options

Policy H3 – Housing Mix and Affordable Housing Provision

- 5.4 Point 5 of the emerging policy repeats Point 5 of Policy CS8 in the adopted Core Strategy.

Evidence base

2009 Tees Valley Strategic Housing Market Assessment (see Core Document 18)

- 5.5 The 2009 Tees Valley Strategic Housing Market Assessment (TVSHMA) identified an annual deficit in the provision of affordable housing for Stockton Borough of 866 dwellings. This represented 155.5% of the annual housing requirement for the Borough, as identified in the Regional Spatial Strategy for the North East. Table 1 shows the assessment of the affordable housing requirement on an annual basis by sub area.

Table 1: Stockton affordable housing requirement: annual figure 2007/08 to 2011/12

Sub-area	Total
Billingham	222
Ingleby Barwick	63
Rural areas	27
Core Area	71
Stockton	323
Thornaby	73
Yarm, Preston, Eaglescliffe	87
Totals	866

2012 Tees Valley Strategic Housing Market Assessment (see Core Document 19)

Overview

- 5.6 The 2012 TVSHMA updates the 2009 TVSHMA. The study has been carried out by Arc4 Ltd and has included:
- A major household survey which was completed by 8,704 households which represented a 15.7% response rate;
 - Interviews with key stakeholders including local authority housing and planning officers, registered landlords, estate agents, lettings agents and developers;
 - A review of relevant secondary data.

Housing need and affordable housing – detail

- 5.7 Housing need is defined as ‘the quantity of housing required for households who are unable to access suitable housing without financial assistance’. A key element of the study is to explore the scale of housing need and the extent to which additional affordable housing is needed.
- 5.8 Affordable housing is defined as either social/affordable rented or intermediate housing which is provided and made available to eligible households (i.e. those who lack their own housing or live in unsuitable housing) who cannot afford to meet their needs through the market. Intermediate affordable housing is housing at prices and rents above those of social rents, but below market prices or rents.
- 5.9 The 2012 TVSHMA identifies an annual affordable housing requirement of 560 dwellings for the borough of Stockton-on-Tees. This includes an annual requirement for the Ingleby Barwick housing sub-division of 81 dwellings. Given that the average annual housing requirement for the borough for dwellings of all tenure types is 555 dwellings it is clearly not realistic to meet the TVSHMA requirement in full and this is recognised in the annual affordable housing targets set by Core Strategy Policy CS8. However, the policy also states that the targets are minimums. 20% affordable housing provision would therefore be a significant contribution to the annual target. Table 2 shows the annual affordable housing requirement by sub area. The annual affordable requirement for the Ingleby Barwick sub area is 81 dwellings.

Table 2 - Annual affordable housing requirements by sub-area 2012/13 to 2016/17

Sub-area	Total
Billingham	118
Ingleby Barwick	81
Rural areas	33
Core Area	-41
Stockton	210
Thornaby	62
Yarm, Preston, Eaglescliffe	97
Totals	560

- 5.10 In terms of the split between social rented and intermediate tenure products, the household survey identified tenure preferences of existing and newly-forming households. This suggests a tenure split of 70% affordable (social) rented and 30% intermediate tenure.

Key findings - summary

- 5.11 The TVSHMA has affirmed that the 15-20% target range for affordable housing provision stated at Point 5 of Policy 8 (CS8) - Housing Mix and Affordable Housing Provision, of the Adopted Core Strategy (March 2010) remains valid. Although reduced from the 2009 SHMA which showed an annual affordable housing requirement for the Borough of 866, the requirement of 560 affordable dwellings identified in the 2012 TVSHMA fully supports this requirement. However, it also shows that the mix of affordable housing to be provided should now be revised from 20% intermediate and 80% rented tenures to a 30/70% split.

Economic Viability of Affordable Housing Requirements - Report for Stockton Borough Council (2009) (see Core Document 20)

Overview

- 5.12 As noted at para 5.5, the 2009 TVSHMA has identified an annual affordable housing requirement for the Borough of 866 dwellings. The relevant guidance operative at that time was Planning Policy Statement 3: Housing (PPS3). PPS3 stated that the target for affordable housing should also reflect an assessment of the likely economic viability of land for housing within the area (see Core Document 21).
- 5.13 Arc4 were commissioned to test the economic viability of the affordable housing requirements set out in Policy CS8 in the Core Strategy DPD Publication Draft. The methodology used was the subject of a consultation exercise with the development industry. The report found that, in the still relatively favourable market conditions of late 2007, most sites would be viable with at a level of 15-20% affordable housing provision and with a tenure split of 80% social rent and 20% shared ownership.
- 5.14 The report recommended that the baseline policies for affordable housing provision should be established in the context of market conditions in late 2007. However, it also recommended that these policies would need to be applied with considerable flexibility whilst the market is in recession.

Detail – Approach of the Study

- 5.15 The study was based on fourteen notional sites, referred to as “beacon” sites. The “beacon” sites represented different sectors of the market and were informed by actual opportunities and real-world intelligence but should be taken as examples of a typical site rather than reflecting any specific site. This approach is considered best suited to informing strategic policy, which the study is designed to do. It is not designed to be a viability appraisal of specific sites and does not attempt to take into account site-specific factors that may arise on some sites such as flood risk, contamination, noise intrusion and the need for major highways improvements. Where relevant these factors

will be taken into account at the planning application stage through officer negotiation.

5.16 It was essential to ensure that the study would be demonstrably robust in the event of house price volatility continuing, that is to say that its findings will not be rapidly invalidated by a continuation of the trend prevalent at that time of declining in house prices. In order to address this, the Report modelled three main scenarios for property market conditions using the beacon sites. These were as follows:

- House prices and land values in late 2007 when the market was still relatively favourable. This is the “base” scenario.
- A position that reflects about a year later, late 2008 with average 15% fall in prices.
- A position reflecting a 25% fall in prices based on widely predicted further falls in house price falls.

5.17 In addition the impact on economic viability of a number of specific scenarios was modelled. These included the following:

- Affordable housing provision at 0, 5, 10, 15, 20 and 25% (the purpose of testing at 0% was to establish whether a site is economically developable at all, that is to say even with no affordable housing).
- The introduction of Level 4 of the Sustainable Code for Homes (scheduled to be introduced in 2013).
- Affordable housing tenure splits of 80/20 and 50/50 for social rented / shared ownership.

Detail – Consultation

5.18 The approach adopted for the study has been the subject of consultation with the development sector. A consultation paper was issued and three weeks given for responses. There was feedback from one major RSL, from the HBF as a composite response, and from one other developer. These responses resulted in detailed changes to the approach.

Detail – Findings of the Study

5.19 In the still relatively favourable market conditions of late 2007 most sites would be viable at a level of 15-20% affordable housing provision and with a tenure split of 80% social rent and 20% shared ownership. The viability of provision improves slightly if the tenure split is 50/50 and more sites become viable at 20% affordable housing provision.

5.20 The introduction of Level 4 of the Code for Sustainable Homes seems on present estimates to reduce the viability of development. A 10% affordable housing target may become the most that can reasonably be achieved on most sites.

- 5.21 The assessment of the effects of house price falls of 15% showed that 10% affordability provision would be achievable on most of the sites that remain economically developable and that 15% may be achievable on a minority of sites in higher value areas. This assessment assumes a 50% fall in land values and a 5% fall in building costs.
- 5.22 The assessment of the effects of house price falls of 25% showed that 5-10% affordability provision would be achievable on most of the sites that remain economically developable. This assessment assumes a 70% fall in land values and a 10% fall in building costs.

Detail – Arc4 Policy Advice

- 5.23 Arc4 provided policy advice based on the findings of the study. The following paragraphs are a summary of this advice:
- As the market conditions will change during the currency of the Local Development Framework, the policies for affordable housing provision should be applicable to a broad range of house prices and land values.
 - The baseline policies for affordable housing provision should be established in the context of market conditions in late 2007. In those circumstances, a target of 15-20% affordable housing provision would be economically viable for most sites.
 - However, these policies will need to be applied with considerable flexibility whilst the forecast sale prices remain significantly below these late 2007 levels, otherwise housing development may be substantially discouraged.

6. Affordable housing delivery in Ingleby Barwick

6.1 Table 3 shows affordable housing delivery by sub area on an annual basis over the period 2008 to 2012

Table 3 – Affordable housing delivery 2008 to 2012

2008/2009	
Plots	Housing sub Area
42	Billingham
4	Core area
0	Ingleby Barwick
33	Stockton
39	Thornaby
Total 118	
2009/2010	
42	Billingham
24	Core Area
6	Ingleby Barwick
118	Stockton
38	Thornaby
Total 189	
2010/2011	
12	Billingham
37	Core Area
0	Ingleby
25	Ingleby Barwick
58	Stockton
29	Thornaby
Total 161	
2011/2012	
6	Billingham
24	Core Area
3	Ingleby Barwick
25	Stockton
62	Thornaby
1	Yarm, Eaglescliffe and Preston
Total 121	

6.2 The table shows that the borough-wide target in Core Strategy Policy CS8 (Point 4) of 100 affordable homes has been met on an annual basis over the period 2008/09 to 2011/12. The policy states that the target is a minimum not a ceiling as the borough-wide requirement stated in the 2009 TVSHMA for this period (866 dwellings) is far higher. Table 4 uses the data represented in Table 3 to show affordable housing delivery in the Ingleby Barwick sub area against

the affordable housing requirement of 61 dwellings identified in the 2009 TVSHMA for the period 2008/09 to 2011/12.

Table 4 – Deficit of affordable housing delivery in Ingleby Barwick

Year	Affordable housing delivery
2008/09	- 63
2009/10	- 57
2010/11	- 26
2011/12	- 63
Total	- 209

6.3 Table 4 shows there is considerable unmet affordable housing need in relation to the borough-wide affordable housing requirement as assessed by the 2009 TVSHMA. The 2012 TVSHMA projects that requirement for the Ingleby Barwick sub area will increase from 63 to 81 dwellings.

7. The Council's Case – affordable housing

What the policy is

- 7.1 Section 38(6) of the Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications 'should be determined in accordance with the development plan unless material considerations indicate otherwise'. Adopted Core Strategy Policy CS8 – Housing Mix and Affordable Housing Provision, states that affordable housing provision will be within a target range of 15-20%.

Is the policy NPPF compliant?

- 7.2 The drafting of Policy CS8 pre-dates the NPPF. However, Policy CS8 fully acknowledges the emphasis in the NPPF and in the emerging Growth and Infrastructure Planning Bill the on the economic viability of development. This consideration was the key factor in identifying the target range of 15-20% for affordable housing provision. It is also the reason why flexibility was built into the policy to allow provision at a rate lower than the standard target, subject to the provision of robust evidence demonstrating that provision at the standard rate would make the development economically unviable.

How the Council applies the policy?

- 7.3 In applying Policy CS8 the Council has pursued a pragmatic approach based on site characteristics. If a site is a greenfield site with no known exceptional site development costs in an area attractive to the market then the Council's has always clearly stated in pre-application discussions and consistently applied an approach of applying the 20% figure within the target range. This is clearly evidenced by the Council's approach to the Morley Carr Farm planning permission where 20% affordable housing provision was secured and to the Green Lane and Uray Nook planning applications – in both cases 20% affordable housing provision is required and has been agreed.

What does the Appellant propose?

- 7.4 The Appellant has offered affordable housing provision at a rate of 15%. This is below the 20% figure applied for this type of site within the target range.

Is there unmet affordable housing need in the Ingleby Barwick sub area?

- 7.5 The 2009 TVSHMA and the 2012 TVSHMA have both identified significant need for affordable homes in the Ingleby Barwick sub area. Housing monitoring work shows that there is a considerable shortfall of affordable housing delivery to meet this need.

The Council's position - summary

- 7.6 The development plan requires affordable housing provision within a target range of 15-20%. The Council applies the 20% figure within the target range to greenfield sites that are attractive to the market and this approach is clear and has been applied consistently. The Appellant has offered affordable housing provision at a rate of 15%. The Appellant has not provided any economic viability evidence to justify this lower rate of affordable housing provision.
- 7.7 The Appellant contends that the provision of infrastructure to support the Free School is a material consideration that should offset the failure to offer affordable housing provision at a rate of 20%. However, no evidence has been provided to substantiate the contention that the development of the Free School is not viable independently of the proposed housing. The housing element of the application has not been presented as enabling development for the Free School. Moreover, even if the housing were necessary to facilitate the school, it does not automatically follow that this could not be achieved with 20% affordable housing provision. The Council does not determine the appropriate affordable housing provision for a site on an ad-hoc basis.

8. The Role and Function of the Bassleton Beck Green Wedge

- 8.1 This section of the proof of evidence explores the evolution of the green wedge policy, its role/purpose and how the land subject to this appeal fulfils the role/purpose of green wedge.

The Evolution of Green Wedge Policy

Regional Planning Guidance

- 8.2 RPG7, published in 1993, recognised the importance and function of green wedges. It points specifically to the role of green wedges in preventing the coalescence of communities:

‘In Cleveland... the objectives of checking urban sprawl, safeguarding countryside, preventing neighbouring towns and villages merging, and assisting in urban regeneration are pursued through policies for setting limits to development and the retention of green wedges in urban areas and open land between built-up areas.’ (Paragraph 3.15)

Structure Plans

- 8.3 The Teesside Structure Plan produced by Teesside County Borough Council in 1974 contained a policy to protect green wedges of open space. This designation has been maintained through successive structure plans including the Cleveland Structure Plan 1990, its alteration in 1995 and the Tees Valley Structure Plan 2004.

Stockton on Tees Borough Council Policy

- 8.4 The Local Plan (adopted 1997) included policy EN14 which provided the considerations for determining applications within the designation; the extent of which was detailed on the proposals map. The justification for policy EN14 provides the following commentary regarding the green wedge designation:

‘Within the limits to development, six green wedges have been identified. These open spaces maintain the separation of communities within the built-up area, and improve its appearance. They contain wildlife habitats and could accommodate outdoor sport and recreation uses. Certain green wedges, such as the Tees Valley, are also important for the views they provide of the countryside beyond the urban area.

The uses considered appropriate within green wedges are those that ensure their open aspect is retained and require only limited built development, e.g sport and recreation, stables, farming and market gardening.’ (Paragraphs 2.42-2.43).

8.5 Extant policy for the green wedge is provided by point 3 of Core Strategy Policy CS10.

‘The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i. Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii. Green wedges within the conurbation, including:
 - River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - Leven Valley between Yarm and Ingleby Barwick;
 - Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - Stainsby Beck Valley, Thornaby;
 - Billingham Beck Valley;
 - Between North Billingham and Cowpen Lane Industrial Estate.
- iii. Urban open space and play space.’

8.6 Furthermore, Objective 8 of the adopted Core Strategy is ‘To protect and enhance the Borough’s natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough’s special qualities and location at the mouth of the River Tees.’ Included in the associated explanatory text is ‘The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.’

8.7 The Regeneration and Environment LDD Preferred Options (consulted upon in summer 2012) contains the following Strategic Policy SP4 ‘Green Wedge’ which adds further detail to the policy contained within the Core Strategy.

‘Within Green Wedges, the Council will support the following land uses and small scale development:

- a. Agriculture, including allotments and horticulture.
- b. Recreation
- c. Tourism, which requires such a location
- d. Forestry
- e. Footpaths, bridleways and cycleways
- f. Burial grounds

Provided they do not damage the function of the Green Wedge, which is to prevent the coalescence of communities within the built-up area by maintaining its appearance and openness.’

The integrity of the Green Wedge designation

- 8.8 It is contended by the Appellant that the bulk of the Site is not identified within the green wedge designation on the Core Strategy strategic diagram. Planning Policy Statement 12: 'Local Spatial Planning' (now superseded by the NPPF) states at point 3 of paragraph 4.1 that 'locations for strategic development should be indicated on a key diagram'. This was the guidance that the local planning authority worked to when preparing the strategic diagram. It is not intended to function as a detailed policies map demarcating boundaries precisely but rather that this is the role of the policies map. Both Local Plan policy EN14 and Core Strategy Policy CS10 refer to the green wedge at this location as 'Bassleton Beck Valley between Ingleby Barwick and Thornaby'. As no strategic allocations were made within the Core Strategy at this location the extent of the designation has not altered from that shown on the adopted Local Plan proposals map. The Regeneration and Environment LDD policies map will update the extent of the green wedge designation; this document has reached Preferred Options stage and was consulted on in summer 2012. The Regeneration and Environment LDD Preferred Options document maintains the green wedge at the Site. The evidence base for the preferred options green wedge boundaries are provided within the report 'Review of the Limits to Development and Green Wedges' (May 2010).

The Role and Function of the Green Wedge

Consideration against Core Strategy Policy CS10(3)

- 8.9 Core Strategy policy CS10(3) identifies that 'The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of...green wedges'.
- 8.10 The development by its scale and nature does not maintain the separation between settlements, and does not protect or enhance the openness and amenity of the green wedge. Indeed the development extends beyond the list of land uses and small scale development listed within emerging Strategic Policy SP4 'Green Wedges of the Regeneration and Environment LDD preferred options which are considered to be ones which could, by their very nature, retain the openness and amenity of the green wedge. It is considered that the open character of this part of the green wedge would be irrevocably changed by this development, changing the landscape from one of open fields to housing and a school. The proposal is therefore contrary to Core Strategy policy CS10(3).
- 8.11 The Site is located within landscape unit 45 of the Landscape Capacity Study, which identifies that the area has a medium capacity to accommodate change without significant effects on the character

of the landscape. Appendix B of the Landscape Capacity Study provides the assessment of sensitivity and capacity for each individual landscape unit. For the landscape unit in question it is noted within Appendix B that potential suitable uses that could be considered within the area are 'no development'; this is preceded by the comment 'Agriculture currently forms a defensible boundary to Ingleby Barwick and should be protected'. This statement adds further weight to the argument that residential development at this location would irrevocably change the landscape at this location.

- 8.12 Paragraph 123 of the NPPF also states that planning decisions should aim to "identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value". The NPPF does not seek to define 'tranquillity' or even suggest where these areas should be located or how they are identified. The Oxford dictionary definition is a state free from disturbance. The Site through its designation as green wedge has remained undeveloped and as a consequence has maintained an element of peace and quiet. It is actively used by the nearby residential population for recreation and is considered to have an amenity value and also be of significant social benefit. Furthermore it is considered that the housing requirements for the plan period can be met without the development of this Site and that its development would prejudice the potential for a properly planned new Ingleby Barwick 'Village', should this ever be required.

Impact upon openness and amenity

- 8.13 Whilst it has been concluded that development within the green wedge is contrary to Core Strategy Policy CS10(3), it is appropriate to consider what impact the development at this location would have on the green wedge if permitted. It is acknowledged that this section of green wedge is relatively wide and that the proposed development would still retain some element of separation between Ingleby Barwick and Thornaby/Teesside Industrial Estate. Whilst development would reduce the effectiveness of the green wedge, appropriate screening would aid visual separation.

- 8.14 Concerns are raised regarding the poor relationship between Ingleby Barwick and the proposed development. It is also anticipated that this development is considered to be the first phase of a wider scheme for development within the green wedge at this location, as evidenced by representations to the Regeneration and Environment LDD Preferred Options consultation.

Plan-led approach

- 8.15 The NPPF states that planning should be genuinely plan-led, empower local people to shape their surroundings and set out a positive vision for the area (Para 17). The following text discusses emerging policy and why development within the green wedge would be contrary to the plan-led approach; this hinges specifically on the

protection afforded to the green wedge and the fact that the Site has not been taken forward as a preferred option within the Regeneration & Environment LDD. It is acknowledged that as well as significant community opposition to the proposal, there has also been significant community support focused on the provision of the Free School. However, this does not override a genuinely plan led approach and process.

- 8.16 The Regeneration and Environment LDD is currently at preferred options stage and brings together the following documents:
- Yarm and Eaglescliffe Area Action Plan Issues and Options (July 2007)
 - Regeneration DPD Issues and Options (September 2007)
 - Environment DPD Issues and Options (January 2011)
 - Planning for Housing: Core Strategy Review Issues and Options (July 2011)

- 8.17 The importance of the green wedge designation to the residents of Stockton-on-Tees is evidenced in Regeneration DPD Issues and Options (September 2007) consultation (see Core Document 3). As part of this process the consultees were presented with the following issue and options:

Issue

- 8.18 The limits to development currently include green wedges. Green wedges are areas of open space penetrating built up areas. They may be important for providing green routes from town centres out into the countryside for informal recreation and wildlife movement, as well as opportunities for informal recreation close to built-up areas. For this reason, they merit protection from development and accordingly development is currently strictly controlled within them. It may therefore be viewed as an anomaly that green wedges are currently included within the limits to development.

Options:

- Option 1. Maintain green wedges within the limits to development.
 - Option 2. Remove green wedges from the limits to development thereby strengthening their protection from development' (Page 19, Regeneration and Environment LDD preferred options)
- 8.19 There was overwhelming support (57 of 64 responses) for the maintenance and protection of green wedges and their removal from the limits to development thereby strengthening their protection. Further detail regarding responses to this issue can be found with paragraphs 3.34 to 3.36 of the Regeneration and Environment LDD, Preferred Options, Consultation Statement.
- 8.20 At Core Strategy Issues and Options stage sites were consulted upon within the green wedge (including the Site, albeit a larger site) to meet the Boroughs housing need. Through the site selection

hierarchy for housing sites contained within Regeneration and Environment LDD preferred option policy SP2 development is focused within the Core Area and wider conurbation in the first instance. The next stage in the hierarchy is sites adjacent to the conurbation which would form urban extensions. All sites consulted upon within the Core Strategy issues and options which were within the green wedge designation were not taken forward as preference has been shown for protecting the green wedges over strategic gaps. Whilst the protection of strategic gaps is also highly desirable, they are by their very nature, less likely to be as immediately critical in terms of preventing the coalescence of communities.

- 8.21 The Regeneration and Environment LDD preferred options consultation statement outlines the reasons for not taking forward the issues and options site at this location as follows:

‘Whilst it is acknowledged that the site has potential for residential development, it is also recognised that allocating the site would have a significant impact on the green wedge which currently prevents the coalescence of Ingleby Barwick and Teesside Industrial Estate and maintains the open aspect of the surrounding area. In reaching this decision, comments regarding the scale and intensity of development at Ingleby Barwick have been taken into account, as has the current distribution of community facilities.’ (Paragraph 5.38)

- 8.22 At the Local Plan public inquiry (1995) concerns were raised by the landowner that designation of their land would preclude development at any future time. The Council stressed that sufficient development land was available for the lifetime of the plan and made the point that the green wedge designation would not compromise the position beyond that time. It was concluded by the Council that a development allocation would not be ruled out, in view of the ample width of land available hereabouts for the green wedge. The Councils stance regarding the Site was supported by the Inspector who concluded:

‘It would not be appropriate to release the site as further housing land at Ingleby Barwick at this stage. For the life of the LP, the site could make a useful contribution to the green wedge, whether in its present state, or developed in some way not inconsistent with the aims of designation.’
(Para 2.167) (see Core Document 14)

- 8.23 The green wedge designation does not preclude development beyond the plan period. However, through the plan-led approach the Council has afforded significant protection to the green wedge within the emerging Regeneration and Environment LDD.

Flexibility of the Green Wedge allocation

- 8.24 It has been contended by the Appellant that the approach taken by the Council towards the green wedge is inflexible as it is not Green Belt and that a flexible approach has been taken in other instances. Section 11 of the NPPF sets out the governments objectives in terms of conserving and enhancing the natural environment. Whilst not a statutory designation which carries great weight as a green belt designation would carry, the Green Wedges are a local designation that the Council attaches significant importance. The main purpose of green wedge is to maintain the separation between settlements as well as enhance the quality of the urban environment and provide opportunities for informal recreation.
- 8.25 It is not appropriate to consider other applications as the Council has an adopted development plan in the form of the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Therefore, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. As previously stated the development is contrary to Core Strategy policy CS10(3). It would be for the plan-led approach to release the Site from it current green wedge designation and the Council have sought to afford significant protection the green wedge through the emerging plan.

Links with Green Infrastructure

- 8.26 The NPPF defines green infrastructure as 'A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.' At paragraph 114 of the NPPF it is stated that Local planning authorities should 'set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...'
- 8.27 Core Strategy Policy CS10(6) states that 'Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure'. The justification for policy CS10 continues to state that 'Developing a strategic approach to green infrastructure will recognise its multi-functional role and a 'joined-up' approach to its planning and management will address numerous environmental, social and economic objectives. The Tees Valley Green Infrastructure Strategy provides the wider context, and identifies the strategic green infrastructure network. Strategic priorities taken forward in this policy include...Protecting and enhancing river corridor habitats and other wildlife corridors (Point 3)...'

- 8.28 Furthermore, Objective 8 of the adopted Core Strategy is 'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees.' Including in the associated explanatory text is 'The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.' From this it is evident that green wedges form an intrinsic part of the Borough's green infrastructure. Emerging policy ENV1 'Green Infrastructure' within the Regeneration and Environment LDD preferred options states as point 1 that 'To deliver a strategic approach to Green Infrastructure, the Council will support development which protects and enhances the Green Infrastructure network.'
- 8.29 The Council has an adopted Green Infrastructure Strategy (November 2011) (see Core Document 13); amongst other things the document outlines the strategic green infrastructure network within the Borough. The Site lies within secondary corridor I 'Bassleton Beck, Thornaby to A174'. The development proposal introduces a significant amount of development within this corridor. Whilst it is acknowledged that development is set back from Bassleton Beck and includes a footpath along the Beck, the vast majority of this openness will be via fenced playing fields associated with the school; this does not reflect the visual relief afforded to Bassleton Beck within the wider green area which is typified by mature trees. Green infrastructure to the south and west of the Site is limited with the only green provision being a landscape buffer zone to the south. In summary, the green infrastructure network is effectively severed and the development does little to create an integrated network or provide opportunities for biodiversity within or adjacent to the Site.
- 8.30 As previously stated, it is also anticipated that this development is considered to be the first phase of a wider scheme for development within the green wedge at this location, as evidenced by representations to the plan process. It is considered that should the Council ever consider the release of land within the green wedge at this location for development as part of the plan-led process this should be done in a masterplanned manner which delivered an integrated network of green infrastructure rather than in a piecemeal fashion as proposed.

9. The Importance of a Masterplan Led Approach in the Context of Ingleby Barwick

National Policy

NPPF core planning principles

- 9.1 Paragraph 17 of the NPPF lists the 12 core planning principles. Included are the following principles that planning should be
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues; (1st core planning principle)
 - not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives; (2nd core planning principle)
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; (4th core planning principle)
 - take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. (12th core planning principle).

Development Plan

Core Strategy Policy 6 (CS6) – Community Facilities

- 9.2 Point 1 of Policy CS6 states:
'Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for'

Background

- 9.3 The proposed development of Ingleby Barwick has a long and complicated history, stretching back to the initial submission of the South Teesside Town Map in 1952. Yarmside Holdings Ltd submitted a planning application for the site in 1974. They subsequently appealed against the non-determination of the application by the Local Authorities involved, but the Appeal was deferred pending the successful outcome of discussions between the Local Authorities and the developer and the completion of an agreed Final Masterplan.
- 9.4 The Ingleby Barwick Joint Sub-Committee, comprising of members from Stockton-on-Tees Borough Council and the County Council, was set up in September 1974 to discuss the planning application. At a further meeting in November 1975 it was decided to prepare a Masterplan based on the 1973 Planning Appraisal for the purpose of

providing a planning framework and programme for the development of Ingleby Barwick.

The 1977 Masterplan (see Core Document 24)

- 9.5 A sketch masterplan was broadly agreed by the Joint Sub-Committee in February 1977, and the Final Masterplan was approved by both Stockton-on-Tees Borough Council and the County Council in October 1977. Subsequently, outline planning permission was granted by the Secretary of State on the 6th July 1978 for the erection of 7,920 dwellings with associated development (see Core Document 28). As part of the planning approval the development was to be in accordance with the Masterplan. Condition 1b) of the Outline consent required a development brief to be prepared for each stage of development, stating:

'Development shall only proceed in the order indicated in the Plan and in accordance with detailed development programmes to be identified in development briefs to be prepared for each phase of development, such briefs to be submitted to and agreed with the Local Planning Authority or in default by the Secretary of State prior to the submission of detailed plans'

- 9.6 It was envisaged that each of the villages would be developed in accordance with a development brief. The strategy sought to create a socially and physically integrated development, whilst at the same time avoiding the creation of a massive peripheral housing estate. The main components of the 1977 Masterplan included:

- Seven villages, each with a primary school and local facilities;
- Neighbourhood centre and health complex providing for the day to day needs of the development;
- Green wedges, separating the villages;

The 1991 Masterplan review (see Core Document 25)

- 9.7 The original Masterplan contemplated some seven villages. However, following the dismissal of an appeal relating to Village 3, a new masterplan was agreed in 1991. The main components of the revised Masterplan included

- Reducing the number of villages from seven to six through the removal of Village 3, with each incorporating a local centre as a focus for communal activities;
- A major centre serving the everyday shopping, communal and recreational needs of the community.
- Major recreational open space areas along the river and beck valleys;

- A major green wedge separating Ingleby Barwick from the industrial estate to the east (replacing village 3);
- A network of green wedges separating the villages and providing corridors for walkways / cycleways linking the major facilities to the river valleys.

The 2002 Masterplan Review (see Core Document 26)

- 9.8 The first four villages were now substantially complete. The first part of Village 5 was under construction and attention had recently been given towards the planning arrangements needed to finish the overall development including the remainder of Village 5 and Village 6. Persimmon Homes presented a Masterplan specific to Villages 5 and 6. A special meeting of the Planning Committee agreed that the principles contained in the revised Masterplan should be carried forward into a revised Development Brief for Villages 5 and 6. During the course of 2009 Council officers were involved in a 'working party' with Persimmon homes to update and agree the design and layout principles for a updated development brief for the remainder of Village 6 and this was subsequently approved by the Planning Committee of 11th May 2002 (see Core Document 27)

The Importance of a Masterplan Led Approach in the Context of Ingleby Barwick – the Council's Case

- 9.9 The appealed application is for 350 dwellings and a free school. However, this needs to be set in the context of the representation made by Satnam Planning on behalf of Tiviot Way Investments Limited who own land at Little Maltby Farm, Ingleby Barwick. This representation stated 'It is their view that this land should be allocated for residential development in the Plan' (see Core Document 22). An attachment was provided showing the extent of the land being promoted for residential allocation (see Core Document 23). The representation commented 'Policy H1 should be amended therefore to allocate land at Little Maltby Farm for up to 1400 dwellings ... '
- 9.10 It is clearly the case that the Appellant has an aspiration to develop a far wider area than that shown within the red edge boundary for the application that was refused by planning committee. To understand the application properly in relation to both the Bassleton Beck Green Wedge and the desirability of a masterplan led approach to development at Ingleby Barwick, it is the Council's case that it is almost certainly the precursor to a subsequent planning application or applications to develop a far greater area. This could result in up to circa 1,400 dwellings being applied for in total depending on densities, design and layout and highways constraints.
- 9.11 For the reasons set out in section 8 of this Proof of Evidence the Council places great value on the role and function of Green Wedge including the Bassleton Beck Green Wedge. Although considerable

value is also placed on the Strategic Gap designation, if greenfield sites need to be released for housing development then it is preferable to release Strategic Gap ahead of Green Wedge. As stated in the Housing section of this Proof of Evidence it is not currently considered that land designated as Green Wedge needs to be released for housing allocation in order to meet the housing requirement.

- 9.12 If it were to be considered necessary to release land currently designated as Bassleton Beck Green Wedge for housing allocation then it is essential that this is done through a master plan led approach. The need for a masterplan led approach has been fully recognised from the outset of the Ingleby Barwick development. It is not an optional bolt-on in the context of development at Ingleby Barwick is absolutely fundamental to the ethos of achieving a physically and socially integrated community that has underpinned the Ingleby Barwick development from its inception.
- 9.13 Various masterplans have been produced during the development of Ingleby Barwick as a whole, these have been reviewed and amended over the course of time as legislation and guidelines have evolved. The ethos of a masterplan led approach has remained consistent. The masterplans and associated development briefs have all been produced through partnership working with the Council and have all been agreed with the Council.
- 9.14 The importance of a masterplan led approach in partnership with the Council is further emphasised by the NPPF. Only such an approach in the context of the development of a an area of land the size of the Bassleton Beck Green wedge can be considered 'to be genuinely plan-led, empowering local people to shape their surroundings ... and be based on joint working and co-operation'; 'not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places where people live their lives'; 'secure high quality design and a good standard of amenity for existing and all future occupants of land and buildings; and 'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient cultural facilities and services to meet local needs' (NPPF Core Planning Principles). It is also the framework necessary to consider whether priority has been given to the provision of facilities that contribute towards the sustainability of the Ingleby Barwick community (Core Strategy Policy 6).
- 9.15 Whilst it is acknowledged that the Localism Act 2011 does not contain specific provisions promoting the use of masterplanning as a tool to facilitate community participation in shaping the future of local development, it is considered that the ethos of the Localism Act 2011 is supportive of ensuring such participation.

10. Summary and Conclusions

- 10.1 The starting point for the consideration of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 38(6) states that where an adopted or approved development plan contains relevant policies, Section 38(6) requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise.
- 10.2 The development plan consists of the 'saved policies' of the Local Plan and the adopted Core Strategy excepting those policies that deal with housing location and housing mix. Point 5 of Core Strategy Policy CS8 – Affordable Housing Provision and Housing Mix requires affordable housing provision within a target range of 15 to 20%. The policy is consistently applied at a rate of 20% within the target range for greenfield sites in locations that are attractive to the market. The policy contains the flexibility to allow provision at a lower rate than this target if this is supported by robust economic viability evidence. No economic viability evidence to justify a lower rate has been submitted. The application is therefore contrary to how Policy CS8 (5) is consistently applied. The Council does not regard the provision of a school as part of the application as being material to the quantum of affordable housing that should be provided.
- 10.3 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.
- 10.4 NPPF paragraph 14 is a material consideration for this application. The NPPF emphasises the importance of green infrastructure. Paragraph 114 requires local planning authorities 'to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'. Point 3(ii) of Core Strategy Policy CS10 states that the separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of green wedges within the conurbation including Basselton Beck Valley between Ingleby Barwick and Thornaby. The 4th bullet point of NPPF paragraph 123 states that planning policies and decisions should 'identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'. The application is contrary to Policy CS10 (3ii) and to NPPF paragraph 114 and to the 4th bullet point of NPPF paragraph 123. The Site is also identified as being within a secondary Green infrastructure corridor in the Stockton on

Tees adopted Green Infrastructure Strategy which would be virtually severed by the proposal.

- 10.5 The Council does not consider that the Site is not required for housing at the present time. If the development of the site for housing ever were to be considered necessary for housing then this requirement would need to be considered within the context of the consistently masterplan led approach that has been taken to the Ingleby Barwick development from its inception. Only through a masterplan led approach in partnership with the Council can the ethos of the Localism Act be respected through fully engaging with the relevant core planning principles (empowering local people, be a creative exercise, high quality design and amenity and take account of and support local strategies) of NPPF paragraph 17 and the priority accorded to the provision of facilities in Ingleby Barwick (Core Strategy Policy CS6 (1), be fully engaged.
- 10.6 It is the view of the Council that this application should be properly understood as the first phase of an intended aspiration to develop and urbanise a far wider area. This is evidenced by the representation to the Regeneration and Environment LDD on behalf of Tiviot Investments.
- 10.7 NPPF paragraph 14 is engaged in the consideration of the appeal because the Council is able to demonstrate a five year supply of deliverable housing sites. However, no evidence has been presented to demonstrate that the appeal would, if allowed, make a significant contribution to the five year supply of deliverable housing sites.