

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**4 June 2013**

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

**13/0651/VARY**

**Bettys Close Farm, Ramsey Way, Ingleby Barwick**

**Section 73 application to vary condition No.2 (Approved Plans) of planning approval 09/1340/REM - Reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve to reduce the length and width of the adopted road**

**Expiry Date 13 June 2013**

**SUMMARY**

The application site is a large area of former agricultural land situated to the south-west of Ingleby Barwick, residential properties are situated to the east of the application site while the River Leven and River Tees bound the site to the south and west.

The application site has been subject to several applications in recent years all which have included the provision of a country park and housing development. More recently this included an application for the erection for 19 no. self build properties (ref; 05/3047/OUT) which was withdrawn. A further application for a housing development of 17 no. executive style self build plots and the country park was subsequently approved by the Planning Committee in June 2006 (ref; 06/1064/OUT). An application for reserved matters approval then followed in 2009 (ref; 09/1340/REM) and finally two applications to discharge the pre-commencement planning conditions for these two applications (refs: 11/0790/APC and 11/0792/APC). The applicants have subsequently implemented this consent by implementing the footings for one of the dwellings (plot 6) and the permission therefore remains extant.

This application seeks to vary the previously approved plans (condition 2) of planning approval 09/1340/REM. The scheme remains for 17 no. self-build housing plots and the creation of a country park/local nature reserve with the changes affecting the road layout and widths. An amended plan has recently been received which re-positions plot one in the approved location and changes to the road layout to address the concerns of the Head of Technical Services.

Although concerns have been raised from local residents regarding the need for further housing land and the impact on the green wedge, it is important to recognise that there remains a valid and extant planning permission for development on the site. This is capable of being implemented regardless of whether planning permission is granted for these amendments.

The design and layout of the proposed development replicates that previously approved in terms of the position of the housing, with the modification affecting the highway design and layout. The scheme is not considered to have any significant impacts on visual amenity or highway safety and the provision of the Country/Riverside Park accords with the aims of the saved policies of the Local Plan. In view of these factors the scheme is considered to be acceptable.

A total of 9no. objections have been received to the proposed application to vary the implemented planning permission.

### **RECOMMENDATION**

**That planning application 13/0651/VARY be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with Heads of Terms below;**

#### **Approved Plans;**

**01 The development hereby approved shall be in accordance with the following approved plan(s);**

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>HS70017-D-111R</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-110R</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-109-S</i></b>	<b><i>24 May 2013</i></b>
<b><i>14</i></b>	<b><i>14 March 2013</i></b>
<b><i>13</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-104</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-105</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-115</i></b>	<b><i>14 March 2013</i></b>
<b><i>HS70017-D-116</i></b>	<b><i>14 March 2013</i></b>
<b><i>11 REV C</i></b>	<b><i>14 March 2013</i></b>

***Reason: To define the consent.***

#### **Variation of approved plans only;**

**02 Nothing in this permission other than the variation of condition No. 2 with respect to the site layout of application 09/1340/REM shall be construed as discharging the conditions attached the previous permissions 06/1064/OUT and 09/1340/REM.**

***Reason: To reserve the rights of the Local Planning Authority with regards to these matters.***

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

#### **Summary Reasons and Policies**

The proposed development is considered to be visually acceptable and will not have any detrimental impacts on the character of the area, residential amenity or highway safety. The scheme is also considered to provide significant community benefit though the provision of the riverside/country park. The development has been considered against the policies below and it is considered that there are no other material 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 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:

Saved Policy HO3 – Development on unallocated sites  
Saved Policy REC 8 – Country Parks  
Saved Policy REC 20 – Footway/cycle links along the Tees  
Saved Policy REC 21 – Footway/cycle links along the Tees  
Saved Policy EN4 – Sites of Nature conservation Importance  
Saved Policy EN7 – Special Landscape Areas  
Saved Policy EN29 – Sites of Archaeological Interest  
Saved Policy EN30 - Sites of Archaeological Interest

**HEADS OF TERMS**

Transfer of land for provision of country park to the Council  
£5,000 towards the provision of an informal kickabout area  
£5,000 towards grassland management  
£15,000 towards fencing and barrier to control access onto the site  
£10,000 towards additional tree planting  
£15,000 towards the provision of interpretation facilities on site  
£15,000 towards footpath provision  
£15,000 towards the provision of woodland management  
£15,000 towards site maintenance  
£40,000 towards the provision of a mooring jetty  
£50,000 Contribution toward potential future footbridge over the River Tees

**BACKGROUND**

1. The application site has been subject to several applications in recent years all which have included the provision of a country park and housing development. In 2000 an application was originally submitted for 98 dwellings, though later amended to 60 dwellings and a country park (ref; 00/0741/P), this application was refused in December 2000 as it was considered that the proposal would have detracted from the open nature of the landscape.
2. A further application was received in 2001 (ref;. 01/1132/P) which reduced the area of housing land occupied and included a large area of planting to separate the proposed housing from the country park. This application was determined by the Planning Committee and it was resolved that the Council were minded to approve the application. However, the application was referred to Government Office North East (GONE) as a Departure to the Development Plan and the application was “called-in” for determination by the Secretary of State. The application was then withdrawn before it was heard at a public inquiry.
3. More recently an application for the erection for 19 no. self build properties (ref; 05/3047/OUT) was submitted and withdrawn. This scheme differed from the previous applications in that in that the number of houses was reduced although the actual area shown on the plans submitted did largely follow a similar area to the two previous applications for much larger housing numbers.

4. A further application for a housing development of 17 no. executive style self build plots and the country park was subsequently approved by the Planning Committee (ref; 06/1064/OUT). This application differed in that there was a further reduction in housing numbers and the amount of land proposed for housing was also reduced. A detailed section 106 agreement for providing the Country Park was completed as part of the application.
5. In 2009 a reserved matters application for 17 no. self-build housing plots and the creation of a country park/local nature reserve was then submitted and approved (ref; 09/1340/REM). These were followed by two applications for the discharge of planning conditions submitted (refs; 11/0790/APC and 11/0792/APC) in April 2011, where the pre-commencement conditions were discharged. The applicants have subsequently implemented this consent by implementing the footings for one of the dwellings (plot 6) and the permission therefore remains extant.

## **SITE AND SURROUNDINGS**

6. The application site is a large area of former agricultural land situated to the south-west of Ingleby Barwick. Residential properties are situated to the east of the application site while the River Leven and River Tees bound the site to the south and west, with further former agricultural land to the north.

## **PROPOSAL**

7. Planning permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary condition No.2 (Approved Plans) of planning approval 09/1340/REM. The scheme remains for 17 no. self-build housing plots and the creation of a country park/local nature reserve. Previously submitted information in respect of the discharge of conditions has also been resubmitted.
8. The principle changes to the scheme include;
  - A reduction in the adoptable road length to the south of the site (serving plots 1-5)
  - A reduction in the adoptable road length to the North of the site
  - Relocation of the car park to the south (nearer to plot 17)
9. Since the original submission a revised plan has also been received which makes amendments to plot 1 (moving the position of the dwelling to that originally approved) and changes to the road layout to address the concerns of the Head of Technical Services.

## **CONSULTATIONS**

10. The following Consultatees were notified and the comments received are set out below:-

### **Head of Technical Services**

The Head of Technical Services has reviewed the revised site plan (drawing number HS70017-D-103A) and has no objection in principle to the development but clarification is required regarding:

- a) The waste collection procedures for plots on Access Road 1; and
- b) The landscaping strategy.

### Highways Comments

The revised site plan locates a number of plots on private / shared driveways. There is no objection in principle to these shared driveways but they must have workable refuse collection procedures and this is not achieved with the current proposals for Access Road 1.

The amended plan (drawing number HS70017-D-103A) shows a revised layout for Access Road 1 with a private drive serving Plots 1 to 4. As there are less than five plots served by the private driveway this is in accordance with the SBC Design Guide. However, the refuse collection procedures as proposed are unfeasible. According to Manual for Streets residents should not be required to carry waste more than 30m to the waste storage point. The proposal places plots 3 and 4 more than 30m from a bin store and this is not acceptable as residents would have to pull their bin quite a considerable distance from their home to the refuse collection point. Refuse trucks may enter a private driveway if the road is to adoptable standards and there is a suitable turning area. Consideration should be given to how these units could be better serviced to meet the recommended standards.

The information submitted confirms that a change from adopted highway to private driveway would be indicated by a change in surface materials. A rumble strip would also be provided to indicate the transition from adopted road to private road. These measures are sufficient to identify the different road category.

In shared surface environments, a pedestrian zone should be provided if a large amount of pedestrian activity is expected. There is no continuous footway or pedestrian zone indicated from the car park to the country park (footway is only indicated on one side of the road) and it is therefore recommended that a continuous footway link be provided.

Traffic calming measures (road humps) are proposed to reduce vehicle speeds. The applicant would need to enter into a Section 38 Agreement for the highway and footpaths which would become highway maintainable at the public expense.

### Landscape & Visual Comments

The landscaping indicated on plan ref drawing 11C dated Jan 2009 must be provided as part of the scheme as no tree planting is indicated on new proposed site plan showing the section 104 agreement, drawing ref HS70017-D-103A. It is noted that other landscape details as previously approved remain the same.

### **Councillor K Dixon**

Given the variation to plot 1, I wish to strongly object to any alterations relating to the variance of planning application 13/0651/VARY. There is no overriding mitigation for the variance and as such this should be refused.

### **Councillor R Patterson**

Given the change to plot 1, I wish to formally object to the amendment

### **Ingleby Barwick Town Council**

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

It is questioned as to what the purpose is of the proposed reduction in length and width of the adopted road?

## **PUBLICITY**

11. Neighbours were notified and any comments received are detailed below, a total number of 9 objections have been received.

**Mrs L J Millington - 2 Caldey Gardens Ingleby Barwick (in summary)**

On the previously approved drawing the house type was amended and landscaping added to the boundary, on the new drawing this has been excluded and is part of the garden of plot 1 and is at the fence line of the existing houses.

The scheme also includes further changes to the original plots and roadway. These roads along with the existing roads are too narrow and difficult for emergency services and refuse collections to access. Small sections of road were included at either end of road 1 and 2 for safety reasons and it is very hard to carry out a 3-point turn manoeuvre.

Considers that the developer should comply with the approved plans or reapply for the full development again.

**Mr And Mrs Tremaine - 14 Nevern Crescent Ingleby Barwick (in summary)**

Request a detailed map of where the plots/country park and nature reserve start and finish. They have recently purchased the property and have no prior knowledge of the development

**Mrs Adrienne Atkin - 10 Ramsey Gardens Ingleby Barwick**

"Boulevard Effect " effect of trees / bushes seem to be getting missed off this planning, the original plans gave the distance to the houses at 70M this has now been changed and the distance is yet closer.

I have to point out your own policy and legal stance as:

. As a result of a recent High Court decision ( Sage v Secretary of State ) the legal position has dramatically changed . This means that if the work is carried out other than in complete agreement with the approved plans the whole development will be unauthorised as it will not have the benefit of the original planning permission" Why does the council seem to have its own rules.

This development has been changed and changed but the residents have never been given the correct information, in fact finding out info about this development/plans and up to date info is almost impossible.

I also believe that this drawing should be rejected until it is fit for purpose and can be interpreted correctly by residents who have been asked by SBC Planning Dept. to review and comment on yet again more changes to the approved plans.

The original plans have been changed to suit the developer and not taken any consideration into the residents at all.

As it is the field fence outside Ramsey Gardens has been changed to a 'gate' which looks unsightly and cars have accessed this field with mopeds.

**Mr Gerard Greenan - 28 Newport Close Ingleby Barwick**

I totally agree with the other objectors in that this is a major departure from the original approval and not just the amendment of a condition. As such I believe it is unlawful to allow this application to be passed and a full new application is the only legal way to deal with a change of this nature.

I urge you to take a step back from the lure of planning gain in the form of this so called park, which is really the developers left overs that he has failed to stop local people using for amenity for decades. Has Stockton Council not had enough council tax from Ingleby Barwick to justify a country park without this extra overdevelopment?

This is your last chance to do the right thing and insist on a new application for this development which should have never been granted permission in the first place, which was by the narrowest of margins. Look to your conscience and take this opportunity to have this application looked at again in a full and honest way. Can a development of this scale with the

associated traffic a park will invite really be sustained by these already overstrained local roads upon which a local child has recently been KILLED in an horrific incident!

**Mr Ian Towers - 26 Newport Close Ingleby Barwick**

i object that the plan seems to be a significant variation from the original approved plans. The aspect, distances and overall layout along with the plots seems to have materially changed. Does this not need re-submission?

**Mr F J Conner - 30A Nevern Crescent Ingleby Barwick (In Summary)**

Objects to the application as it is considered that there are insufficient facilities for the number of residents living in Ingleby Barwick as it is; that the green belts/areas should be preserved; there will be a loss of wildlife habitat; and increased traffic through Nevern Crescent.

**Mr Butler And Ms Fitzgerald - 7 Ramsey Gardens Ingleby Barwick**

I object to this major amendment of the approved plans for the development.

From the original plans approved the development showed a boulevard affect that consisted of ; Trees, bushes, Rowan trees, Common Ash and Beech hedge  
None of this is shown on the amended plans to reduce the length and width of the adopted road. Why has this been removed?

From the amended plans the original style/view boulevard effect that was approved for the original development will no longer be created .

I also object to the proposed location of a wheelie bin storage/collection area  
The proposed location is shown on the drawing as being in very close proximity to my property. The location shown is to the rear side of my property, which falls directly below a bedroom window .

I strongly object to the proposed location of the collection point due to waste odour , noise , disturbance and visual impact.

As its close proximity to my property I would ask for this to be moved or re located nearer to the planned houses that would be using this as a collection point.

I also am unable to interpret any boundary lines from the amended drawings, certain plots appear to have increased in size and boundary lines moved ?

I ask that it be rejected until it can be interpreted by residents.

**Mr M Nolan - 4 Caldey Gardens Ingleby Barwick (in summary)**

Strongly objects to the development on the following grounds; Loss of light; loss of privacy; devaluation of property; visual impact; and, means of access .

Attention is also drawn to the change to plot 1 which is much closer to his dwelling than was originally approved.

**Mr Derek Millington - 2 Caldey Gardens Ingleby Barwick**

I strongly object to this major amendment of the Approved Plans which makes the original approval void Ref. Decision Notice 21-10-2009 which states quote > " When planning permission is granted , it is subject to the work being carried out in accordance with the approved plans, which may as originally submitted or amended before approval is granted. As a result of a recent High Court decision ( Sage v Secretary of State ) the legal potion has dramatically changed . This means that if the work is carried out other than in complete agreement with the approved plans the whole development will be unauthorised as it will not have the benefit of the original planning permission"

I also now find that at the back of my house I appear to have Plot 1 houses extended garden instead of a green space with a "Boulevard Effect" of Common Ash , Rowan Trees and a Beech Hedge.

Also the new drawings submitted for the amendments have dropped all reference the this "Boulevard Effect" effect of trees / bushes, beech hedging why has the Legend been removed ?

The house at Plot 1 appears to have migrated north several metres back towards the Caldey Garden Houses and also has now gained a huge amount of land / front garden as a result of the proposed changes to the road.

I cannot see on Drg. HS70017-D-109R Sht 1 of 3 any boundary lines for the Plot 1 / front garden and as such I believe that this drawing should be rejected until it is fit for purpose and can be interpreted correctly by residents who have been asked by SBC Planning Dept. to review and comment on yet again more changes to the approved plans.

## **PLANNING POLICY**

12. 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
13. 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 [planning 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.
14. 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.

### **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.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

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.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

#### **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).

#### **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.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

### **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 HO3**

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 REC 8**

Land along the Tees and Leven Valleys will be designated as a country park.

### **Saved Policy REC 20**

The following footpath and cycle routes are proposed:

- (a.) A footpath from Yarm to the borough boundary along the south bank of the tees;
- (b.) A footpath from Leven bridge (at low lane, near Yarm) to its junction with the tees, then a combined footpath and cycle route along the east bank of the tees to the Thornaby bypass bridge;
- (c.) A cycle route along the southern boundary of Eaglescliffe golf course;
- (d.) A combined footpath/cycle route on the west and north banks of the tees from Preston lane to the barrage;
- (e.) A footpath from the proposed Thornaby bypass bridge (south bank) along the east bank of the tees to Surtees Bridge;
- (f.) A combined footpath/cycle route from Surtees Bridge (south bank) through Teesdale to the barrage and the borough boundary.

### **Saved Policy REC 21**

The following sites are identified as suitable locations for bridges for combined pedestrian and cycle use:

- (a.) Immediately south of the Eaglescliffe Golf Club;
- (b.) Preston park;
- (c.) Across the Leven river, immediately upstream of its junction with the tees.

### **Saved Policy EN 4**

Development which is likely to have an adverse effect upon sites of nature conservation importance will only be permitted if:-

- (i.) There is no alternative available site or practicable approach; and
- (ii.) Any impact on the site's nature conservation value is kept to a minimum. Where development is permitted the council will consider the use of conditions and/or planning obligations to provide appropriate compensatory measures.

### **Saved Policy EN7**

Development which harms the landscape value of the following special landscape area will not be permitted:

- (a.) Leven Valley
- (b.) Tees Valley
- (c.) Wynyard Park

#### **Saved Policy EN29**

Development which will adversely affect the site, fabric or setting of a scheduled ancient monument will not be permitted.

#### **Saved Policy EN30**

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 situ'. 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

### **National Planning Policy Framework**

- 15. 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;
- 16. 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.
- 17. The relevant sections of the National Planning Policy Framework (NPPF) are considered to be:
  - Section 1. Building a strong, competitive economy
  - Section 2. Ensuring the vitality of town centres
  - Section 4. Promoting sustainable transport
  - Section 6. Delivering a wide choice of high quality homes
  - Section 7. Requiring good design
  - Section 8. Promoting healthy communities
  - Section 10. Meeting the challenge of climate change, flooding and coastal change
  - Section 11. Conserving and enhancing the natural environment
  - Section 12. Conserving and enhancing the historic environment

### **MATERIAL PLANNING CONSIDERATIONS**

- 18. The main planning considerations of this application are compliance with planning policy, the provision of the riverside/country park and the impact of the development on the open character of the area and the green wedge; visual amenity; levels of residential amenity; access and highway safety; flood risk; protected species and features of archaeological interest.

### **Principle of development;**

19. This current application seeks to build upon the previously granted outline and reserved matters planning permissions for the erection of 17 no. self-build properties and the provision of a country park by amending the previously agreed layout. The pre-commencement planning conditions were discharged in May 2011 and the developer commenced work on site prior to the permission lapsing on the 21<sup>st</sup> September 2011, this permission has therefore been implemented, remains extant and is capable of being carried out under the plans of the previous approvals. This is a strong material planning consideration in favour of the development.
20. Many of the objectors have raised concern in relation to the scale of the changes, that it is not simply an amendment to a condition and that the changes conflict with the 'Sage v Secretary of State' high court decision. The changes to the proposed development relate to amendments to the road layout and are limited in their scale. Whilst these concerns are duly noted, the proposed development does not go to the heart of the planning consent with it remaining of the same nature and there being no fundamental changes that would justify a new full planning application to be made.
21. In view of the fact that the development has previously been accepted and there remains an extant planning permission in place, the principle of the development of 17no. self build plots and the provision of the Country Park is again considered to be acceptable, subject to the material planning considerations set out below;

#### **Provision of the Riverside Park;**

22. Saved policy REC8 of the adopted Local Plan specifically allocates the area around the application site as a Country Park. In addition Policy CS6 of the Core Strategy gives priority to the provision of facilities that contribute towards the sustainability of communities, in particular those of Ingleby Barwick. This policy also goes on to support the protection and enhancement of open space, sport and recreation facilities across the Borough. Policy CS10 of the Core Strategy also seeks to support initiatives that improve the environment, tourism offer and biodiversity including the Tees Heritage Park.
23. The development of a small-scale housing scheme continues to offer the benefit of the land required for a Riverside/Country Park, being passed into the Council's ownership. This allows for public access; the enhancement of the area through regular grass/woodland management and tree planting; improved access through new footpaths; educational/cultural benefit through the use of interpretation panels; and enhanced recreational space, including an informal kick about area. Such provisions will also help to achieve the wider aims of a 'Tees Heritage Park which aim to both enhance and provide access along both sides of the River Tees from Stockton to Yarm. Provision would also be available for a footbridge across the River Tees which would accord with saved policy REC20 of the adopted local plan. The scheme therefore accords with the aims of saved policies REC8 and REC20 and the policies CS6 and CS10 of the Core Strategy.
24. It is therefore considered that the community benefits in the provision of the Country/Riverside Park provides significant benefit and that needs to be weighted and balanced against any harm caused by the loss of a small area of greenfield land and green wedge. These will be secured through the transfer of land and associated monies to the Council through the s.106 agreement.

#### **Impact on the open character of the area and the green wedge**

25. Core Strategy Policy CS10 identifies the application site as falling within the green wedge, which are considered to be of significant importance to the Council. Their purpose and function is to ensure that there remains separation of individual settlements, and policy CS10 seeks to maintain, protect and enhance the openness and amenity value of these areas. As indicated above there remain an extant permission of a similar development that is capable of being implemented without any further approvals required by the Local Planning Authority.
26. The current scheme largely follows the layout of the previous approval and maintains the large mound to the west of the housing area to screen the development from the River Tees corridor and provide a green edge to the hard outline of the built environment of the edge of Ingleby Barwick. Additional landscaping is also required and is secured via planning conditions, this will further soften the development as a whole and help to ensure a degree of screening from existing residential properties.
27. Furthermore, the housing area remains only a small part of the application site and the vast majority of the site remains open. Alongside the provision of the Country/Riverside Park it remains the view that the residential development will not result in significant encroachment into the green wedge so as to bring about the visual coalescence of settlements. Alongside the provision of the mounding and landscaping there will be some enhancement to the land and an improvement to the quality of the both the River Tees and River Leven Corridors, as well as the amenity value of the site. Consequently it is considered that any harm to the green wedge is limited and offset by the significant community benefit that would arise from the provision of the Country Park, there is therefore a degree of compliance with Policy CS10 in this respect.

#### **Visual Impact;**

28. Various house types were submitted as part of the reserved matters application. All of which are of a simple and traditional design. The properties were considered to be well proportioned and in keeping with both the scale and character of the neighbouring housing estate. The use of appropriate materials will play a significant factor in ensuring that the development integrates well into its surroundings and this can be controlled via a planning condition. It is however, important to note that this was principally to keep the permission alive. Therefore it remains highly likely that the appearance of the properties may change to suit each self-build occupier's tastes and requirements which will require a fresh application. However, a design brief has been submitted in order to ensure that there is some cohesion between the each property and sets out basic requirements such as build area, roof pitch, window and door details, boundary treatments and dwelling proportions.
29. Several objectors have indicated that the landscaping is not shown on the submitted plans and the Council's Landscape Officer has also commented that the landscaping indicated on plan ref drawing 11C dated Jan 2009 must be provided as part of the scheme as no tree planting is indicated on new proposed site plan showing the section 104 agreement drawings. Previously imposed planning conditions secure the requirements for additional landscaping with these details being submitted for approval at a future date and being implemented in the first planting season following the completion of the access road.

#### **Amenity;**

30. The revised plan relocates plot 1 to its previously approved position, meaning that the gable of this dwelling is approximately 18 metres from the rear of No. 4 Caldey Gardens. This will allow for an increase on the Council's minimum standard of 11 metres and also offers the opportunity for additional landscaping along this boundary, enhancing the scheme and providing further

screening for existing residents. On this basis it is considered that the proposed development will not have a significant impact on the residential amenity of these occupiers.

31. In terms of the remaining residential properties, a minimum distance of at least 20 metres would separate the proposed development from the side elevations of the neighbouring properties and vice versa. Where a front elevation for the development fronts towards a rear elevation of an existing neighbouring dwelling this distance is approximately 30 metres or greater. Furthermore a landscaping belt of a minimum of m to a maximum of 13m would separate the development from the existing houses on the western edge of the Roundhill estate. As these distances exceed the Council's minimum side-to-habitable room and habitable room-to-habitable room distances of 11 and 21 metres respectively it is considered that there would not be a significant loss of privacy or amenity caused to the surrounding residents.
32. Although the location of the proposed car park would now be positioned nearer to plot 17no. it is considered that sufficient space would remain so as not to have a detrimental impact on the amenity of the future residents of this plot. A minimum distance of approximately 20 metres would also remain between the rear of No.14 Nevern Crescent and No.'s 7 & 9 Newgale Close, it is therefore considered that the car park is located a sufficient enough distance away from the existing properties in planning terms so as not to justify a reason for refusal
33. Issues with construction traffic and noise have also been raised. It is accepted that if the application was given approval that it would be likely that there would be instances of noise and disturbance during construction of the proposed dwellings and Riverside/Country Park. However, this is likely to only be a short to medium term issue and previously imposed planning conditions would restrict the hours of construction to limit any potential noise and disturbance issues.
34. Although objects have been received to the location of wheelie bin storage/collection area, this has now been removed from the revised plan and as a consequence these concerns are considered to be addressed.

#### **Access and highway safety;**

35. The Head of Technical Services has considered the proposed development and has noted that the revised site plan locates a number of plots on private / shared driveways. Despite concerns from local residents about the width of the roads, there is no objection in principle to the changes to the highway layout, subject to the arrangements having workable refuse collection procedures. Whilst comments in relation to increased traffic through Nevern Crescent are noted. This proposal does not seek to increase the level of development already approved and it is considered that it will be highly unlikely that the changes to the scheme would result in any significant increase in traffic generation over and above that which was already been accepted.
36. A revised plan has been received that now amends the layout for a private drive being built to an adoptable standard in order to meet with the requirements for refuse collection. However, it is considered preferable that the road be adopted as it is not generally recommended to have a private road that is used by refuse vehicles, as for example any damage caused / spillages etc are then the responsibility of the residents, not the Council, and this causes problems in the long term. Confirmation is therefore required that a refuse wagon can negotiate the turn through a tracking plan and that the road is to adopted, rather than remain as a private drive.
37. In view of the above, and subject to confirmation of the highway serving plots 1-5 being adopted, there is no objection from the Head of Technical Services it is considered that there is no justification for a refusal of the application on highway safety grounds.

### **Issues of Flood Risk**

38. The application site falls within flood risk zones 2 and 3 as outlined by the Environment Agency. However, the housing element of the proposed development is located away from these flood risk zones due to the topography of the land. The proposed Country park element is however considered to be a water compatible use.
39. The proposed development remains in a similar form to that previously approved except for minor changes to the road layout. The relevant planning conditions with respect to drainage remain in force and although the details have previously been agreed the development will need to be carried out in accordance with these agreed details. It is therefore considered that this scheme does not have any significant impacts on flood risk.

### **Impacts on wildlife habitats**

40. It is accepted that the application site has been returning to a more natural state in recent times and it is likely that there is a variety of wildlife species and wildlife habitats in the area, all of which may potentially be affected by the proposed development. This is reflected in comments received which object to the proposed development. During the course of the previous application the applicants submitted an ecological survey of the site and Natural England had no objections to the proposed development. Planning conditions were imposed in respect of water voles, a buffer zone to the river and that the development be carried out in accordance with agreed mitigation measures (as outlined within the protected species report). These conditions would remain in force and will ensure that there is minimum impact on the protected species within the area. The proposed development is therefore considered to be in accordance with policy EN4 of the adopted Stockton on Tees Local Plan.

### **Site of Archaeological Importance**

41. The implementation of the proposed development would result in the Scheduled Ancient Monument being brought back into public ownership where it can be maintained and enhanced for the enjoyment of the general public. The section 106 agreement requires that monies be paid towards Interpretation signage adding to the educational and cultural offer within the area and borough as a whole. Control is maintained through planning conditions which will require that details for all works to the Country/Riverside Park are agreed to ensure the preservation and enhancement of the scheduled monument, As such the proposal is judged to accord with saved policies EN29 and EN30 of the Local Plan.

### **Residual Issues;**

42. Although an objector has raised the issue of the potential impact on property value and prices in the area this is not a material planning consideration and cannot be taken into consideration in the determination of the this planning application.

### **CONCLUSION**

43. Although concerns have been raised from local residents regarding the need for further housing land and the impact on the green wedge, it is important to recognise that there remains a valid and extant planning permission for development on the site. This is capable of being implemented regardless of whether planning permission is granted for these amendments.

44. The design and layout of the proposed development replicates that previously approved in terms of the position of the housing, with the modification affecting the highway design and layout. The scheme is not considered to have any significant impacts on visual amenity or highway safety and the provision of the Country/Riverside Park will help achieve the aims of saved policy REC 8 of the adopted Local Plan and CS6 of the Core Strategy by providing an excellent community resource and by bringing a scheduled ancient monument back into public ownership.
45. The proposed development is therefore judged to remain acceptable and is in accordance with policies CS2, CS3, CS6, CS10 and saved policies HO3, REC8, REC20, REC21, EN4, EN7, EN29 and EN30 of the adopted Local Plan. The proposed development is therefore recommended for approval subject to the applicant entering into a section 106 agreement in line with the Heads of Terms outlined earlier in the report.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Simon Grundy Telephone No 01642 528550**

**WARD AND WARD COUNCILLORS**

**Ward** Ingleby Barwick West  
**Ward Councillor** Councillor K Dixon, R Patterson & David Harrington

**IMPLICATIONS**

**Environmental Implications.**

As set out in the 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 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.**

Stockton on Tees Core Strategy

Stockton on Tees Local Plan

National Planning Policy Framework (NPPF)

Planning Applications; 00/0741/P; 01/1132/P; 05/3047/OUT; 06/1064/OUT; 11/0790/APC and 11/0792/APC

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