

DELEGATED

**AGENDA NO
7 MAY 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/0787/REV

**Land at Thorntree Farm and Rear of 93 Bassleton Lane, Thornaby
Revised application for residential development comprising the erection of two houses and six bungalows plus associated garaging and parking (demolition of Thorntree Farm)**

Expiry Date 15 May 2014

SUMMARY

This revised application seeks planning permission for the erection of 2, two-storey dwellings and 6 bungalows plus associated garaging and parking on land at Thorntree Farm and to the rear of 93 Bassleton Lane. The scheme includes the demolition of Thorntree Farm. The application site is located within the defined limits to development. The site is also within a designated Green Wedge.

The majority of the land falls within the established residential curtilage of 93 Bassleton Lane, which is a large, enclosed garden area with sporadic tree planting within the site. The remaining parcel of land forms part of Thorntree Farm and its associated car parking.

The Head of Technical Services (HoTS) has raised no objections to the application in terms of highway safety, car parking and vehicular traffic. The HoTS has queried whether the access road is to be adopted or not in terms of pulling distances (of wheelie bins) for refuse collection. This matter is considered to be acceptable as set out in the report.

The Council's Landscape Officer has raised no objections to the scheme subject to the removal of works to existing trees along the south east boundary, and details of soft and hard landscaping, which are secured by separate planning conditions.

No objections have been received from Environmental Health Unit subject to conditions relating to land contamination and hours of construction. Northumbrian Water Limited, Natural England and Tees Archaeology have also raised no objections subject to appropriate mitigation measures that are secured by separate planning conditions.

Objections have been received from Councillor Moore, Councillor Dalgarno, Friends of Tees Heritage Park and Thornaby Town Council. 49 letters of objection have been received to date, which are summarised in the main report but include the impact on the green wedge, the impact on highway safety and network capacity and the demolition of Thorntree Farm. 3 letters of support have been received.

Subject to the imposition of the relevant planning conditions which address the impacts of the development, the scheme is considered to accord with the general principles of the National Planning Policy Framework and accord with the principles of sustainable development. The scheme as proposed is therefore not considered to have an unacceptable adverse impact on the character and appearance of the area or lead to an unacceptable loss of amenity for neighbouring

land users. It is considered that the scheme will not have an adverse impact on highway safety and is satisfactory in respect of other material planning considerations including drainage and ecology.

The application is recommended for approval accordingly.

RECOMMENDATION

That planning application 14/0787/REV be approved subject to the following conditions and informatives below;

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

Plan Reference Number	Date on Plan
S079(PL)002A	20 March 2014
S079 SK 002	20 March 2014
S079 SK 006 C	17 April 2014
S079 SK 007 C	17 April 2014
S079 SK 001 C	17 April 2014
S079 SK 003 C	17 April 2014
S079 SK 004 C	17 April 2014
S079 SK 005 C	17 April 2014

Reason: To define the consent.

Conditions to be discharged prior to commencement

02. Materials prior to above ground construction

Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

03. Works to existing tree planting on south eastern boundary

Prior to the commencement of development, a scheme for works to/removal of identified existing trees, and a management plan shall be first submitted to and agreed with the Local Planning Authority in respect of the existing tree planting on the land adjacent to the south east site boundary. No trees should be removed until such a scheme has been agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area and the amenity of future occupiers of the proposed dwellings, in accordance with Stockton on Tees Core Strategy Policy CS3 (Sustainable living and climate change).

04. Hard and Soft Landscaping and boundary treatments

Prior to the commencement of development, hard and soft landscaping and boundary treatments shall be implemented on site in accordance with a scheme of such to be first submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be restricted to a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations and inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All existing or proposed utility services that may influence proposed tree planting should be indicated on the planting plan. The scheme shall detail methods for maintaining and where necessary replacing landscaping and boundary treatments until transfer of ownership. No property hereby approved shall be occupied until the hard and soft landscaping for that plot has been completed in accordance with the approved scheme.

Reason: To ensure a high quality treatment is achieved at an appropriate time during the construction phase of the development in the interests of visual amenity in accordance with Stockton on Tees Core Strategy Policies CS2 (Sustainable Transport and Travel) and CS3 (Sustainable living and climate change).

05. Hard landscaping

Prior to the proposed car parking areas, footpaths and any other areas of hard standing being created, the proposed surfacing materials for the access roads, car parking and hard standing areas within the site shall be submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, and all construction details confirming materials, colours, finishes and fixings. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

The scheme shall be implemented in accordance with the approved scheme prior to the occupation of the dwellings and shall then be retained for the lifetime of the development hereby approved. 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 provide sufficient car parking to serve the existing and proposed dwellings and to prevent increase risk of flooding from surface water run off in accordance with Core Strategy Policy CS3.

06. Means of enclosure

No development shall be commenced until a scheme showing the details of the means of enclosure have been submitted to and approved by the Local Planning Authority. The scheme setting out the means of enclosure shall be implemented before the hereby approved dwellings are occupied.

Reason: In the interests of the visual amenities of the locality in accordance with Stockton-on-Tees Adopted Core Strategy Policy CS3.

07. Tree and landscaping protection

No development hereby approved, including any preparatory works to the ground, shall commence until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the precise location of trees to be protected, protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on

site prior to construction works commencing on site and shall be maintained throughout the period of construction.

Reason: In order to protect the trees in view of their positive contribution to the visual amenity of the area and to accord with Stockton on Tees Core Strategy Development Plan Policy CS3 'Sustainable living and climate change'.

08. Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels of all adjoining properties. The development shall be carried out in accordance with these approved details.

Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with Policy HO3 of the Stockton on Tees Local Plan.

09. Disposal of foul and surface water

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason; To achieve a satisfactory form of development.

10. Recording of a heritage asset through a programme of archaeological works

i) The demolition of Thorntree Farm and any associated buildings shall not 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 including;

- 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.**

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

iii) 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 (i) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason; In the interests of protecting and recording any potential archaeological findings within the site.

11. Risk Assessment

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure proper remediation of the site

12. Cycle storage

Prior to the commencement of development, provision shall be made for each dwelling unit for secure cycle parking facilities in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the agreed details prior to the occupation of the dwelling units hereby approved.

Reason: To ensure satisfactory cycle parking provision.

Conditions to be discharged prior to occupation

13. Verification Report

No occupation of any part of the development hereby approved shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure proper remediation of the site.

14. Code Level 4

The dwelling units hereby approved shall achieve Level 4 of the Code for Sustainable Homes. The dwellings and bungalows shall not be occupied until a final Code Certificate has been issued certifying that Code Level 4 has been achieved and this has been submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed with the Local Planning Authority.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy Policy CS3.

Conditions to be Implemented

15. Protection of bats

The development hereby approved shall be completed solely in accordance with the 'Evaluation and Recommendations' (paragraph 6) of the submitted Phase 1 Habitat and Bat Survey undertaken by Naturally Wild (date received 20th March 2014) unless otherwise agreed in writing with the Local Planning Authority.

Reason; In order to avoid harm to bats.

Conditions which will remain in perpetuity

16. Removal of permitted development rights - extensions and alterations to dwellings and outbuildings

Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1, and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and amended by the by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, the buildings hereby approved shall not be extended or altered in any way, nor any means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based and to prevent any undue future impact on the character and appearance of the conservation area and the amenity of adjacent properties in accordance with Local Plan saved Policy HO3 of the Stockton on Tees Local Plan.

17. Removal of PD Rights - Fences within frontages

Notwithstanding the provisions of class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front elevation and the highway without the prior written approval of the Local Planning Authority.

Reason: To provide a high quality street scene and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

18. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement

Other Conditions

19. Hours of operation on site

No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: NPPF

The decision has been taken having reference to the guidance within the National Planning Policy Framework

Informative 2; Works to trees

In accordance with the requirements of Condition 03, the applicant should contact the Council's Care For Your Area section on (01642) 391959

Informative 3; Surface Water Drainage

Northumbrian Water Limited has advised that the applicant should develop a Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:

- o Soakaway***
- o Watercourse and finally***
- o Sewer.***

If sewer is the only option the developer should contact Niki Mather (tel. 0191 419 6603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Informative 4; Gas Apparatus

Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer contact them to discuss this. Contact details given are as follows; Sandra Collett, Network Records Assistant, 0845 6340508 (option 6)

BACKGROUND

93 Bassleton Lane

1. **05/3470/FUL**; Planning permission was granted on 2nd February 2005 for the erection of single storey extension to side and rear and change of use of agricultural land to provide extension of garden curtilage. The approved plan detailed an elongated rear garden for both No's 93 and 95, with the main change relating to a parcel of land to the east of the main dwelling (5m x 9m), thereby widening the rear garden.

Thorntree Farm

2. **05/3447/REV**; Retrospective application for change of use from residential dwelling to B1 office and associated car parking was approved, subject to a temporary 2-year consent, on 03.03.2006. It was not considered expedient to authorise any further enforcement action.
3. **07/3337/FUL**; An application for residential development of 5 no. bungalows with associated garaging/parking was refused on 22.01.2008 by the LPA on three grounds;
 1. *The proposed development within an area designated as Green wedge in the adopted Stockton on Tees Local Plan would be contrary to the provisions of Policy EN14 of the adopted Local Plan which states that development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the green wedge.*
 2. *In the opinion of the Local Planning Authority the proposed development would be an intrusive form of development in the landscape of Bassleton Beck, harming the character of the surrounding area, contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.*
 3. *03. In the opinion of the Local Planning Authority the proposed development by virtue of the lack of incurtilage parking and excessive drive length would result in vehicles parking and waiting on the highway to the detrimental of the highway safety along Bassleton Lane, contrary to policy GP1 of the adopted Local Plan.*
4. The subsequent appeal was dismissed by the Planning Inspectorate (appeal reference APP/H0738/A/08/2069128/NWF, decision dated 27th June 2008). Within the appeal decision, the Inspector commented that "*the appeal site is garden curtilage to 93 Bassleton Lane, and can also be accessed via a field gate from the proposed access, off Bassleton Lane*".
5. Notwithstanding this, the Inspector dismissed the appeal commenting that the development "*would be clearly visible above the existing 2 metre high boundary wall, when viewed from the outside the site. While the existing wall has introduced built development into this otherwise open area, it is only 2 metres in height and inside the garden is open, with no buildings*". The Inspector noted that the proposed bungalows "*would appear large and at odds with the open and rural character of the Bassleton Beck area which bounds the site on three sides...the proposal would seriously detract from the open nature of the landscape within the green wedge and the local identify and setting of the settlements that it separates*".

Recent site history

6. **13/0652/CPE**; A Certificate of Lawfulness was issued on 13th May 2013 as the applicant was able to demonstrate that the existing use of land to the south of 93 Bassleton Lane (to which the majority of the current application site relates) had been utilised and maintained as a residential garden area for a continuous 10 year period without the Local Planning Authority taking action.
7. **13/2942/FUL**; application for Residential development comprising the erection of two houses and six bungalows plus associated garaging and parking (demolition of Thorntree Farm) was withdrawn on 15th January 2014 as concerns were raised with respect to the siting of plots 7 and 8 along the adjacent south east boundary in respect of existing trees on the other side of the boundary wall (the majority of which fall within the Council's ownership). This is discussed in more detail in the main part of the report.

SITE AND SURROUNDINGS

8. The application site relates to a parcel of land to the south and west of Thorntree Farm, 93 and 95 Bassleton Lane (the application site includes Thorntree Farm). The application site is located with the defined limits to development as defined by saved Policy EN13 of the adopted Local Plan. The site is however within a designated Green Wedge as defined by Core Strategy Policy CS10 (that replaced EN14).
9. The majority of the land falls within the established residential curtilage of 93 Bassleton Lane (as per the Certificate of Lawfulness, granted in May 2013) and consists of a large, enclosed garden area with sporadic tree planting within the site. This element of the site is enclosed by a brick wall that varies in height along the boundaries to the south, east and west, ranging from 1.79m (min.) to 2.17m (max.) in height.
10. Thorntree Farm is a large detached building which has been modified with a number of alterations and extensions. To the immediate west/south west of Thorntree Farm is a car parking area (gravel/hard standing) used by employees of the business and this also forms part of the current application site.
11. To the east of Thorntree Farm are No's 93 and 95 Bassleton Lane, which are also within the applicant's land ownership (as confirmed within the submitted application). No 91 Bassleton Lane is present to the north/front of No 93. These properties are served by a shared driveway, served from Bassleton Lane. To the north of Thorntree Farm is No 89. Residential properties are present to the north (along Bassleton Lane) and to the north west along Barkston Avenue and Axton Close. Beyond the eastern and southern perimeters of the site is woodland, consisting tree planting and soft landscaping. Beyond the western boundary is a footpath that extends into the Green Wedge.

PROPOSAL

12. This revised application seeks planning permission for the erection of two houses and six bungalows plus associated garaging and parking on land at Thorntree Farm and to the rear of 93 Bassleton Lane.
13. The scheme includes the demolition of Thorntree Farm. The proposal consists of two, 2-storey, 4-bed dwellings (plots 1 and 2) on the site of the existing Thorntree Farm. The proposed dwellings would measure approximately 9.7m in length x 8.5m width x 7.4m in height with a dual pitched roof design. The frontage would feature a projecting pitched roof gable element and bay window, an integral garage (with canopy above) and a first floor

window. The proposal would feature windows and doors in the rear elevations. The proposal would feature a double driveway to the front.

14. The proposed access would extend from Bassleton Lane past the western elevation of the two dwellings to serve 6 detached bungalows, which consist of 2 different bungalow types.
15. Plot 3 is a larger, rectangular shaped 3-bed bungalow, sited to the south/rear of proposed plot 2. The submitted plans indicate a maximum roof height of approximately 4.9m (eaves approx. 2.7m) x 11.4m in length x 7.2m in depth. The proposal would feature windows and doors in the front and rear elevation and 1 small window in the side elevation. The property would be served by an attached double garage on the southern elevation (max. height approx.4.5m).
16. Proposed plots 4 - 8 are 2-bed bungalows that would be positioned along the southern and south eastern boundaries. This bungalow type would measure approximately 5.1m in height (2.7m to eaves) x 8m in width x 9m in length. The bungalow type would feature windows and an access door in the front elevation and a window and French doors in the rear elevation. Plot 7 would be served by a detached double garage (max. height 4.5m). The remaining plots would be served by a double driveway.
17. The main revisions from the previously withdrawn application primarily relate to the re-siting of plots 7 and 8 along the south eastern boundary and amendments to car parking. During the course of the current application, revised plans were submitted in respect of reduced roof heights and car parking details.

CONSULTATIONS

18. The following Consultees were notified and comments received are set out below:-

Spatial Plans Manager

This response focuses on the key spatial, housing and economic planning policy issues which relate to the application and the draft allocation of the site in the emerging Regeneration and Environment LDD.

The Development Plan - overview

The development plan currently comprises the:

Stockton-on-Tees Core Strategy LDD (March 2010),

Saved policies of the Stockton-on-Tees Local Plan (1997)

Saved policies of the Local Plan Alteration Number One (2006), and

The Tees Valley Joint Minerals and Waste LDD (September 2011).

The application site is designated as Green Wedge on the 1997 Local Plan Proposals Map. It is also shown as Green Wedge on the Core Strategy Strategic Diagram.

You will also be aware that the Council consulted on the Regeneration and Environment LDD preferred options document and associated documents including the policies map in the summer of 2012. The policies map shows that the majority of the site is designated as Green Wedge in the emerging LDD.

The National Planning Policy Framework (NPPF)

The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states that at the heart of the NPPF is the presumption in favour of sustainable development which is a „golden thread running through both plan-making and decision-taking“. For plan-making this includes local planning authorities positively

seeking „opportunities to meet the development needs of their area“. For decision-making it means:

- approving development proposals that accord with the development plan 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.

The NPPF provides that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” (Paragraph 49).

Achieving sustainable development and core planning principles

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

The supply of deliverable housing land

The five year housing supply assessment for Stockton-on-Tees is updated annually using a base date of 31 March. The Council has produced a report entitled „Five Year Deliverable Housing Supply Final Assessment: 2013 – 2018“. The Report concludes that the Borough has a supply of deliverable housing land of 3.96 years.

The five year supply assessment is also being updated on a quarterly basis. The third quarterly update covers the period 1st January 2014 to 31st December 2018 and concludes that the Borough has a supply of deliverable housing land of 4.37 years with a 20% buffer added (with the shortfall being 455 dwellings).

The guidance in the NPPF states that a 5% or 20% buffer must be added to the supply of deliverable sites, depending on whether or not there has been a record of persistent under-delivery of housing. The issue of whether to add a 5% or a 20% buffer was debated at the Low Lane, Ingleby Barwick Public Inquiry. The inspector commented on this in his report as follows: „Over the CS plan period, the Council agreed that there has been persistent under-delivery“ (paragraph 11.3). In the context of the Inspector’s Report it is now considered necessary to add a 20% buffer to the requirement for a five year supply of housing sites.

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The application is contrary to points 2 and 3 of Core Strategy Policy 1 - The Spatial Strategy and to Core Strategy Policy 7- Housing Phasing and Distribution. However, relevant policies for the supply of housing are not up-to-date if the authority cannot demonstrate a five year supply of deliverable housing sites. Other policies in the development plan that are relevant to the application remain up-to-date and are referenced in these comments.

Relationship to the NPPF and the adopted Development Plan

Sustainable transport and travel

The proposal will need to be assessed in relation to Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel.

Sustainable living and climate change

The proposal will need to be assessed in relation to Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change. The 1st bullet point of point 8 of Policy CS3 states that proposals will: „Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geo-diversity, 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“.

Quality of development

In the context of the quality of the proposed development, Saved Local Plan Policy H03 is also relevant. The policy states that within the limits to development must meet 6 criteria.

In this context it is also relevant that one of the core principles of the NPPF is „always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building“ (4th bullet point, paragraph 17).

The site is within the Green Wedge. However, it is bounded by a walled garden and is residential curtilage. In principle therefore there is an opportunity for a small scale residential scheme that would not have a greater visual impact on the openness of the Green Wedge than the existing development if the design and layout are of sufficient sensitivity.

The officer will need to carefully consider whether all of the criteria in Policy HO3 have been met and whether the proposal satisfies the above core principle of the NPPF including showing sufficient sensitivity to its Green Wedge context.

Housing Mix

Core Strategy Policy 8 – Housing Mix and Affordable Housing Provision

The policy states that a more balanced mix of housing types will be required (point 2 of the policy) and in this context „proposals for 2 and 3-bedroomed bungalows will be supported throughout the borough“. The 2012 Tees Valley Strategic Housing Market Assessment found that there is „a significant shortfall of bungalows across most of the district“ (final bullet point, page 90). It is a significant material consideration in support of the proposal that it provides 6 bungalows.

Environmental Protection and Enhancement

Core Strategy Policy 10 – point 3ii.

The proposal will need to be assessed in relation to Core Strategy Policy 10 (CS10) – Environmental protection and Enhancement. Point 3ii) of the policy states that „The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of: Green Wedges within the conurbation including „Bassleton Beck Valley between Ingleby Barwick and Thornaby“. The proposal is contrary to Policy CS10.3ii).

The applicants planning statement at paragraph 5.3.11 comments as follows: ‘Core Strategy Policy CS10(3) advises that the separation between settlements will be maintained through the protection and enhancement of the openness and amenity value of Strategic Gaps and Green Wedges and refers to the Bassleton Beck Valley Green Wedge between Ingleby Barwick and Thornaby. However, it is impossible to be certain by reference to the Core Strategy Key Diagram (the only adopted development plan document

to show in plan form the Green Wedges) whether or not the application site lies within the Green Wedge. It is acknowledged that the site did lie within the Green Wedge as defined in the 1997 Local Plan under Policy EN14 (and as illustrated on the Proposals Map) but that Policy is no longer extant following the adoption of the Core Strategy. The re-defined boundaries of the Bassleton Beck Green Wedge and others within the Borough will not be established until the Regeneration and Environment DPD is adopted.'

The representation of the Green Wedge on the Core Strategy Strategic Diagram is not intended to show specific boundaries on the ground but to indicate the broad extent of policy designations.

This approach has been followed consistently and if comparable green wedge annotations at Billingham Beck Valley and Stainsby Beck Valley at Thornaby are compared with this one, it can be seen that they similarly do not cover the entire width of the area described as green wedge in Core Strategy Policy CS10.

It is the function of the policies map which accompanies the Regeneration and Environment LDD to show specific site allocations and precise boundaries. Whilst not yet adopted, the maps which accompanied the Preferred Options consultation document clearly demonstrate the Councils intention to maintain the broad extent of the Bassleton Beck Green Wedge. The appeal site clearly lies within its boundaries.

I would also point out that a similar case was advanced by the appellant for the appeal against the refusal of planning permission for a free school and 350 houses at Low Lane, High Leven, Ingleby Barwick. The inspector commented in his report: „Notwithstanding points made in evidence about the nature of the Proposals Map, the land that would be taken up by the Free School and Sixth Form, the housing, and the attendant infrastructure, lies within the designated green wedge.“ The Inspector therefore clearly accepted the validity of the Councils argument on this particular issue.

However, the application site is enclosed by a walled garden and that has been further established by a certificate of lawfulness. This represents material considerations to be balanced against Green Wedge status.

Relationship to the emerging Development Plan

The Regeneration and Environment Preferred Options

The Council has recognised that because of changing economic circumstances the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. For this reason the Council decided to undertake a review of the strategy which was incorporated in to the draft Regeneration and Environment LDD preferred options consultation (2012).

Emerging Strategic Policy SP4 – Green Wedge

29. Strategic Policy SP4 – Green Wedge continues the approach to green wedges found in Core Strategy Policy 10. The policies map that accompanies the LDD shows the majority of the site as green wedge. The application is contrary to emerging policy SP4. However, due to the number of objections to the policy and the statement in paragraph 216 of the NPPF, only limited weight can be attached to the policy.

Summarising comments

The starting point for consideration of the application is the conflict with the adopted development plan. However, the Council accepts that it is not able to demonstrate a five year supply of deliverable housing sites. Paragraph 47 of the NPPF stresses the

importance the Government attaches to boosting significantly the supply of housing and paragraph 49 of the NPPF sets out that where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

The 2nd bullet point of paragraph 14 of the NPPF makes clear that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The benefits of the application within a housing context are that it would boost the supply of housing and make a contribution towards the five year supply of housing. This benefit is modest, being 8 dwellings but does include 6 bungalows. There is a significant shortfall of bungalows across the Borough.

Turning to the potential adverse impacts of the proposal, the proposal is contrary to Point 3ii) of Core Strategy Policy 10 and to Emerging Strategic Policy SP4. However, the proposal must be viewed in light of current circumstances and changes that have taken place since the adoption of the Local Plan in 1997; specifically that the site is bound by a wall and is residential curtilage and that this has been further established by a certificate of lawfulness. I consider that in principle there is an opportunity for a modest scale residential development that mitigates the degree of conflict with Policy CS10 and draft Policy SP4 in these circumstances.

The officer will need to carefully consider whether the proposal in practice achieves this mitigation. Crucial to this consideration will be the quality of the proposal in the context of design and layout and whether it can be considered to represent „high quality design and a good standard of amenity for all existing and future occupants of land and building“ as required by the NPPF.

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.

Open burning

No waste products derived as a result of clearing the land hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

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.

Site Investigation Report

The details submitted are satisfactory in respect that a Phase I (Desk Study) has been carried out. This has assessed the characteristics of the land and identified the next stage of work to be carried out - namely a Phase II (Risk Assessment) - which will develop the conceptual site model and determine what, if any, risk management / remediation will be required.

I have, therefore, no objections to the proposal, subject to Stage II being carried out as recommended.

Following Stage II Assessment being carried out, I will be in a position to consider recommending approval of the development and subsequent discharge of conditions.

Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

Councillor I Dalgarno

I write to object to the above application on the following grounds.

Eroding of the Green Wedge.

Effect on the wild life.

Traffic congestion Bassleton Court is a cul de sac estate the roads were not designed for further expansion. The proposal to demolish the Farm House is not acceptable, as this property is of historical importance to Thornaby.

Councillor Mick Moore

I wish to object to planning application 14/0787/REV

My objections are the same as to planning application 13/2942/FUL

This site is part of the green wedge separating the communities of Thornaby and Ingleby Barwick. The site is also within the Tees Heritage Park to permit these small unprecedented developments would be in contravention of SBC core policies.

SBC Local Plan - Point 2.50

Regeneration and Environment Local Development document states - The function of the Green Wedge is to prevent the coalescence of communities within the built up areas (thus maintaining their individual identities).

This policy seeks to improve the appearance of Green Wedge by maintaining openness.

Planning application 14/0787/REV is an unjustified incursion into the open aspect of this Green Wedge.

This development would be detrimental to this area and contrary to local plan policy EN14 which seeks to protect the open nature of the landscape within Green Wedge.

The area is identified as a wildlife corridor in the Tees Valley Biodiversity Action Plan any such development could affect this sensitive area.

The development will bring an increased amount of traffic on to Bassleton Lane/Bader Ave. it has been suggested that some 6.000 vehicles per day already use Bader Ave/ Bassleton Lane.

The Farm Building is of local historic interest it is one of the few remaining Farm Houses that help to tell the story of the development of Thornaby on Tees and as such should be placed on the Local List as a Local Historic Asset.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

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 and landscapes. It is for the 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, LPAs 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 consider the possible impacts resulting from this proposal on the following issues when determining this application:

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood'

of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation 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.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) 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.

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 is 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 or 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.

Friends of Tees Heritage Park

The Friends of Tees Heritage Park wish to submit their objections to the above application for the following reasons

- 1) A substantial part of the application site is within the Tees Heritage Park - The Tees Heritage Park is included in the Council's adopted Core Strategy Document - Section 13 Environment - Policy 10 (CS10) Environment Protection and Enhancement policy. Sub-section 7 refers to the Council's support for initiatives "to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer, and biodiversity". Only two sites in the whole of Stockton are specifically referred to - Haverton Hill/Seal Sands and the Tees Heritage Park. The Tees Heritage Park is also specifically referred to in the objectives for the Western and Eastern Areas and is clearly shown on the Core Strategy Strategic Diagram. Six of the eight building plots shown in the application fall within the boundaries of the Tees Heritage Park as defined in the Council's proposed Local Development Framework and Environment DPD.

Over the past six years FTHP and the local communities around the Tees Heritage Park have worked with, and been supported by, Stockton Council to turn the Heritage Park into a reality. To provide the equivalent of a mini National Park as a place to appreciate and celebrate our local Heritage, particularly the natural environment along the river valleys - as a place of peace and quiet away from the ever increasing hustle and bustle of everyday life. On this basis Lottery funding for Phase 1 of the Heritage Park was achieved (with Stockton Council as partners) and this phase is now complete. Further funding is being sought for the enhancement of other areas within the Park to protect and improve the landscape, wildlife and ecology for future generations. The application site abuts one of the major pedestrian access points and signal posts into the Heritage Park and would be detrimental to the character and setting of this important "gateway"

The Heritage Park offers a real, one off opportunity to provide a unique amenity in the heart of the urban area for the benefit of local communities and to improve the image of our area generally. Approval for any none related developments should be unacceptable if the Council is to maintain its support of the Park.

- 2) Green Wedge - In its current policies and the Core Strategy the Council seeks to maintain the separation between settlements, together with the quality of the urban environment, through the protection and enhancement of the openness and amenity value of green wedges within the conurbation - including "River Tees from Surtees Bridge to Yarm" and "Bassleton Beck Valley between Ingleby Barwick and Thornaby" (Policy 10, subsection 3, Core Strategy). The purpose is to maintain the current limits of development and prevent any incursions into the green wedge. This planning application is clearly in contravention of this policy

- 3) Visual impact - the site is on the ridgeline above the Bassleton valley and the proposed development will present an uncompromising elevation of housing when viewed from the valley, particularly in the winter.

- 4) Ecology/Environment - Section 13.7 of the Stockton Council's Core Strategy refers to "...the duty to have regard to the conservation of biodiversity, which was introduced by the

Natural Environment and Rural Communities Act.... Conservation of biodiversity is vital in our response to climate change..... Natural habitats are also important in providing corridors to allow mobile species to move in response to changes in climate". The site of this application is an integral part of the Bassleton Beck valley and the proposal would be detrimental to the precious ecology of this locality and its function as part of this wildlife corridor.

5) Detrimental Impact on investment and tourism in the area - The Park area has been identified as having a special character representing the area's heritage, landscape and ecology. It's strength is that it enables communities to relate to this part of the Tees Valley as an entity and embrace a unique part of their history and environment with pride. Furthermore the Heritage Park is proving to be a wonderful vehicle to help transform the image of the lower Tees valley in regional and national terms. The area still suffers severely from its heavy industrial legacy and continues to be seen as an unattractive environment, unappealing to potential investors and employment generators. This is far from the case, which the Tees Heritage Park clearly illustrates (www.fthp.org.uk) and it would be disastrous if the vision was compromised in any way, as it gathers momentum, by sporadic developments such as this. Walks, tours and activities are already underway to raise awareness of this wonderful facility on our doorstep - this proposal is only a few yards from one of the interactive signal post entries into the Park.

6) Detrimental to future funding opportunities and community spirit. - In practical terms, Phase 1 of the Park has recently been completed and has been enthusiastically received by all. This first stage was funded by Green Spaces Lottery Funding and has enabled the community to enjoy the tangible benefits of their actions and commitment. FTHP membership has increased substantially and we are now looking at the next phases within the greater Heritage Park area. Further Heritage Lottery funding is also under way for the River Tees Rediscovered project, which includes the whole of the lower Tees valley. These projects are essentially community driven and very much in the spirit of the Government's policies to involve local neighbourhoods and communities in determining their own future.

7) Loss of green wedge and Heritage Park lands is unacceptable and unjustified. - Recent events have confirmed and encouraged the resolve of FTHP, the community at large and the council to commit to the long term success and sustainability Tees Heritage Park, as a wonderful asset and amenity for now and future generations. The crucial priority at this stage is to ensure that there are no inappropriate incursions into any of the Heritage Park land. We seek to engage with landowners and look to further funding opportunities, but not at the expense of losing any of the existing open space. This has been forcibly demonstrated by local communities in other parts of the Heritage Park area in their vehement opposition to similar inappropriate incursions. There is no doubt that the overwhelming opinion of local people is to retain our open spaces and the Heritage Park in its entirety.

8) Much of the applications site is outside the "Limits of Development" as defined in Stockton current Planning and there is no justification whatsoever to exceed this.

Head of Technical Services

Highways Comments

Re: amended plan S079(PL)001 REV C

All developments should be designed and constructed in accordance with SPD3: Parking Provision for Developments 2011 and the Design Guide and Specification (current edition).

The greatest impact of this proposal would be on Bader Avenue as all traffic would use this route. Concerns have been expressed previously about the number of properties that are

accessed off Bader Avenue. However, a highway objection, in line with national planning policy guidance, can only be raised on transport grounds where there is reasonable evidence that the impacts of the development on the highway network would be severe.

Using trip rates derived from TRICS data the site can be expected to generate vehicular trips as detailed in the table below.

	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
	Arrivals	Departures	Arrivals	Departures
Vehicle Trip Rate	0.184	0.386	0.448	0.249
Vehicle Trips	1.472	3.088	3.584	1.992

The development is forecast to generate 4.4 trips in the morning peak and 5.4 trips in the evening peak hour on Bader Avenue. This scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds.

The proposed road is to serve more than 5 dwellings and should therefore be designed and constructed to adoptable standard. The applicant has failed to clarify which areas are to be offered for adoption. Refuse wagons will not enter private property for collections, including private roads/shared drives. Were the hatched area not to be adopted then a refuse wagon would not be able to turn and would not undertake a 50m reversing manoeuvre therefore refuse bins would have to be collected from the existing adopted highway. This would result in the residents of plots 7&8 having to pull bins approximately 85m. Footways should be 2m wide to meet adoptable standards. The applicant has demonstrated swept paths for a medium refuse wagon.

In accordance with SPD3: Parking Provision for Developments 2011, each 4-bedroom house should provide 3 incurtilage car parking spaces. The amended plan shows the drive widened to a minimum of 4.8m thereby providing 3 spaces in conjunction with the garage. Each 3-bedroom dwelling has 2 incurtilage car parking spaces. Cycle storage should be provided for each dwelling.

Landscape & Visual Comments

An amended plan S079(PL)001 REV C has been provided showing minor changes to parking layout that do not affect the previous landscape comments.

Further information has also come to light that highlights that some tree planting on the eastern site boundary is located within the applicants land. Stockton Borough Council would have no objection to the removal of these trees, but no trees within the council owned land are to removed or managed in any way without the approval of the council's tree officer. The removal of the trees on the applicants land will reduce the shade issues raised in the previous memo so there are no landscape objections to this development.

Condition wording is attached below in the informative section relating to these landscape comments.

LANDSCAPING – HARDWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no hard landscaping works (excluding base course for access roads and car

park) 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.

LANDSCAPING – SOFTWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping 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 ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

TREES ON EASTERN BOUNDARY

The applicant should agree a tree removal and management plan with Stockton Borough Council as regards the tree planting on the land adjacent to the eastern site boundary. No trees should be removed until this plan has been agreed.

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

Private Sector Housing

The Private Sector Housing Division has no comments or objections to make on this application.

Thornaby Town Hall

Thornaby Town Council would like to re-iterate their original objection below:

'Thornaby Town Council's policy is to preserve and protect green wedge. This development encroaches on green wedge and the Tees Heritage Park. A similar application was refused so therefore the same decision should apply to this development.

Thornaby Town Council fully supports the vision of the Tees Heritage Park to maintain our natural environment in the Bassleton Beck Valley and Tees Valley'

Tees Archaeology

Thorntree Farm is a historic building, probably dating from the 18th century and perhaps earlier. The building is currently rendered but its roofing material (clay pantile) and position of its chimneys suggest it was a hearth passage house of the 1700s. As far as I am aware no previous assessment has been made of the history and significance of the building.

Based on the evidence I have I do not think it would be likely that an objection could be sustained against the demolition of the building. Historic maps show that the building was once part of a larger complex that extended to the east. The majority of this is now demolished meaning that it is a fragment only. In addition the building has been extended and re-glazed and presumably re-ordered internally.

In this case I would recommend that the building is a heritage asset of local importance. It would be appropriate for the developer to provide a record of the building before it is destroyed to advance our understanding of its significance before it is lost. The report and archive generated should be made publicly accessible. This is in line with the advice given in the National Planning Policy Framework (para. 141).

This recording can be achieved by means of a planning condition. I set out below the suggested wording for such a condition:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition 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
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition 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.

Conservation and Historic Buildings Officer

The NPPF states that local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets. It states that heritage assets are buildings, monuments, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Such assets can be designated or identified by Local authorities (including local listing).

In that regard a building does not have to be included on the 'Local List' for us to consider it to have local interest. It is the discretion of the local authority if a building is considered to be a local heritage asset.

The loss of the building as a heritage asset should be a material planning consideration of the current application as set out in paragraph 135 of the NPPF which states that a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.

The farmhouse is certainly of an age and although extended the structure appears to be sound and the original form of the building is very much still evident. Although, it has been extended, has lost its ging gang and its setting has been affected by modern development

I note from the submitted details of the application that the building has been altered and has issues with damp. All of these can be remedied with appropriate renovation and repair

It is one of the surviving farmhouses that tells the story of the development of Thornaby consequently I consider that the building has historic significance, and is therefore a local heritage asset albeit a non-designated asset which has been altered.

Its loss would be regrettable and if we are minded to approve the application at least a full photographic record of the building should be undertaken.

Northern Gas Networks

(summarised) No objections to planning application

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 foul and surface 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 foul and surface 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 419 6603) at this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Waste Management

No comments received

Northern Powergrid

No comments received

PUBLICITY

19. 49 objections have been received to date from the following addresses;

Mr Gordon Bean, 98 Bassleton Lane, Thornaby; Mr David Lockwood, 2 Axton Close, Thornaby (x2); Mrs Brenda Bean, 98 Bassleton Lane, Thornaby; Mr Ian Instone & Mrs Jill Instone, 3 Barkston Avenue, Thornaby; Mrs J. Brown, 33 Barkston Avenue, Thornaby; Mr Kenneth Gettings, 91 Bassleton Lane, Thornaby (x2); Mrs Linda Gettings, 91 Bassleton Lane, Thornaby; Mr Kaashif Latif, 31 Lockton Crescent, Thornaby; Mr K Barugh, 5 Liverton Crescent, Thornaby; Mrs Rachel Wilkinson, 7 Barkston Avenue, Thornaby ; Mr Kevin Smithson, 3 Axton Close, Thornaby; Mr Peter Coffield, 5 Axton Close, Thornaby (x2); Mrs Pat Tingle, 49 Lockton Crescent, Thornaby; Mr Mark Tingle, 49 Lockton Crescent, Thornaby; Mrs R Barugh, 5 Liverton Crescent, Thornaby; Mr Craig Iveson, 24 Middleton Avenue, Thornaby; Mrs Sandra Mylan, 96 Bassleton Lane, Thornaby; Mr Keith Skidmore, 25 Lockton Crescent, Thornaby; Mr Harry Waters, 112 Bassleton Lane, Thornaby; Kimberley Kerr, 25 Liverton Crescent, Thornaby ; Annette Kerr, 25 Liverton Crescent, Thornaby; Connor Kerr, 25 Liverton Crescent, Thornaby; Bethany Kerr, 25 Liverton Crescent, Thornaby; Jeffrey Kerr, 25 Liverton Crescent, Thornaby; Raymond Todd, 73 Blackbush Walk, Thornaby; Mr Jonathan Skidmore, 63 Marchlyn Crescent, Ingleby Barwick; Mrs J. Brown, 33 Barkston Avenue, Thornaby; Robert and Lilian Crallan, 7 Charrington Avenue; Eileen Skidmore, 25 Lockton Crescent, Thornaby; Miss Aimee Charlton, 8 Lilac Avenue, Thornaby; Miss Corinne Moore, 8 Firbeck Walk, Thornaby; Miss Amanda Murray, 17 Marykirk Road, Thornaby; Miss Louise Skiba, 8 Firbeck Walk, Thornaby; Mr Robert Newton, 29 Lockton Crescent, Thornaby; Mrs C Smith, 35 Lockton Crescent, Thornaby; Sharon Moore, 23 Barkston Avenue, Thornaby; Mrs E Thompson, 27 Lockton Crescent, Thornaby; Mr and Mrs N and J Deacon, 31 Kintyre Drive, Thornaby; Mrs Linda Coupland, 17 Weaver Close, Ingleby Barwick; Mr Andrew Smith, 35 Lockton Crescent, Thornaby; S.E.G. Bradley, 5 Brisbane Crescent, Thornaby; Mrs Ann Gardner and Mr K Gardner, 23 Lockton Crescent, Thornaby; Cooper, 23 Liverton Crescent, Thornaby; Mrs M. Etherington, 33 Kintyre Drive, Thornaby; Mr and Mrs Degnan, 11 Liverton Crescent, Thornaby (x2); Mr Leslie Fothergill, 22 Lockton Crescent, Thornaby; Miss Nicola Palin, 37 Lockton Crescent, Thornaby; Michael Hutchinson, 19 Lockton Crescent, Thornaby; Ron Brown, 27 Liverton Crescent, Thornaby.

20. Objections have also been received from Councillor Ian Dalgarno, Councillor Mick Moore, Thornaby Town Council and Friends Of Tees Heritage Park.

21. The objections received are summarised as follows;

- The scheme constitutes over development
- Adverse visual impact
- a 'substantial' part of site is within Tees Heritage Park and the Green Wedge and would result in an adverse impact
- 'unjustified incursion' into the Green Wedge.

- the land is intended as a wild life 'green belt' and proposal would result in loss of open space to detriment of visual amenity of surrounding area
 - Thorntree Farm should be retained
 - Objections from previously withdrawn scheme are reiterated
 - Impact on wildlife and ecology
 - Increase in traffic and impact on highway safety
 - Impact on/exacerbate drainage problems
 - Noise as a result of development for a prolonged period
 - Impact on residential amenity in terms of loss of amenity and privacy, 'loss of light' and loss of views
 - Previous refusal and dismissed appeal for development on the site is material
 - Persistent submission of applications
 - Offices are operated from Thorntree Farm without planning permission
 - The proposal is no different from the previously dismissed appeal at the site or refused application for the erection of 54 dwellings to the rear of 'Land To The South Of Cayton Drive and West Of Middleton Avenue (13/0809/FUL)
 - There should be a requirement for a 10-15m buffer zone from trees 'as per' the refused Bellway scheme
 - The proposal would set undesirable precedent including further proposals to extend beyond the proposed curtilage to the south
 - Property devaluation
 - numerous houses for sale in area and development unnecessary
 - Reference to being contrary to GP1
22. 3 letters of support have been received from Mr Paul Mosley and Mrs Claire Mosley (both of) 21 Penberry Gardens, Ingleby Barwick and Mr Ian Parnaby, 14 Charrington Avenue, Thornaby who have commented that the proposal would enhance local area, provide necessary bungalows and should be supported.

PLANNING POLICY

23. 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
24. 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
25. The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

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;

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.

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.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;

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.

5. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.
6. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

7. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

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

4. 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. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
6. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
7. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
8. 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.
9. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
10. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
11. 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.

The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

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

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.

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.

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

5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

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

12. 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).

13. 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.
8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.
9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.
8. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.
9. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.
10. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.
11. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

14. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.
15. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
16. 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.
5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.
7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:
 - iii) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
 - iv) Tees Heritage Park.
8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).
9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

Core Strategy Policy 11 (CS11) - Planning Obligations

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

18. 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 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.

MATERIAL PLANNING CONSIDERATIONS

26. The material planning considerations with respect to this application are the compliance of the proposal with national and local planning policy including the principle of housing development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users (and future occupiers of the dwellings), the impact on highway safety and any other material planning considerations.

Principle of development

The National Planning Policy Framework (NPPF)

27. Paragraph 14 of the NPPF states that at the heart of the NPPF is the presumption in favour of sustainable development which is a '*golden thread running through both plan-making and decision-taking*'. For plan-making this includes local planning authorities positively seeking 'opportunities to meet the development needs of their area'. For decision-making it means:

1. *approving development proposals that accord with the development plan without delay; and*
2. *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.*

28. Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

Principle of Housing within Thornaby

29. The site lies within the 'Limits of Development' as defined within the Stockton on Tees Local Plan where residential development would, under normal circumstances be supported. However, the site is allocated as green wedge and the proposal would therefore be contrary to saved Local Plan Policy HO3(i) which removes general support for housing sites where land is allocated for another use.
30. A more up to date range of housing policies exists within the Core Strategy, specifically Policy CS7 (Housing Distribution and Phasing) which indicates the need for a 5 year supply of housing, priority being accorded to the Core Area and the aim of seeking 75% of development on Brownfield sites. It further indicates that no new allocations will be made before 2016.
31. The five year housing supply assessment for Stockton-on-Tees is updated annually and the Council has produced a report entitled 'Five Year Deliverable Housing Supply Final Assessment: 2013 – 2018'. The Report concludes that the Borough has a supply of deliverable housing land of 3.96 years. The five year supply assessment is also being updated on a quarterly basis. The third quarterly update covers the period 1st January 2014 to 31st December 2018 and concludes that the Borough has a supply of deliverable housing land of 4.37 years with a 20% buffer added (with the shortfall being 455 dwellings).
32. The Spatial Plans Officer has commented that the 'Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole'.
33. Core Strategy Policy 8(2) (Housing Mix and Affordable Housing Provision) states that a more balanced mix of housing types will be required and in this context 'proposals for 2 and 3-bedroomed bungalows will be supported throughout the borough'. The 2012 Tees Valley Strategic Housing Market Assessment found that there is 'a significant shortfall of bungalows across most of the district'. The proposed scheme would provide six, 2 and 3 bed bungalows, which accords with the provisions of CS8. It is considered that the proposal accords with this Policy and that this represents a significant material consideration.

Principle of residential development within the green wedge

34. The NPPF seeks to conserve and enhance the natural environment by '*protecting and enhancing valued landscapes*' (para. 109). The protection of Green Wedges is more specifically detailed within one of the 12 objectives (no.8) of the Core Strategy which states that '*the strategic gaps and green wedges that prevent the coalescence of built up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value*'.
35. This is further expanded upon in Core Strategy Policy CS10(3) which indicates that 'the separation of settlements, together with the quality of the urban environment will be maintained through the protection and enhancement of the openness and amenity value of

green wedges within the conurbation', including the one between Ingleby and Thornaby (Bassleton Beck Valley). Prior to the Core Strategy, the Green Wedge was protected through the Local Plan adopted in 1997 (Policy EN14). The Green Wedge has therefore been protected via policy for in excess of 15 years.

36. In view of current policy, housing development within the green wedge would be contrary to the Core Strategy. However, this should be balanced against the lack of a 5 year housing supply and the need therefore to provide housing in the short term. Consideration of this needs to take into account the form and function of this area of the green wedge and its relationship with the surrounding settlements.
37. As set out in the recent site history above, the majority of the application site relates to residential garden curtilage, as per the Certificate of Lawfulness that was granted in May 2013 (reference 13/0652/CPE). This garden curtilage is enclosed by a brick boundary wall. The western section of the application site forms part of an existing car park/hard standing area serving Thorntree Farm.
38. A further material consideration relates to the 'fall back' position of the majority of the land being classed as residential curtilage and the permitted development rights that the land would benefit from (to serve No 93 Bassleton Lane); a large detached structure for the purposes incidental to the enjoyment of the dwelling house (No 93) could be erected at 4m in height (set 2m off the adjacent boundaries) with a footprint that could take up to 50% of the garden curtilage of the site without requiring planning permission.
39. These therefore represent material considerations in the assessment of the current application in terms of how the site contributes to the green wedge and the existing, established impact on the Green Wedge.
40. The six proposed bungalows are considered to be of a simple design and scale. The four plots that would be sited along the southern boundary are single storey bungalows that are modest in scale and design and would be set off the adjacent boundary. These bungalows would feature a maximum height of 5.1m (eaves height limited to approx. 2.7m). Beyond the existing southern boundary wall (which measures between approx. 1.79m – 2.06m), is low, dense planting with woodland/tree planting to the eastern boundary. Nonetheless, it is acknowledged that the roof heights of the proposed buildings would project above the boundary wall and views would still be achievable into the site, particularly from the footpath to the south west corner of the site, where existing planting is limited.
41. Importantly, and as discussed elsewhere within the report, due to the amended layout of development and the agreed requirement for tree removal/works, it is considered that the proposal would not be likely to place notable pressure in the future for tree removals within the remaining green wedge.
42. It is noted that the Council currently has a 4.37 years supply of housing. The number of units being proposed is relatively limited and will therefore not significantly affect the 5 year supply and this is a material consideration when weighing the benefits of housing provision against the loss of the green wedge. The Spatial Plans Officer has commented that the existing site would remain within the Green Wedge under the emerging draft Policy SP4 (Green Wedge) of the draft Regeneration and Environment LDD however only limited weight can be attached to the policy. Furthermore, should the current scheme be granted planning permission, this would clearly have implications for future allocations of the site.
43. Taking these considerations into account, the Spatial Plans Officer has commented that '*in principle there is an opportunity for a small scale residential scheme that would not have a greater visual impact on the openness of the Green Wedge than the existing development if*

the design and layout are of sufficient sensitivity'. The design and layout of the development will be considered in further detail below.

44. In view of all the above considerations, including the majority of the site forming part of an established, enclosed residential curtilage and the modest scale and design of the proposed scheme, it is considered these represent material planning considerations that in this instance outweigh the policy of constraint (CS10) and that the proposed scheme would not significantly adversely affect the character and function of the Green Wedge in this specific instance. The proposal is therefore considered to address reason 01 of the previously refused residential scheme in 2008 (07/3337/FUL).
45. A number of objections have made reference to the refused application for the erection of 50 houses on land to the south of Cayton Drive and the west of Middleton Avenue, which is a parcel of land located to north east of the current application site (refusal reference 13/0809/FUL, dated 16th July 2013). One of the reasons for refusal of the application related to the impact on the Green Wedge. However in view of the above considerations including the site specifics of the current site and the scale of the current development (8 dwellings compared to the previously refused 50), it is considered that the current scheme is not instantly comparable to the refused development to the north east of the current application site and each application is assessed on its own individual merits.
46. The site is not located within a 'green belt' as referred to in a letter of objection.

Impact on the Tees Heritage Park

47. Core Strategy Policy CS10 states that *'the provision of leisure and recreation facilities as part of the Tees Heritage Park will provide more open space accessible to the public, improve the opportunity for water based facilities and enhance the areas landscape and biodiversity. A high quality network of urban parks and green spaces within the conurbation will contribute to a better quality of life for all'*.
48. Core Strategy Development Plan Policy CS10(7) gives support for initiatives which improve the quality of the environment in key areas (including Tees Heritage Park) where it may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity.
49. A number of objections from residents and others, including the group 'Friends of Tees Heritage Park' have objected to the development of the site, commenting that it is part of the Tees Heritage Park which they indicate as being an area where protection is given to improve the landscape, wildlife and ecology for future generations. It has been indicated that Lottery funding has been used in other areas of the Park and that the community are able to enjoy this asset. It is suggested by objectors that the Heritage Park would be irreparably damaged by the proposed development.
50. With respect to the above referenced refused development for the erection of 50 dwellings on land to the south of Cayton Drive (reference 13/0809/FUL), within the Committee Report it was noted that *'this site is at the far side of the Tees Heritage Park, away from the river and the associated water based facilities, within private ownership. As such, the impacts of this development on the Tees Heritage Park are considered slightly differently to those on the green wedge...were the impact on the heritage park to be the only issue weighing against the principle of development on the site then it is considered that this would be outweighed by the lack of a 5 year supply'*.

51. The majority of the current application site is private, enclosed residential curtilage with permitted development rights for some built development and is considered to make a limited contribution to the setting of the wider Tees Heritage Park and Green Wedge.

Demolition of Thorntree Farm

52. Thorntree Farm is neither a Listed Building nor is it Locally Listed. A number of objections from residents, Councillor Moore, Councillor Dalgarno and Thornaby Town Council have commented that the existing farm house building should be retained as a heritage asset, whether that is through Listed Building status or being Locally Listed.
53. The Council's Historic Building's Officer (HBO) has commented that a building does not have to be included on the 'Local List' for the Council to consider it to have local interest and it is the discretion of the Local Authority if a building is considered to be a local heritage asset. The HBO has commented that the *'farmhouse is certainly of an age and although extended the structure appears to be sound and the original form of the building is very much still evident. Although, it has been extended, has lost its ging gang and its setting has been affected by modern development, I note from the submitted details of the application that the building has been altered and has issues with damp. All of these can be remedied with appropriate renovation and repair'*.
54. In response, the applicant has commented that the retention or conversion of the building *'has been given proper consideration but retention of the existing former farmhouse, sub-divided or otherwise, is not considered to be a practical proposition'*.
55. The HBO concludes that the loss of the building would be *'regrettable and if we are minded to approve the application at least a full photographic record of the building should be undertaken'*.
56. Tees Archaeology has been consulted on the application and has commented that an objection could not be sustained against the demolition of the building based on the submitted information/evidence. Tees Archaeology has therefore commented that it would be appropriate for the developer to provide a record of the building before it is destroyed to advance our understanding of its significance before it is lost. This can be secured by way of a planning condition.
57. In view of the above considerations, it is considered that on balance the demolition of the existing building would not be sufficient to warrant a reason for the refusal of the application on this ground alone.

Layout and street scene considerations

58. One of the core principles of the NPPF (para 17) is to *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building'*.
59. Furthermore online National Planning Policy Guidance (PPG, published March 2014) reaffirms the importance of good design, as promoted in the NPPF and states that *'Local planning authorities are required to take design into consideration and should refuse permission for development of poor design'*.
60. The two proposed 2- storey dwellings that would be sited on the existing Thorntree Farm site are considered to be of a simple design and scale which are generally considered to be in keeping with the character and appearance of the adjacent properties and the predominantly surrounding residential area. It is considered that the provision of the

projecting bay and gable pitched roof elements on the front elevation would assist in breaking up the massing of the buildings and in providing a satisfactory design.

61. The proposed bungalows (there are 2 bungalow types) are also considered to be a modest design and scale that reflect the informal layout of the site. As set out above, the four proposed bungalows to be sited along the southern boundary would be set off the adjacent rear boundary with distances ranging between approximately 3m (minimum) and 8m (maximum). The applicant has also submitted revised plans to reduce the overall heights of the dwellings and bungalows (and the overall roof pitch). These revisions are further considered to assist in reducing the visual impact of the scheme from the street scene and views from the wider area.
62. Front and rear gardens are provided to all properties and although these are limited, the greening/ openness of the street scheme is generally considered to be acceptable. A planning condition can ensure that satisfactory boundary treatments are provided. It is also considered necessary to remove all permitted development rights to extend or alter the dwellings and buildings in the future, including the erection of fences to the front to retain the openness of the site.
63. Details of soft and hard landscaping can be secured by further planning conditions.
64. The overall layout of the proposed development is compact however taking into account the scale of the proposals, the separation distances between the proposed plots (set out in full below), and the proximity of existing housing, the appearance and layout of the proposed development is generally considered to be acceptable and is not considered to constitute 'over development' of the site.

Impact on existing landscaping

65. Concerns were raised by the LPA during the original submitted (and withdrawn) application in respect of the potential impact of development on the root structure of the adjacent trees along the south east of the site, adjacent to plots 7 and 8 (on the other side of the boundary wall). Further concerns were raised in respect of the impact of shadowing from the trees and from the proposed buildings themselves on the buildings.
66. In response, the applicant employed an arboricultural consultant to consider these issues and the report was submitted as part of the current application.
67. The investigations determined that root protection areas of the trees, as determined by British Standards, do not extend into the site. The report concludes that the proposed bungalows will not adversely impact on the nearby trees. The Council's Landscape Officer has confirmed that this is acceptable.
68. The Council's Landscape Officer has advised that '*further information has also come to light that highlights that some tree planting on the eastern site boundary is located within the applicants land*' and that no objections are raised to the removal of these trees (within the applicant's land ownership) with any other tree works/removal that are within the Council's ownership to be agreed with the Council's Woodland and Tree Officer. The Landscape Officer has confirmed that the removal of the trees on the applicant's land will reduce the shade issues previously raised and there are no landscape objections to this development. A planning condition is recommended in respect of a scheme being agreed in writing with the LPA in respect of such tree works/removals. A scheme for soft landscaping can be achieved by a further planning condition.

69. Subject to these conditions, it is considered that the proposed scheme will not adversely affect existing landscaping features.

Amenity

i) Provisions for future occupiers

70. One of the core principles of the NPPF is to *'always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings'* (Para. 17).

71. It is considered that the proposed layout generally provides adequate areas of amenity space relevant to the scale of the proposed properties and also provides adequate parking provision. The indicated separation distances between the properties are considered to achieve a satisfactory level of amenity and privacy for future occupiers. The removal of all permitted development rights, which can be secured by a planning condition, would allow the Local Planning Authority to control the resultant impact of any future extensions to the properties.

72. As set out above under the landscape section, matters of tree shadowing have now been resolved with respect to the requirement for a scheme for tree removal/works. With respect to the objections stating that the same 'buffer' should be applied to the current site that was considered as part of the refused development for 50 dwellings on land to the south of Cayton Drive, as set out above, the current application site is not considered to be instantly comparable to the refused development and each application should be assessed on its own individual merits.

73. In view of the above, it is considered that the proposal has been designed to ensure that adequate distances are met and design to negate any adverse impact on the amenity of future occupiers of the proposed properties in terms of outlook, overlooking, overbearing and overshadowing.

ii) Impacts on surrounding residents

74. Proposed plots 1 and 2 would primarily look towards No 89 (north) of which a separation distance of approximately 21m would remain. An oblique separation distance of approximately 20m would remain between the front elevation of proposed plot 1 and the front elevation of No 91, sited in the north east corner of the shared driveway with No's 93 and 95 Bassleton Lane. The proposed plots would also be sited approximately 30m from the nearest properties to the north and north west.

75. Proposed plots 1 and 2 would project along the adjacent boundary to No 95 Bassleton Lane, which is also within the applicant's land ownership. The submitted plans indicate that the proposed dwellings would not project beyond the front and rear elevations of No's 93 and 95 and a separation distance of approximately 3m would remain between the side elevation of proposed plot 1 and No 95.

76. The rear elevation of plot 3 would be sited at an oblique separation distance of approximately 20m from the rear elevation of No 95 Bassleton Lane. The side elevation of proposed plot 8 would be sited approximately 21m from the rear elevations of No's 93 and 95 Bassleton Lane.

77. In view of these distances and relationships, it is considered that the location of the development is sufficiently separated from existing dwellings.

78. The provision of satisfactory boundary treatment between the existing (93 and 95 Bassleton Lane) and proposed properties can be secured by way of a planning condition. Although the site is relatively level throughout, it is also considered necessary to secure details of existing and proposed levels of the proposed buildings, which can be secured by a further planning condition.
79. In view of the above considerations, it is considered that the proposed scheme will not result in an adverse loss of amenity for existing/future occupiers of surrounding residential properties in terms of outlook, overlooking, overbearing and overshadowing.
80. With respect to objections regarding noise disturbance, the Council's Environmental Health Unit has raised no objections to the scheme but has recommended a condition restricting hours of construction and delivery. This can be secured by a planning condition. Subject to this, and in view of the domestic scale and nature of the development, it is considered that the proposed development will not result in an unacceptable loss of amenity in terms of noise disturbance.

Highway related matters

81. The proposed site layout is shown with access extending from Bassleton Lane (north) past the side elevation of plot 2 and into the side in an 'L' shape design. Each property would be provided with in-curtilage parking spaces as well as visitor spaces, which the Head of Technical Services (HoTS) has confirmed accords with SPD3: Parking Provision for Developments 2011. The HoTS has requested that cycle storage should be provided for each dwelling. This can be secured by a further planning condition.
82. A number of objections have been raised suggesting that there is already excessive traffic on the surrounding highway network, that there is prevalent on street parking in the surrounding streets and that the area cannot cope with any additional traffic, all of which residents consider would cause risk to highway safety.
83. The Head of Technical Services (HoTS) has commented that *'the greatest impact of this proposal would be on Bader Avenue as all traffic would use this route. Concerns have been expressed previously about the number of properties that are accessed off Bader Avenue. However, a highway objection, in line with national planning policy guidance, can only be raised on transport grounds where there is reasonable evidence that the impacts of the development on the highway network would be severe'*.
84. Using trip rates derived from TRICS data, the HoTS concludes that the scale of trip generation *'would be unlikely to have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds'*.
85. The HoTS has also commented that the applicant has demonstrated swept paths for a medium refuse wagon however as the access road is to serve more than 5 dwellings, the scheme should therefore should be designed and constructed to adoptable standard. The HoTS has commented that *"the applicant has failed to clarify which areas are to be offered for adoption. Refuse wagons will not enter private property for collections, including private roads/shared drives. Were the hatched area not to be adopted then a refuse wagon would not be able to turn and would not undertake a 50m reversing manoeuvre therefore refuse bins would have to be collected from the existing adopted highway. This would result in the residents of plots 7&8 having to pull bins approximately 85m"*.
86. Whilst these comments are fully acknowledged, and should the areas in question not be offered for adoption, the distance for a resident to pull a waste bin is a matter that would be

controlled by the market (and being a 'buyer aware' issue) and would not constitute a reason for refusal of the application. This view is supported in planning case law.

87. As set out above, a scheme for hard standing can be secured by a planning condition

88. In view of the above considerations, it is considered that the proposed development will not result in an adverse loss of highway and pedestrian safety.

Impacts on Ecology & Biodiversity

89. Natural England have referred to their Standing Advice on protected species, which includes a habitat decision tree that provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. The applicant site includes a maintained garden area (grassland), ornamental shrub planting and a small pond. The site has no specific designations on it in respect to wildlife, habitat or biodiversity. Notwithstanding this, objections have been raised in respect to the proposal on the grounds that this would adversely affect wildlife which currently uses this area.

90. The applicant's submission includes a Phase 1 Habitat and Bat Survey Report with respect of classifying the habitats on site and to determine the suitability of Thorntree Farmhouse for bat roosting activity. The report concludes that no evidence of bat roosting activity was found from surveying of Thorntree Farmhouse but it was noted that potential bat roosting points were present and moderate levels of bat activity were recorded during the survey. As such, the Report concludes that the proposals *'will have no significant impact on either protected species or habitats (statutory and non-statutory) on the application site or in the surrounding area providing that the roof of Thorntree Farm should be removed/ stripped under ecological supervision as a precaution for the roosting bat issue'*.

91. Natural England have also commented that the site could benefit from enhanced green infrastructure (GI) provision and the development may provide opportunities to incorporate features into the design which are beneficial to wildlife. Whilst these comments are fully acknowledged, in view of the limited scale of the development (when compared to a larger housing development), it is considered that any significant benefit from such infrastructure is likely to be limited and that these matters would not warrant a refusal of the application.

92. Whilst the site may be being used by wildlife, it appears that this is (apart from any nesting birds) likely to be for general foraging. In view of this, and the site being adjacent to a woodland (albeit the application site is enclosed by a brick wall) which offers more extensive provision, it is considered that the proposal would have a limited impact on wildlife and ecology. Subject to the recommended mitigation measure of the Habitat Report, which can be secured by a planning condition, it is considered that the impacts on wildlife could be suitably mitigated. For similar reasons, it is considered that the proposed development would not unduly affect biodiversity within the Borough.

Planning Obligations

93. Core Strategy Policy CS11 relating to planning obligations is relevant, along with the Open Space, Recreation and Landscaping Supplementary Planning Document. Having undertaken an assessment of contributions, the Council's Parks and Green space section provided provisional details of a scheme for built facilities (changing facilities at Harold Wilson Playing Fields), sports/play facilities (MUGA at Harold Wilson) and allotments in Thornaby.

94. As noted above the proposed scheme relates to 2 x 4 bed dwellings, 1 x 3 bed bungalow and 5 x 2 bed bungalows. It is considered that future occupiers of the proposed 6

bungalows are unlikely to have a material impact on the use the sports and play facilities and the bungalows are therefore discounted from the obligations in this instance.

95. Circular 05/05 (Planning Obligations) has now been re-emphasised by the CIL regulations, which has made 3 of the Circular 05/05 tests statutory, notably a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- (a) *necessary to make the development acceptable in planning terms;*
 - (b) *directly related to the development; and*
 - (c) *fairly and reasonably related in scale and kind to the development.*
96. In view of the remaining 2 x 4 bedroom dwellings, it is considered that there would not be a significant impact of two dwellings on the provision of new or existing open space within the surrounding area. As such, it is considered that a contribution cannot be required, as the development does not meet the statutory tests outlined above.
97. Whilst attaching significant weight to the provisions of Policy CS11 and SPD6, it is considered that there is no satisfactory evidence at this point in time to link the present proposal to an effect on infrastructure requirement or to justify the need for a planning obligation. The requirement for a S106 would therefore fail to meet the tests of Circular 05/05 (c) and is therefore not required in this instance.

Other Matters

98. In accordance with the requirements of Core Strategy Policy CS3(1) residential development such as this would need to be built to Level 4 of the Code for sustainable homes, which can be secured by a planning condition. The proposed scheme (less than 10 dwellings) would however fall below the threshold for the provision of 10% renewables to be provided on site. Affordable housing provision would not be required based on the site area.
99. The Councils Environmental Health Unit (EHU) Officer has raised no objections to the application although indicated that conditions should be imposed in respect to construction working hours, unexpected land contamination and a restriction on open burning. Whilst the control of construction hours and unexpected land contamination can be secured by separate planning conditions, matters of open burning can be controlled by separate legislation to planning.
100. The applicant has submitted a Phase I (Desk Study). The EHU Officer has assessed the submission and raised no objections to the proposal, subject to the undertaking of a Phase II Risk Assessment, which will determine what, if any, risk management /remediation will be required. This submission can be secured by a further planning condition.
101. A number of objections have commented that the approval of the current application would set an undesirable precedent for similar approvals within the immediate area, in particularly i) the future extension of the current proposal further south and ii) the site to the north east of the current application site that is subject to a revised application for the erection of 54 dwellings which is currently pending consideration (reference 14/0954/REV, submitted April 2014). An application for 50 dwellings was refused on this same site (reference 13/0809/FUL, decision dated 16th July 2013). It should be noted that each application is assessed on its own individual merits and therefore the reference to 'precedent' is not a material consideration in this instance.

102. Objections have been received in relation devaluation of property prices and the availability of existing houses within Thornaby, Ingleby Barwick and the wider estate. These matters are not considered to be material planning considerations.
103. The site is situated within flood zone 1 and presently not at risk of either tidal or fluvial flooding.
104. A number of objections have commented that the existing drainage system cannot accommodate additional pressure/capacity and that the development will result in drainage problems. The site size is below the threshold for consulting the Environment Agency. Northumbrian Water Limited (NWL) have been consulted and has request that details of foul and surface water from the development be submitted to the Local Planning Authority in consultation with Northumbrian Water. This can be secured by way of a planning condition. NWL has also provided further information of how the surface water drainage solution will need to be developed. This can be appended as an informative. Subject to the above referenced condition, it is considered that the matters of drainage can be satisfactorily addressed.
105. A number of objections have commented that the development would result in the loss of light and loss of views. With respect to Right to Light and Right to a View, these operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates 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.
106. The human rights of the adjoining/adjacent 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 their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.
107. 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/occupiers 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.
108. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.
109. An objection makes reference to the scheme being contrary to Policy GP1. Councillor Moore has also made reference to the scheme being contrary to EN14. These policies are no longer 'saved' policies and have been replaced by the policies set out in the adopted Core Strategy.

110. Three letters of support has been received which consider the scheme would enhance local area and should be supported, and that bungalows are required. These comments are noted.

CONCLUSION

111. The impacts of the proposal have been considered against national and local planning guidance. The application site is within the defined limits to development but falls within a designated Green Wedge and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan.
112. Housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered that there are material considerations that outweigh the policy of constraint in this instance (CS10) and there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.
113. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable including design and layout, highway safety, it does not adversely impact on neighbouring properties (or future occupiers) or the ecological habitat.
114. In view of the above considerations, it is considered that the proposed scheme would address the reasons for refusal of development on the site in 2008 (reference 07/3337/FUL).
115. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551**

WARD AND WARD COUNCILLORS

Ward **Village**
Ward Councillor **Councillor I J Dalgarno**

Ward **Village**
Ward Councillor **Councillor Mick Moore**

IMPLICATIONS

Financial Implications:
As Report

Environmental Implications:
As Report

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

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments (2011)

2012 Tees Valley Strategic Housing Market Assessment

Refused application 07/3337/FUL

Associated appeal decision APP/H0738/A/08/2069128/NWF