

DELEGATED

AGENDA NO
PLANNING COMMITTEE
29 May 2013

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

13/0453/REM

Field North Of 23 To 43 Bronaber Close, Barwick Lane, Ingleby Barwick
Application for reserved matters for 138 dwellings detailing layout, scale and design of buildings, means of access and landscaping of the site.

Expiry Date 31 May 2013

SUMMARY

Planning permission is sought for reserved matters approval for a residential development of 138 dwellings in the Sandhill area of Ingleby Barwick. The development is for executive detached two-storey dwellings with a mixture of house types to include properties with detached and integral garages.

The layout of the proposed scheme follows the principles set out in the development brief and includes an area of public open space located towards the north of the development. The scheme follows the principles set out in Government Guidance 'Manual For Streets' (MfS) which includes providing active frontages on roads, provision of build outs, varying surface treatments and the inclusion of trees along the highway.

RECOMMENDATION

That planning application 13/0453/REM be approved subject to the following conditions and informatives :-

Approved Plans

01 *The development hereby approved shall be in accordance with the following approved plans;*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>CV-WD01</i>	<i>22 February 2013</i>
<i>GGD-WD01</i>	<i>22 February 2013</i>
<i>GGQ-WD-01</i>	<i>22 February 2013</i>
<i>GHD-WD01</i>	<i>22 February 2013</i>
<i>GHQ-WD01</i>	<i>22 February 2013</i>
<i>HG-WD01</i>	<i>22 February 2013</i>
<i>HL-WD01</i>	<i>22 February 2013</i>
<i>HO-WD01</i>	<i>22 February 2013</i>
<i>LW-WD01</i>	<i>22 February 2013</i>
<i>OK-WD01</i>	<i>22 February 2013</i>

PT-WD01	22 February 2013
SP-WD01	22 February 2013
SX-WD01	22 February 2013
TU-WD01	22 February 2013
L-01	22 February 2013
IB-A-LP-01 REV D	22 February 2013
SH-001 REV A	14 May 2013
SH-001 EXTRACT REV A	14 May 2013
WSX2-WD01	1 March 2013
WX-WD01	1 March 2013

Reason: To define the consent.

02 Surface Water Drainage

The commencement of the development authorised by this permission shall not begin until ;

a) The Local Authority has approved in writing a full scheme of works for the sustainable surface water drainage methods for the development

and

b) the approved works have been completed in accordance with the Local Authority's written approval and have certified in writing as being complete on behalf of the local planning authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local planning authority.

Reason: To ensure a satisfactory form of development.

03. Highway Works

No development shall proceed until a scheme for highway improvement works at the proposed access road to the development and the road junction at Barwick Lane, Ingleby Barwick has been submitted and approved in writing with the local planning authority. No dwelling within the hereby approved development shall be occupied until the scheme has been carried out in accordance with the agreed details.

Reason:- In the interests of highway safety

04. Bat Survey

Prior to the commencement of the development an up to date Bat survey should be submitted to the Local Authority for consideration. Should bat roosts be present within the site, details of proposed mitigation works should be submitted in writing to the Local Authority for prior approval. Any mitigation shall be carried out in full accordance with the agreed details.

Reason - To ensure there is no impact on protected species.

05

Archaeological Survey

No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

No development shall take place other than in accordance with the agreed Written Scheme of Investigation

Reason :- The site is of Archaeological interest

06.

Site Waste Management

No development shall commence until a site waste management plan has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason ; To ensure a sustainable form of development and to accord with guidance contained within Stockton on Tees Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

07.

Public Open Space

No development shall commence until the Local Planning Authority has approved in writing details of the Public Open Space provision within the site including:-

- a) The type and nature of the facilities to be provided within the POS**
- b) The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed**
- c) The arrangements the developer shall make for the future management of the POS. Where the title transfer (refer to informative) is not proposed the management scheme details shall be prepared for a minimum of 20 years from practical completion of the the POS works.**

Reason :- To enable the Local Planning Authority to satisfactory control the development.

08.

Hard Landscaping

No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed

to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason:- To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area

09. Materials

Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Reason: To enable the Local Planning Authority to control details of the proposed development.

10 Means of Enclosure

All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interest of the visual amenities of the locality.

11 Existing and Proposed Site Levels

Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

12 Archaeological Survey

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason : The site is of Archaeological significance

13 Construction Activity

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Reason : To avoid excessive noise and disturbance to the occupiers of nearby premises.

14 Access

Notwithstanding any description contained as part of this application all

construction traffic associated with this development shall utilise the southern access to The Rings.

Reason : In the interests of the amenity of existing residents.

15 Land Contamination

If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason : To ensure the proper restoration of the site

16 Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason : To ensure the proper restoration of the site

17 Western Buffer Planting

Prior to the commencement of soft landscaping works full details of the buffer planting shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason :- To enable the Local Planning Authority to satisfactory control the development.

18 Softworks Landscaping

Notwithstanding the submitted information, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:

- a) commencement of the development**
- b) or agreed phases**
- c) or prior to the occupation of any part of the development
and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.**

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

INFORMATIVE OF REASON FOR PLANNING APPROVAL

General Policy Conformity

The development has been considered against the policies below and it is considered that the site is suitable for residential development and will not have an adverse impact on the neighbouring occupiers, the character of the area or pose any significant impact on highway safety and there are no other material planning considerations that indicate a decision should be otherwise.

Core Strategy policies

Core Strategy Policy 2 (CS2) Sustainable Transport and Travel ; Core Strategy Policy 3 (CS3) Sustainable Living and Climate Change; Core Strategy Policy 6 (CS6) - Community Facilities; Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing; Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision; Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement; Core Strategy Policy 11 (CS11) - Planning Obligations

Saved Local Plan Policies

Policy HO1 of the adopted Stockton on Tees Local Plan ; Saved Policy HO3 of the adopted Stockton on Tees Local Plan ; Saved Policy EN30 of the adopted Stockton on Tees Local Plan

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

Construction Deliveries

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and any mitigation that may be required so as to mitigate the effect of the obstruction to the general public.

Damage to Highway Verge

The developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149).

The developer should contact the Care For Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces fronting the development.

Construction of highways for new development

The works require alterations and extensions to the existing adopted highway.

Where a development involves works requiring either improvement or alteration to the existing highway, the Developer may be required to enter into an agreement with the Council as Highway Authority under Section 278 of the Highways Act 1980. This requirement often occurs as a condition on the grant of planning permission.

As part of the new Development you may wish the Council to adopt highways (including carriageways, footways, verges, cycleways, highway drainage and street lighting) which would then be maintainable at public expense. In order to achieve this you would be required to enter into an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980.

The Council would only consider adoption provided any highways are designed and constructed in accordance with the 'Design Guide and Specification for Residential and Industrial Estates' which can be downloaded from the Stockton Council website at the following link:- www.stockton.gov.uk/urbandesign/designguide/

It is important for Developers to appreciate that obtaining a planning consent does not imply that a layout is suitable for adoption or give permission to work on an adopted Highway.

It is recommended that the Council is consulted about any of the above at an early stage as the Council are unlikely to adopt the highway without the Developer entering into a Bond with the Council for inspecting the construction and short term maintenance of the proposed highway at regular intervals.

BACKGROUND

1. Outline planning permission was sought in 1970 for the creation of 7,920 dwellings in Ingleby Barwick. The application was refused and approved on appeal in 1979.
2. Development of the final two villages (5 & 6) meant there was a highway requirement for a third exit point (which was approved in the original masterplan) which required a high level of financial investment. It was argued that there was insufficient traffic justification for the third exit point and the application was appealed in September 1999 and the appeal was dismissed (ref APP/HO738/A/99/1022028/P7).
3. A planning committee resolution followed in 1999 which approved a number of additional outline applications, where these 'extension areas' released value in order to provide contributions through section 106 agreements to provide the South Stockton Link Road. At this time the land known as "Barwick Farm (now known as Sand Hill) was considered an appropriate 'extension area' and in March 2000 (ref 00/0005/P) outline planning approval was granted. Subsequently, Sand Hill featured within the revised 2002 master plan for

village 5 and 6.

4. A subsequent outline planning application for residential development of 150 dwellings at Sandhill was approved by planning committee members in March 2009 (09/3025/OUT). The 2009 outline planning permission was subject to a section 106 agreement which was signed on the 22nd December 2010. The terms of this agreement are therefore applicable to this application. The Head of terms for the section 106 agreement which was signed are summarised below:-
 1. Sport facilities contribution of £111,827.
 2. Highway Contribution of £2,500,000 for Sandgate Junction improvement Works
 3. Highway Contribution of £500,000 for the A174 Thornaby Road Junction Works
 4. Affordable Housing provision of a maximum of 18 dwellings
 5. Employment and training contracts

SITE AND SURROUNDINGS

5. The application site is situated to the north-west of the Ingleby Barwick development. The site lies to the south of 'The Rings' development and is currently a grass field, access to the site is provided from the distributor road that serves 'The Rings'.
6. To the west of the site is the River Tees Valley which slopes downwards from east to west. To the north of the site are residential properties accessed off Barwick Lane and the residential development at Ashbrook, Ingleby Barwick. The southern boundary of the site is shared with residential properties along Pennal Grove, Bronaber Close and Marchlyn Crescent. To the east of the application site is an open field which is to be developed as part of the original masterplan development approved in March 2000 (00/0005/P) for residential development at 'Meadowbrook'.

PROPOSAL

7. Planning permission is sought for reserved matters approval for a residential development of 138 dwellings in the Sandhill area of Ingleby Barwick. The proposed development is executive detached two-storey dwellings with a mixture of house types to include properties with detached garages and integral garages.
8. The layout of the proposal follows the principles set out in the development brief with an area of public open space located towards the northern access of the development. The scheme follows the principles set out in Government Guidance 'Manual For Streets' (MfS) which include providing active frontages on roads, provision of build outs, varying surface treatments and the inclusion of trees along the highway.

CONSULTATIONS

9. The following Consultations were notified and any comments received are set out below:-

Head Of Technical Services (comments received 17.5.2013)

General Summary

This report provides an update to previous comments provided by the Head of Technical Services. This update follows the submission of revised information including revised landscaping on the western boundary, re-alignment of the Public Right of Way (PRoW) on the western and northern

boundary and the removal of parking spaces within the home zone junctions.

Highways Comments

The Head of Technical Services has reviewed the information submitted by the applicant.

The reserved matters application is for 138 executive dwellings. The site has outline planning consent for 150 dwellings (09/3025/OUT).

Layout

The layout of the site should be designed and constructed in accordance with the Council's Design Guide and in accordance with Manual for Streets guidance. Parking should be provided for each property in accordance with Supplementary Planning Document 3: Parking Provision for New Developments (2011). Accordingly, the residential parking standards are

- Four bedroom dwellings – three parking spaces per dwelling; and
- Five bedroom dwellings - four parking spaces per dwelling.

The layout has been reviewed and the majority of the properties have internal garages and sufficient space to the front of the property to meet the parking requirements. However, there are some areas of the site where the parking layout could result in issues for future residents and areas where parking for visitors is not available. For example:

- The garages for plots 55 and 57 are located away from the property and require access across a shared driveway. Access to the garages for the properties that share the driveways could be blocked by parked vehicles parked outside plots 55 and 57. This layout is therefore not considered appropriate for large dwellings and relies upon considerate parking by neighbours to operate effectively.
- Plots 78 – 100 and plots 2 - 4 have parking to the rear of the properties. It is assumed that a footway would be provided between the garages and the property entrance but this is not clear on the plan. The majority of these properties are 5 bedroom dwellings and therefore require 4 spaces in accordance with the parking standards. The parking areas to the rear generally comprise a double garage and room for 2 vehicles in front of the garage, thereby meeting the standards. However, there is limited space for visitors to park in the proposed layout and the layout is therefore likely to result in vehicles parking on the main access roads and/or blocking driveways.

Landscaping within visibility splays should be maintained to ensure unobstructed visibility above a height of 0.6m.

Build outs and road humps are illustrated throughout the site and should assist in maintaining low vehicle speeds within the residential area.

Information regarding the proposals for refuse collection and storage is required as it is not clear how the properties without vehicular access would be serviced.

Footway connections are shown to the north, east and south of the development. As areas to the north and east are not yet built out, confirmation is required about how these links would connect to the existing footway network. It is assumed that the link in the south-west corner of the site could provide an emergency vehicle link if required. The development proposes an amendment to the route of Public Right of Way (PRoW) but this is discussed in further detail in the Landscape and Visual Comments.

Vehicular Access

The proposed vehicular access to the development site is located on a loop road that connects

Sandgate roundabout and Queen Elizabeth Way. The road currently provides access to a farm and the applicant has confirmed that the farm access would be maintained from the access road to the development. The access road including kerb details, the footway and the junction with the farm access would need to be constructed in accordance with the Design Guide and Specification. The applicant would need to enter into a Section 38 Agreement with the Highway Authority and early consultation with SBC is recommended to ensure that the access road proposals satisfy the design requirements and would be suitable for adoption.

As per the outline application, it should be conditioned that construction traffic access the development during the construction phase from the southern access to The Rings in order to ensure that existing residents are unaffected by construction traffic.

Highway Improvements

Transport modelling was undertaken to assess the impact of the outline planning application and the results showed that highway improvements works were required to accommodate the development traffic. Based on the findings of the traffic model the Highway Authority developed a comprehensive package of highway improvements that would, on completion, improve the free flow of traffic and facilitate further development in Ingleby Barwick.

The package of highway improvements was to be provided with funding contributions from this development and the nearby Tesco development. However, a recent announcement by Tesco that they are not proceeding with the store extension means that the full package of highway improvements works will not be implemented. Whilst this will have an impact on the amount of benefit realised on the wider highway network, the works associated with this development should still be implemented to mitigate the traffic impact of this development. Therefore, subject to the mitigation works being implemented, this application is considered to be acceptable. The applicant is responsible for the costs of these highway works as specified in the Section 106 Agreement for the outline application and these terms need to be attached to this Reserved Matters application.

Highways Summary

In summary, there is no objection to the principle of the development, subject to the highway works specified in the Section 106 for the outline application being implemented.

Landscape & Visual Comments

The revised site layout drawing ref SH-001 received 14/05/13 has allowed for a linear planting buffer on the western side boundary of between 6 and 7 metres including for a mound of 1.5 metres height at the southern end next to the existing housing, which gradually decreases to nothing down the slopes to the northern edge of the proposed housing area. This is considered an acceptable planting buffer to soften views of the proposed housing area from the west. This buffer should allow for a 1 metre maintenance gap on its eastern adjacent to the proposed rear garden fences. The planting should consist of native trees and shrubs to be agreed at the detail stage. The Public Right of Way (PROW) will be diverted to run along the western edge of this planting buffer exiting in the north west corner of the site through an existing gate (where the current PROW runs). This is considered acceptable. Stockton Council would consider the title transfer of this landscape buffer as part of the larger open space to the north forming part of the SUD's scheme.

Planting on the north western boundaries will be supplemented by further planting on land owned by the developer to the north as part of a SUD's scheme (to be agreed with Stockton Council).

Another build out has been provided and some proposed houses pulled back to allow for more tree planting along the main roads. The estate landscaping in home zone 'squares' should be planted with lower growing shrubs (no higher than 1 metre) and one larger specimen tree such as lime or oak rather than three smaller trees as indicated on the layout plan.

Flood Risk Management Comments

Comments to follow.

Informatives

CONSTRUCTION DELIVERIES

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction to the highway then early discussion should be had with the Highway Authority on the timing of these deliveries and any mitigation that may be required so as to mitigate the effect of the obstruction to the general public.

Damage to Highway Verge

The developer is reminded that it is an offence to cause damage to the Highway or to deposit any item on the Highway that causes a nuisance or danger. Any damage to the Highway caused by the development must be repaired at the developer's expense. The Highway Authority will seek, wherever possible, to recover any expenses incurred repairing the Highway surfaces and prosecute persistent offenders. (Highways Act 1980 sections 131, 148, 149).

The developer should contact the Care For Your Area Highway technicians prior to any works on site to arrange an inspection of the Highway surfaces fronting the development.

CONSTRUCTION OF HIGHWAYS FOR NEW DEVELOPMENTS

The works require alterations and extensions to the existing adopted highway.

Where a development involves works requiring either improvement or alteration to the existing highway, the Developer may be required to enter into an agreement with the Council as Highway Authority under Section 278 of the Highways Act 1980. This requirement often occurs as a condition on the grant of planning permission.

As part of the new Development you may wish the Council to adopt highways (including carriageways, footways, verges, cycleways, highway drainage and street lighting) which would then be maintainable at public expense. In order to achieve this you would be required to enter into an agreement with the Council as Highway Authority under Section 38 of the Highways Act 1980.

The Council would only consider adoption provided any highways are designed and constructed in accordance with the 'Design Guide and Specification for Residential and Industrial Estates' which can be downloaded from the Stockton Council website at the following link:-
www.stockton.gov.uk/urbandesign/designguide/

It is important for Developers to appreciate that obtaining a planning consent does not imply that a layout is suitable for adoption or give permission to work on an adopted Highway.

It is recommended that the Council is consulted about any of the above at an early stage as the Council are unlikely to adopt the highway without the Developer entering into a Bond with the Council for inspecting the construction and short term maintenance of the proposed highway at regular intervals.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Possible land contamination

If potential risks are identified an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reporting unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Site Waste management Plans

No development shall commence within any phase until a site waste management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The site waste management plan shall be prepared in accordance with Non-statutory guidance for site waste management plans April 2008 [DEFRA]. Thereafter, the site waste management plan shall be updated and implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of surface and foul water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

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

development shall take place in accordance with the approved details.

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

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse and finally
- Sewer.

If sewer is the only option the developer should contact Niki Mather (tel 0191 4196603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Northern Gas Networks

According to our records Northern gas networks has no gas mains in the area of your enquiry. However our records indicate that Gas pipes owned by other Gas Transporters may be present in this area.

A plan is attached for your information and further enquiries with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HSE publications HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour to contractors) working for you on or near gas apparatus.

The Environment Agency

We have no comments to make on the reserved matters for the proposed development. However, please note that the conditions and advice set out in our previous letters dated 25 and 29 January 2010 (ref: NA/2010/104551/01-L01 and NA/2010/104551/02-L01) are still applicable.

Natural England

From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPA's should seek the views of their own ecologists when determining the environmental impacts of this development.

We would in any event, expect the LPA to assess and considered the possible impacts resulting from this proposal on the following issues when determining the application:-

Green infrastructure

The proposed development is within an area that natural England considered could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including flood risk management, provision of accessible green space, climate change adaption and biodiversity enhancement. Natural England would encourage the

incorporation of GI into this development,. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

Protected Species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

[Natural England Standing Advice](#) is available on our website to help local planning authorities better understand the impact of this particular development on protected or BAP species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local Wildlife sites

If the proposal site could result in an impact on a Local Site, Local nature Reserve or priority habitat the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application, ensuring that it does so in conformity with the wording of paragraph 168 of the national planning Policy Framework. For further information on Local Sites, your authority should seek views from your ecologist, or the Local Sites designation body in your area.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it minded to grant permission for this application, This is in accordance with Paragraph 118 of the NPPF. Additionally , we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40 (3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population of habitat.'

Local Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Tees Archaeology

The outline planning approval (09/3025/OUT) carries a condition requiring a phased programme of archaeological works.

I have checked our file on the application and although we have agreed a scheme of archaeological works (provided by Tyne & Wear Museums Archaeology on behalf of Persimmon Homes) I am not aware of any archaeological work taking place.

I would be grateful if the condition on the outline consent could be carried forward to the current application. I would however recommend its replacement with the following multi-part condition if possible: -

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers (2010).

Sport England

Sport England does not wish to comment on this particular application.

Highways Agency

Offers no objection

Stockton Police Station - Eddie Lincoln

Consideration should be given to applying Secured By Design principles. Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Current government planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda. Should you wish to apply for Secured by Design certification please complete an application and checklist form, which can be obtained from www.securedbydesign.com Secured by Design SBD New Homes. Please forward to me at the earliest opportunity.

Ingleby Barwick Town Council

Ingleby Barwick Town Council has considered the information and plans provided.

It is noted that the proposed dwellings which back onto the existing properties at Bronaber Close and the nearby cul de sacs, have garages in their back gardens rather than at the front of the property. The noise from cars will therefore have an impact on the occupiers of the existing properties. It is questioned as to whether a better design layout would be more appropriate to alleviate any possible future problems.

It should be ensured that Barwick Farm access meets acceptable standards.

It is noted that the proposed road improvement scheme which includes the dualling of most of Myton Way, with Sandgate Roundabout being replaced by traffic lights, is continuing to be

pursued. The scheme, which has been produced to improve the road infrastructure, should continue to be progressed.

Reference was made to the mound with landscaping on it between the properties at Pennal Grove that back onto the river, and the river itself. The necessity of the mound is questioned in respect of consistency with the current proposed development.

Councillor R Patterson

I have been following the comments regarding the above closely. A few of the key points stand out:

The properties at Pannal Grove that back onto the river have a huge mound with landscaping on it between them and the river, why are these properties different? Can this mound be removed? Who owns it? I have seen it and it does seem to be rather artificial and unnecessary. I know it will be a planning condition, but bearing in mind what residents are saying here, it does seem rather inconsistent.

Please can engineers ensure that Barwick Farm access meets acceptable standards.

I am concerned that the properties that back on to Roundhill Village have garages in their back gardens, instead of at the front of the property. This will mean noise from cars will be adjacent to the current occupiers, when better design would mean this would not be the case.

Traffic - In 2005 ward councillors knew that one of the residents major concerns was traffic congestion. So one of the first things we did was ask SBC officers to undertake a major traffic survey in IB. This resulted in the 'VISSM' Model in 2007, showing how IB traffic will be effected as the development goes towards completion with about 9,000 homes eventually being occupied. The model showed that the road infrastructure would not cope. As a result SBC engineers have produced a £4.7m scheme designed to resolve the issue, by dualling most of Myton Way from the Myton Public House to the underpass between The Rings and Broom Hill Villages, with Sandgate Roundabout being replaced by traffic lights.

This scheme has been ready to go since April 2011. It was to be funded by £3.5m from Persimmon Homes and £1.2m from Tesco. IBIS saw the Tesco scheme approved in 2009 by SBC Planners and the Persimmon scheme for The rings in March 2010. This should have meant that the road improvement scheme above should be under construction now. Unfortunately, it isn't, due to Tesco not going ahead with the extension to a store that reputedly takes £1m per week. No explanations have been offered by Tesco for the delay, which is effectively holding back the IB traffic solution.

This is having a knock on effect on the distributor road called The Rings, with some motorists using it between 4.30pm to 6.30pm to try and avoid the queue of traffic building up from Sandgate Roundabout. This 'rat running' is causing residents some concerns and is effectively compounding the delay for drivers who do not use The Rings. This road is currently a building site, and we would ask non residents of The Rings to NOT use it as it is very dangerous with construction traffic milling around. Ward Councillors asked Persimmon to install speed humps on part of this road to reduce speeds on it and discourage it's use. They did this during 2012. The Police are now targeting this road to catch speeding motorists.

Ward Councillors have now asked SBC engineers to look at alternatives, as Tesco don't seem to be forthcoming with their extension plans. These options could include further measures to deter non residents from using The Rings and trying to put in place interim measures to get traffic flowing on a morning and evening around Myton Way. Ward Councillors will be meeting with SBC Engineers during March or April 2013.

So there is a scheme in place, but as usual the private sector are delaying it, if there is nothing in it for them.

Councillor K Dixon

I concur with the comments submitted by Councillor Patterson, this is a case of trying to get the development right before it starts.

Councillor D C Harrington

I also agree with the comments past to you by my colleague, Councillor Patterson.

Councillor Jean Kirby

I agree with my West colleagues, let's try and get the Sand Hill development right, these items need addressing now, before it progresses any further.

PUBLICITY

10. 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 19 objections have been received;

Objections :-

- Highway Access from the Barwick Farm Cottage on Farm Lane on to the new road. Safety concerns over the access due to the volume of vehicles and the proximity of the junction to a blind corner for residents, businesses and farm vehicles, HGV's utilising Farm Road.
- Highway implications for the HGV deliveries to Barwick Farm previous access concerns raised under 2009 application have not been addressed by Persimmon.
- Highway Access concerns from Barwick Farm that traffic from the farm will access the proposed road directly with no roundabout or means of traffic control. Requested detail plan of the highway access.
- Access restrictions to the fishing rights of Thornaby Angling Association on Farm Lane
- Traffic congestion on Myton Way and Queen Elizabeths Way
- No valid up to date tree and hedge report, potential impact of building works to lower the natural water table.
- Increase in traffic volumes is contrary to PPG 13 which seeks development to reduce the need to travel by car. Traffic flows in Ingleby currently at a high level and this would add to unacceptable traffic congestion without improvements to the current infrastructure and road access. Current TGDR report is out dated and new study should be undertaken.
- No provision made for affordable housing which contravenes circular 05/2005 (para B12) although the applicant mentions the proposed development supports the councils affordable housing objectives.
- Issues of loss of privacy and overlooking from the first floor windows of the development to the rear gardens of the existing housing , contrary to The Human Rights Act, protocol 1, Article 1, which states a person has the right to peaceful enjoyment of all their possessions which include homes and other land.
- Dominant impact of the development on the existing housing contrary to Article 8 of the Human Rights Act, that person has right to respect for their private and family life. Case of Britton V SOS the courts upheld that the protection of countryside falls within the interests of Article 8 and private and family life therefore encompasses not only the home but the surroundings.
- Loss of existing views from constructed residential houses affecting residential amenity
- Development by virtue of size, depth, width, height and massing would have an adverse impact on the neighbour's residential amenity in terms of overlooking, loss of privacy, proximity and visually overbearing.
- Proposed garages would mean increased noise affecting our right to quiet and private

- enjoyment of the gardens
- Impact on protected species in particular badgers with no reference in the winter study report of the badgers changing habitat.
- Stockton Green Infrastructure Strategy is to protect the local environment including wildlife habitat, trees and woodland and the development of vacant urban land should not involve the loss of valuable open spaces. Green open space is scarce in the area and the loss of the open space is contrary to the Green Infrastructure Strategy.
- Proposed development contravenes PPS1 (para 17-19) which seeks to protect the natural and historic environment in rural and urban areas.
- Proposed development contravenes PPS3 (para 13-14) regarding good design contributing positively to making places better for people.
- Internal circulation within the site will create conflicts between pedestrians, cyclists and vehicular movements creating a safety hazard.
- Proposed layout in terms of the protected trees and the living accommodation is cramped and would result in pressures to prune the tree canopies which would undermine the character and appearance of the area.
- Building line of the development projects beyond those on Pennal Grove (odd nos) this was not allowed on original development at Pennal Grove.
- Why are there no landscape moulds/trees proposed along the western edge of the development when they were imposed along Pennal Grove.
- Bridle Path between developments why is there no restriction on the 6 bedroom house size along this bridal path when it was enforced along Pennal Grove.
- Is development to be phased constructed
- Any prevention plans for noise, health and environment ?
- Has green party been consulted due to wildlife on site with deer, foxes, weasels, hares, bats, newts, sparrow hawks, owls, moths and butterflies and what protection measures in place.
- Have local authorities been consulted due to attraction of youths along riverside
- Hedgerow to be retained
- Insufficient parking
- House devaluation/reduced saleability of properties
- Existing empty flats within Ingleby Barwick so why require additional houses
- Odd numbered properties along Penal Grove should be allowed to purchase the land behind them to open view to river.
- Safety of children playing in Pennal Grove as currently no through traffic
- Lack of infrastructure for the houses

Objectors:-

Miss Rose Frank - The Old Stable Cottage Barwick Lane
 Mr Richard Frank- Summerfield, Barwick Lane
 Harriet Frank - Barwick Farm, Barwick Lane
 Mrs T Kaur - 23 Bronaber Close Ingleby Barwick
 S Sheasby - 25 Bronaber Close Ingleby Barwick
 Mr Ron Green - 35 Pennal Grove Ingleby Barwick
 Glen Livingstone- 8 Rhinog Grove Ingleby Barwick
 Mrs Alexandra McNinch-6 Rhinog Grove Ingleby Barwick
 Mr Rodney Pangbourne- 33 Pennal Grove Ingleby Barwick
 Mrs Elizabeth Eagles-28 Pennal Grove Ingleby Barwick
 Mrs Lisa Fox -27 Pennal Grove Ingleby Barwick
 Mrs Elaine Poole- 23 Pennal Grove Ingleby Barwick
 Mr Peter Ward - 15 Pennal Grove Ingleby Barwick
 Mr Gary Smith - 17 Pennal Grove Ingleby Barwick
 Mrs Jennifer Smith - Grove Farm Forest Lane Kirklevington

Mr Daniel Fordyce -19 Pennal Grove Ingleby Barwick
Mr Graham Jeavons - 38 Briardene Court Stockton-on-Tees (on behalf of Thonaby Angling Association)
Mr Frank Cox- 11 Pennal Grove Ingleby Barwick
Mr And Mrs C Frank -Barwick Farm Ingleby Barwick

ADVERT EXPIRY DATE : 11 April 2013

SITE NOTICE EXPIRY DATE: 10 April 2013

PLANNING POLICY

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
12. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
13. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.
5. Improvements to the road network will be required, as follows:
 - i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
 - ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods

vehicles from residential areas;

iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and

iv) To support sustainable development in Ingleby Barwick.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 6 (CS6) - Community Facilities

1. 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.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

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

1. 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.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

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

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. 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. 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 provision 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.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. 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.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy HO1 of the adopted Stockton on Tees Local Plan

The following existing commitments to residential development are reaffirmed:

Ingleby Barwick

- (e) Village 3
- (f) Villages 4-6

Saved Policy HO3 of the adopted Stockton on Tees Local Plan

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Saved Policy EN30 of the adopted Stockton on Tees Local Plan

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

National Planning Policy Framework

- 14. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;
- 15. For decision-taking this means: approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant

policies are out-of-date, granting permission unless:
-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
-specific policies in this Framework indicate development should be restricted.

16. The sections of the NPPF that are relevant to the determination of this application are considered to be;

Section 1. Building a strong, competitive economy
Section 4. Promoting sustainable transport
Section 6. Delivering a wide choice of high quality homes
Section 7. Requiring good design
Section 10. Meeting the challenge of climate change, flooding and coastal change

MATERIAL PLANNING CONSIDERATIONS

17. The main planning considerations of this application are compliance with planning policy, the impacts of the development on the character and appearance of the area, the impact on highway safety, sustainable drainage, ecology and archaeology.

Principle of Development

18. Planning permission is sought under this reserved matters application for the residential development of 138 detached properties at the Sandhill site in Ingleby Barwick. The application site is within the Green wedge. However, it should be noted that the application site has been previously identified for residential use and the site is also identified within the 2002 Ingleby Barwick master plan, which was approved by special planning committee in 2002.
19. This application follows on from the outline approval for 150 dwellings on the site which was approved by planning committee in March 2009 (09/3025/OUT). The principle of the development of residential houses on this green wedge area was considered and approved as part of the 2009 application.
20. The National Planning Policy Framework (NPPF) sets out three primary aims for sustainable development being economic, social and environmental. In terms of the social aims of development, paragraph 7 of the NPPF states that 'development should meet the needs of present and future generations through the creation of a high quality environment with access to local services that reflect communities needs and support its health, social and cultural well being'. Paragraph 17 sets out the core planning principles of development which include the requirement to 'secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.
21. The proposed development is for 138 executive homes that provide a mixture of detached house types. Provision was made within the allocated figures under policy HO1 for 150 dwellings and therefore a reduction in the number of dwellings is considered acceptable and is broadly in line with the requirements of saved Local Plan Policy HO1.
22. Paragraph 50 of the NPPF set out aims for a wide choice of mixed house types based on current and future demographics to include the provision of identified affordable housing. The original 2009 outline consent included an element of affordable housing and discount for sale housing. With four bungalows being designated as affordable housing and 18

discount for sale dwellings. The terms of the agreement was that the affordable housing bungalows would be off site and the construction of these bungalows is due to take place in 2014/15 as part of the 'Ashbrook' development, located to the north of the site. The 18 discount for sale dwellings are included within the 'Ashbrook' development, with eight properties having already been completed and a further ten to be completed in 2014/15. Both the affordable housing and the discount for sale housing formed part of the section 106 agreement that was signed as part of the 2009 outline approval. Although this site provides for executive housing the wider Ingleby Barwick area allows for and provides a suitable mix of housing types and tenure.

23. Taking into account the guidance set out in paragraphs 7,17 and 50 of the NPPF and the guidance set out in the Council's Core Strategy policy CS8(3) and the approved master plans, development briefs for villages 5 and 6 and the 2009 outline planning permission for the site, the principle of development is considered to be acceptable, subject to the material planning considerations set out in this report.

Character of the Area

24. The policy guidance set out in section 7 of the National Planning Policy Framework (NPPF) paragraph 56 attached great importance to 'the design of the built environment' to ensure development contributes 'positively to making places encourages a high quality of design.' The NPPF guidance in paragraph 58 re-iterates the requirement that development should be visually attractive, provide appropriate landscaping, create safe and accessible environments with a strong sense of place while providing an attractive and comfortable place to live.
25. The guidance set out in Core Strategy Policy 3 (8) states that in designing new development, proposals will 'make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space'.
26. The proposed scheme has been designed to follows the principles set out in Government Guidance 'Manual For Streets' (MfS) which include providing active frontages on roads, provision of build outs, varying surface treatments and the inclusion of trees along the highway.
27. The proposal is for 138 detached two-storey properties. The design of the properties have been limited to two-storey properties with the maximum ridgeline height being 9.2 metres. The character and appearance of the street scene has been improved by including additional tree planting and build outs within the overall design. The overall scale and mass of the dwellings is considered to fit in with the design and scale of other residential developments approved within Ingleby Barwick and as such the proposed development is not considered to have a significant impact in terms of the visual amenity of the street scene.
28. Landscaping provision within the development includes a 6-7 metre linear planting buffer along the western boundary of the development. This landscape buffer area includes a landscape mound which will be 1.5 metres in height towards the southern end which gradually slopes downwards towards the northern end of the site. The landscape mound has been provided to screen the views of the development from the west and the Council's Landscape Architect considers this landscaping scheme to be acceptable subject to a 1 metre maintenance strip remaining between the mound and the rear gardens of the

proposed development, which has shown on the summited plans SH-001 (dated 14/5/13). Planting within the buffer zone should be native trees and shrubs with the specific details of the planting to be controlled by a planning condition and agreed with the Local Planning Authority.

29. The internal layout of the development provides additional footpath links to the existing residential development to the south, the proposed residential development (Meadowbrooks) to the north. In addition to the provision of additional footpath links the proposal will involve the repositioning of the Public Right Of Way (PROW) within the development. The PROW will be diverted to run along the western edge of the proposed landscaping buffer and will exit at the north-west corner of the site through an existing gate (where the current PROW runs). The proposed footpath links between the residential developments and the diversion of the PROW are considered to be a positive aspect in terms of creating safe and accessible environments, and are not considered to have any significant impact on the visual amenity of the existing street scene or the character of the area.
30. The landscaping proposed within the site includes tree planting to the frontages of properties throughout the site, additional tree and shrub planting within two of the specifically designed home zone squares within the estate, a landscape mound to be located along the western boundary of the site and an area of public open space to be located to the north of the development. The revised plan SH001 (dated 14/5/13) show that the front elevations of some of the properties within the development have been set further back from the highway to provide additional tree planting. The Council's Landscape Architect has commented on the internal landscaping within the development and considers the proposed landscaping to be acceptable.

Impact on Highway Safety

31. A Transport model was undertaken when the original outline planning permission was submitted in 2009 and an assessment was made in terms of the mitigation works which would be required for additional dwellings in this location. Based on the findings of the traffic model the Highway Authority developed a comprehensive package of highway improvements that would, on completion, improve the flow of traffic and facilitate further development in Ingleby.
32. The outline application was agreed subject to the signed section 106 agreement which included the following mitigation works:-
 - Dual carriageway works to Myton Way between Queen Elizabeth's Way roundabout and Tesco Roundabout
 - The signalisation of Sandgate roundabout; and
 - Mitigation works at the Thornaby Road- A174 Parkway Junction
33. The section 106 agreement was signed by the applicant as part of the outline approval and the terms of the agreement are applicable to this subsequent reserved matters application.
34. The package of highway improvements was to be additionally provided through funding from this development and the nearby Tesco Development. A recent announcement from Tesco that they are not extending their store means the full package of highway improvement works will not be implemented. Whilst this will have an impact on the amount of benefit for the wider highway network, the works associated with this development

should still be implemented to mitigate the traffic impact of this development. Therefore, subject to the mitigation works being implemented the Head of Technical Services considers the proposal is acceptable.

35. The vehicular access to the site is located on a loop road that connects Sandgate Lane and Queen Elizabeth's Way. The access road (Barwick Lane) currently provides access to Barwick farm and the applicant has confirmed that the farm access would be maintained from the access road to the development. The principle of the vehicular access road to the development and the location of the proposed access road (Barwick Lane) to Barwick Farm was considered and approved as part of the 2009 outline application. The Head of Technical Services has commented that detailed plans showing the kerb details, the footway and the junction from the farm access should be provided in accordance with the Design Guide and Specification.
36. Within the development the proposed parking provision for the dwellings has been considered in terms of the guidance set out in Supplementary Planning Document 3 - Parking For Developments (SPD3).
37. The Head of Technical Services has commented that several plots may have issues in terms of shared driveways. Discussions are currently taking place with the applicant to address these issues and should they not be resolved prior to the planning committee meeting an additional condition may be recommended to resolve these issues. They are however, not considered to have a detrimental impact on highway safety and are not therefore considered to be a reason for refusal of the application.
38. The design of the internal layout of the estate with the build outs and road humps throughout the site is considered to assist in ensuring that low vehicle speeds will be maintained throughout the residential development. Details regarding refuse collection and storage is required and a condition is recommended for a waste management plan to be provided and approved. A condition is also recommended to ensure that construction traffic accessing the development should be from the southern access to The Rings to ensure that existing residents are not affected by construction traffic.
39. Given the above, with a section 106 agreement in place to provide financial contributions for the required mitigation works and the access road to the development and Barwick Farm being agreed in principle at the outline stage of the proposal and the development itself complying with the guidance set out in the Council's SPD3 guidance, there are considered to be no objections to the proposed development in terms of highway safety grounds.

Sustainable Drainage

40. A sustainable drainage scheme is in the process of being completed by the developer in association with the Council. Details of the scheme are to be submitted to the Council for prior approval before the development commences.

Ecology

41. The original outline planning permission for the site assessed the ecological impact of the development. The ecological report which was submitted as part of the outline permission was from 2009 and there was only a moderate risk of bats roosting within the existing trees in the development. Tees Valley Wildlife Trust have been consulted on the proposal and have commented that as there are no buildings within the site to be demolished and the

previous survey which was undertaken showed only a moderate risk of bats roosting in the trees, the possibility of bats roosting within the site is still considered to be a low risk. However, due to the moderate risk of bats being within the site and the fact the previous survey was completed in 2009, prior to commencement of the development an up to date bat survey should be completed. Tees Valley Wildlife Trust have commented that if bats are present within the site then mitigation works, in terms of a bat roost placed within the defined open space area can be achieved within the site. A planning condition is recommended to address these matters.

Archaeology

42. The original outline planning approval in 2009 considered the potential impact in terms of archaeology on the site. Tees Archaeology have been consulted on this reserved matters application and have commented that they have no objections subject to the previous conditions which were placed on the 2009 outline being placed on this application.

Residual matters

43. Several residents have commented that they were not informed when they purchased their properties that the site was to be a residential development and they have raised concerns regarding the potential loss of value to their homes if the proposal is approved. Whilst these concerns are appreciated the land in question did form part of the outline permission approved in 2000 (00/0005/P), is detailed on the 2002 Ingleby Barwick master plan and was also granted outline planning consent in 2009 for residential properties on the site. The depreciation of house values is not a material planning consideration.
44. Objection comments have been received from several residents regarding the highway access into Barwick Lane. Concerns have been raised in relation to the potential restrictions this will have on businesses and the fishing rights of the Thornaby Angling Association, and highway safety of HGV vehicles accessing the farm. Although the location of the proposed access road was agreed within the 2009 outline application the Head of Technical Services have been consulted on the proposed access road and they have commented that they have no objections to the proposed access in terms of highway safety. The proposed access road to Barwick Lane will still be available to the businesses which utilise Barwick Lane with access to the River Tees still being available.
45. Concerns have been raised over the increase in traffic congestion along Myton Way and Queen Elizabeth's Way, contrary to PPG13 which seeks to reduce the requirement to travel by car. Concerns have been raised that the traffic model is out dated and should be updated as part of this application. The original outline application approved in 2009 included a Transport model and as a result mitigation works were identified as part of the outline approval for the development. A section 106 agreement was signed for the mitigation works which will include dual carriageway works to Queen Elizabeth's Way and Myton Way to address the concerns over increased traffic congestion and as the works are considered an improvement to the current traffic situation a revised traffic model is not required in this instance.
46. An objection comment has been raised that the affordable housing provision has not been met for the site and is contrary to circular 05/2005 (para B12). The affordable housing provision for the site has been previously addressed within the 'principle of development' section of the report with four bungalows being provided within the 'Ashbrook' development to the north of the site.

47. Several objection comments have been received regarding the scale, mass, depth and massing of the dwellings that will lead to a loss of privacy and overbearing on the existing properties. The Council's Supplementary Planning Guidance 2 – Householder Extension Guide (SPG 2) document states that habitable windows on the rear elevation of properties which are facing rear habitable windows should be sited a minimum of 21 metres between each other to ensure privacy of the neighbours. Each of the proposed dwellings which are located along the southern boundary of the site comply with the 21 metre guidance distance. The proposal is therefore not considered to have a significant impact in terms of overlooking or loss of privacy to the residents of Pennal Grove, Bronaber Close and Marchlyn Crescent. With a minimum of 21 metres remaining between the proposed dwellings and the existing residential properties and the fact the overall ridgeline height of the dwellings will not exceed 8.7 metres, means the proposed dwellings are not considered to have an overbearing impact on the existing dwellings.
49. An objection comment has been received stating that the proposal would contravene the Human Rights Act 1998, which came into force on the 2nd October 2000. The purpose of the Act is to incorporate into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way which is compatible with Convention rights.
50. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing, and noise disturbance has been assessed within the material considerations above. The human rights of the owners of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of neighbouring residents. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.
51. Further objection comments relate to the potential loss of views. Although these comments have been noted, the potential loss of view is not classed as a material planning consideration and cannot therefore be accessed as part of this application.
52. Several residents have objected to the location of the garages to the rear of the properties and the associated noise issues. The minimum separation distance between the proposed garages and the rear/side elevations of the properties along Pennal Grove, Bronaber Close and Marchlyn Crescent is 3.5 metres. The Council's Environmental Health officers have been consulted and have raised no concerns with the development. The separation distance which will remain between the proposed garages and the existing properties is considered to be acceptable and is not considered to have a significant impact in terms of noise on the neighbours at Pennal Grove, Bronaber Close and Marchlyn Crescent.

53. Objection comments have been received in relation to the impact on wildlife and that the Green party should be consulted on the application. The original 2009 outline approval assessed the impact on the wildlife through a Phase 1 Protected Species Survey. The outline planning permission concluded that there were a number of mature pollard trees on the site whereby there was a moderate risk of the trees supporting roosting bats. The location of the trees coincided with the location of the vehicular crossing.
54. Natural England and Tees Valley Wildlife have been consulted on the application. Natural England have commented that the proposal does not fall within their scope, but advised their standing advice should be considered in terms of the protected species. The Standing advice states that unless there are existing records that protected species are located within 2 miles of the site then a protected species survey is required. Although there is considered to be no significant development in terms of bats roosting within the site, following consultation with Tees Valley Wildlife, a condition will be placed on the application that an updated bat survey should be submitted prior to commencement of the development.
55. An objection comment has been received that the proposed development is contrary to Stockton Councils Green Infrastructure Strategy and PPS1. In 2002 a master plan was approved for the site which included the site being developed for residential development and therefore this area was not designated as an open space area under the Council's Green Infrastructure strategy.
56. An objection comment has been raised regarding the internal layout of the site that its design will create a conflict between pedestrians, cyclist and vehicular movements. The proposal has been designed in accordance with the guidance set out in 'Manual for Streets'. The Head of Technical Services has been consulted on the internal layout/design of the development and has raised no issues in terms of highway or pedestrian safety.
57. Objection comments have been made regarding the landscaping at the site, in particular the lack of a landscaping mound along the western boundary of the site. Since the original submission the plans have been amended to include a landscape mound along the western boundary. The landscape mound will decrease in height gradually towards the northern boundary of the site. The mound is to provide some landscape screening along this boundary line.
58. An objection comment has been received in relation to the proximity of the trees to the dwellings which will result in the trees being removed. The Council's Landscape Architect has commented that the species of trees to be placed within close proximity of the site should have a limited canopy. A condition will be placed on the application that specific details of the trees are to be provided to the Local Authority for approval.
59. Several objection comments have been made in relation to the proposed building line which does not follow the building line of properties along penal Grove. Each planning application is considered on its own individual merits and on the proposal which has been submitted. The proposed building line for the development is considered to be acceptable and the proposal is not considered to impact on the public bridal way and the existing public right will also be redirected.
60. Comments have been received that the occupants of the properties along Pennal Grove should be able to purchase the land to the rear of their properties. This issue is a civil matter and would be a matter between the individual owners and the developer.

61. Comments have been received that there are existing empty flats at Ingleby Barwick and there is no requirement for the additional houses. The Council's saved Local Plan Policy H01 has allocated housing numbers for Ingleby Barwick with the proposed dwellings form part of the numbers allocated for Ingleby Barwick. The principle of additional housing on this site has been approved under the original outline application and this reserved matters application is only to consider the specific details of the proposal are to be considered as part of this application.

CONCLUSION

62. In conclusion the proposed development is not considered to have any significant impacts on the character of the area, levels of residential amenity and highway safety.
63. It is recommended that planning consent be granted with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West
Ward Councillor Councillor K Dixon

Ward Ingleby Barwick West
Ward Councillor Councillor R Patterson

Ward Ingleby Barwick West
Ward Councillor Councillor David Harrington

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act and planning obligations as set out in the report. The Council may also receive monies from the sale of the site.

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers.

National Planning Policy Framework (NPPF)
Stockton on Tees Core Strategy
Stockton on Tees Local Plan
Supplementary Planning Guidance 2 –Householder Extension Guide
Supplementary Planning Document 3 - Parking For Developments (SPD3)
Planning Applications 00/0005/P & 09/3025/OUT