

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
28 MAY 2014  
REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**14/0569/REV**

**Land at Little Maltby Farm, Low Lane, Ingleby Barwick  
Revised outline application for residential development of up to 550 dwellings, local  
centre up to 2500m2 and means of access**

**Expiry Date 9 June 2014**

**SUMMARY**

The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. Outline planning consent is again sought for the creation of a residential housing development of up to 550 dwellings with all matters being reserved for future consideration. The application also includes the provision of a local centre.

Members will note that this application is a resubmission of a previous scheme which was considered by the planning committee earlier this year. This application was refused by planning committee for three reasons. Two of these were based around a lack of information being submitted to allow for full consideration of the impacts of the development on highway safety and features of archaeological interest, with members adding the third reason based the impacts of the development on environmental assets biodiversity and amount of green wedge which would remain. The application seeks to resolve those reasons for refusal. In addition an appeal against the decision to refuse the application has also been lodged. The public Inquiry is scheduled to be heard on the 15<sup>th</sup> July 2014 with the Secretary of State again recovering the decision.

Given that the Council is unable to demonstrate a five year supply of deliverable housing sites with a 20% buffer added; in such circumstances the NPPF makes it clear that those relevant policies for the supply of housing cannot not be considered up to date. As set out within the report the benefits of the application boost significantly the supply of housing including affordable housing provision and contribute to achieving economic growth through investment and job creation.

Whilst it is noted that members previously considered that there would be harm to the green wedge. The proposal would be seen against the context of built development to the north, south and west. Thus reducing the overall visual harm of the scheme, coupled with an appropriate level of screening to the eastern boundary of the site, the visual impacts of the scheme are considered to be limited. Furthermore, the amount of green wedge which would remain to the east of the site makes it difficult to conclude that there would be a coalescence of the settlements of Thornaby and Ingleby Barwick. Therefore, any associated visual harm is

considered to be limited and would be outweighed by the benefits of addressing the current shortfall in the 5 year housing land supply.

**RECOMMENDATION**

That planning application 14/0569/REV be approved subject to the following conditions and informative(s) and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

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

<b>Plan Reference Number</b>	<b>Date on Plan</b>
110096-D-010-A	3 March 2014
110096-B-037-A	3 March 2014

Reason: To define the consent.

- Reserved matters;**  
02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

- Time limit for submission of the reserved matters;**  
03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning.

- Time limit for commencement;**  
04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

- Phasing programme;**  
05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

**Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.**

**Open Space Strategy:**

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.**

**Reason: To enable the Local Planning Authority to satisfactorily control the development**

**Dwelling numbers:**

- 07 The total number of dwellings authorised by this permission shall not exceed 550**

**Reason: To ensure a satisfactory form of development.**

**10% Renewable energy requirement**

- 08 No development shall take place until details of how the housing in that particular phase of the development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

**Code for sustainable homes:**

- 09 The dwellings approved herein shall achieve Code Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.**

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

**Construction activity:**

- 10 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.**

**Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.**

**No open burning:**

- 11 No waste products derived as a result of the development approved herein shall be burned on the site except in an appliance first approved in writing by the local planning authority.**

**Reason: In the interests of the amenities of the area.**

- Construction Management Plan:**
- 12 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of the occupiers of adjacent and nearby premises

- Flood Risk Assessment:**
- 13 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 6804/JMcK/001/03 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. The discharge should be restricted to the equivalent greenfield runoff rate for the undeveloped site of 48.3 l/s. Attenuation will need to be provided for rates above this as stated in section 7.8.5.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure that satisfactory storage of/disposal of surface water from the site.

- Watercourse buffer zone**
- 14 No development shall take place until a scheme for the provision and management of an 10 metre wide buffer zone (measured from the bank top) alongside both sides of the Bassleton Beck shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

a) plans showing the extent and layout of the buffer zone;

- b) details of any proposed planting scheme;
- c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- d) detail of any proposed footpaths, fencing, lighting etc.
- e) where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.

**Reason:** Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

**Ecological Survey:**

- 15 No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the Extended Phase 1 Habitat Survey (The Appleton Group, June 2013) and the Survey of Trees for Bat Roosting, Foraging Potential (The Appleton Group, July 2013) and Badger Survey (The Appleton Group August 2013) has been submitted to, and approved in writing by, the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

**Reason:** To conserve protected species and their habitat

**Archaeological Works:**

- 16 A) No demolition/development shall take place/commence within a particular phase 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 dealing with that particular phase. The scheme shall include an assessment of significance and research questions; and:

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

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

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

**Reason: In the interests of the preservation of any archaeological remains**

**Unexpected land contamination**

- 17 **If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.**

**Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters**

**Noise protection – traffic noise**

- 18 **No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

**Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.**

**Restrictions on retail provision**

- 19 **Notwithstanding the information submitted as part of the application the local centre including associated landscaping and parking provision shall not exceed a total site area of 2500sqm. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.**

**Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.**

**Drainage**

- 20 **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. 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.**

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

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

**HEADS OF TERMS**

- Employment and Training - 10% local employment and materials
- 15% Affordable housing
- Land for new primary school

- Highway infrastructure improvements for a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road/Ingleby Way/Stockwell Avenue roundabout;
- Contribution of £456,400 towards the 'western highway improvements' of Ingleby Barwick
- Contribution towards the provision of a bus service to serve the site for a minimum of three years of £300,000 (paid in three equal annual instalments)
- Provision of a £100 Travel Plan incentive per dwelling (£55,000).
- Provision of a hard standing pedestrian/cycle path to connect the development site with Wellbrook Close.
- Provision of a pedestrian/cycle crossing point on Beckfields Avenue adjacent to Strome Close.
- Ensure a connection with the wider pedestrian and cycle infrastructure proposed as part of the consented Low lane development site to include provision of pedestrian and cycle connection to the proposed new free School.

## **BACKGROUND**

1. Within the surrounding area, outline planning permission was originally sought in the mid 1970's for a residential development, with the later application being refused (refs; S1626/74 & S1629/75). A further application for residential and ancillary development was also refused and the subsequent appeal dismissed by the secretary of state (ref; S1389/88). The land forming the application site was also envisaged as being part of village 7 of Ingleby Barwick. However, this village was later removed from the master plan and the development of Ingleby Barwick as a whole proceeded as 6 'villages'.
2. The site then gained approval for an 18-hole golf course and driving range, it was originally approved with outline planning consent in 1990 (ref; 90/1965/P) and was followed by an application in 1994 for the provision of a golf driving range, new access, services building and 30 no. driving bays (ref; 94/0385/P) these planning consents were re-established in 1997 and renewed in 2000 and 2003, with the consent expiring in September 2006.
3. A planning application was submitted and refused at Planning Committee for outline planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT) on a site to the south of this application site. As members will be well aware, the planning merits of this case have recently been considered by the Planning Inspectorate at a Public Inquiry, with his report being passed to the Secretary of State, whom allowed the appeal. In reaching his findings on the appeal, the Inspector reported that whilst he noted the harm to the green wedge policy, character of the area and recreational value of the site, in accordance with paragraph 14 of the NPPF, 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. In accordance with paragraph 47 of the NPPF, he judged that the Council's policies for the supply of housing could not be considered up-to-date as a result of a lack of 5 year housing land supply. Furthermore, in accordance with paragraph 72 of the NPPF 'great weight' was also placed on the provision of the 'free school' and accordingly he and the Secretary of State both concluded that whilst there was harm to the green wedge, the character and appearance of the area, and recreational opportunities, the policies within the National Planning Policy Framework (NPPF) carried such weight that they outweighed those of the development plan. This approval was recently amended to allow changes to the

wording of the planning conditions at planning committee on the 5th February 2014 (ref; 13/3077/VARY).

4. Earlier this year, an application which sought outline planning permission for a residential development of up to 550 dwellings, local centre and means of access was refused by planning committee for three reasons (ref; 13/3107/OUT). Two of these were based around a lack of information being submitted to allow for full consideration of the impacts of the development on highway safety and features of archaeological interest, with members adding the third reason below;

*In the opinion of the Local Planning Authority the proposed development would have a negative impact on important environmental assets, biodiversity and the quality of the urban environment and leave insufficient green wedge to adequately maintain the separation between Ingleby Barwick and Thornaby contrary to the policies CS3 (8) and CS10 (3) and (4) of the Adopted Stockton on Tees Core Strategy.*

5. An appeal against this decision has now been lodged with the public Inquiry scheduled to be heard on the 15<sup>th</sup> July 2014. Members may also wish to be aware that the appeal has been recovered by the Secretary of State (Mr Eric Pickles) for the final decision.

#### **SITE AND SURROUNDINGS**

6. The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively.
7. Low Lane runs to the south of the site and a small collection of residential and commercial properties lie on the opposite side of Low Lane. A small group of former farm buildings, known as 'Little Maltby Farm' and a residential property 'Leven Lea' also lie to the south of the majority of the site. Further residential properties also lie to the west of Barwick Way.

#### **PROPOSAL**

8. Outline planning consent is sought for the creation of a residential housing development of up to 550 dwellings. All matters are to be reserved with only the means of access up for consideration at this moment in time.
9. The application seeks permission for residential development and a local retail centre of up to 2,500 sq.m. of floor space. The indicative plan also includes an area for 100 retirement dwellings and open space provision.

#### **CONSULTATIONS**

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

##### **Councillor K Faulks**

I can't see anything out of the ordinary from the previous original REFUSED application. TRAFFIC will be a major issue on Low Lane The traffic which would be generated from this proposal would have a significant impact on the already congested road network, at peak



times, in and around Ingleby Barwick, which is already struggling to cope with and all will come to a standstill Even now Residents are again leaving earlier to get of the estate. At present all primary schools and secondary schools are full to capacity local facilities such as doctors' and dentists surgeries are full to bursting and do not need this extra pressure. If this gets the go ahead i will be strongly objecting to the developers false promises of six primary schools and two secondary schools as these will already will be full to capacity along with the poor road network.

**Councillors K Dixon, D Harrington and R Patterson**

I strongly object to the planning application 14/0569/REV for the permission to build a further 550 houses on the Low Lane ,Little Maltby Farm site .there has been very little change that alters my objection, the reasons are outlined as follows :-

*History*

This site has since I have been a councillor for some 9 years been designated as Green Wedge with no plans to encourage development of the area.

Planning permission was sought originally via consultation for 250 houses and a 650 place secondary school this being an enabling development, however when the plans were submitted they were for 350 houses and no link to be an enabling development. This permission was refused by the planning committee

And subsequently went on appeal via Secretary of State for Communities Mr Pickles MP. Although the vast majority of residents, local councillors and SBC were against the development, but had the backing of Stockton south MP, the permission was subsequently granted! We warned then that this was just a Trojan horse with bigger applications following which indeed is what has happened and the start is before you today!

*Green Wedge*

Anyone who knows Ingleby Barwick would agree that this further application if granted would have a profound impact on the purposes, identity and character of this part of designated wedge.

Remove its identity and to completely change its character means it would be permanently lost as an asset to its community. The green wedge at this location is serving a useful and much valued open space and buffer area; I can see NO compelling or satisfying reasons that justify such a loss.

Again this site should be viewed as a very important of the existing green infrastructure of Ingleby Barwick and its environment not as a means to further build for the sake of profit.

*School provision*

The idea of the original 250 houses was to be part of enabling development to build a 650 place secondary school, this has gone out of the window .The 350 houses granted by government on appeal are as far as I am aware given the statement by MR Pickles MP, are stand alone applications and not enabling developments.

11.29 ( part of appeal decision Low Lane )

"In terms of the housing element. The proposal would deliver open-market and affordable housing, where there is an acknowledged shortfall, and generate employment and economic activity. Given the prevailing situation in the terms of housing supply in the Borough, these benefits are sufficient to justify the housing element of the proposals, whether or not the Free School and Sixth Form ever materialises. For this reason, there is no need for a Grampian condition linking the two separate elements together "

If the planning applications were given this means the original intention to build a secondary school for the children travelling off Ingleby would be lost because most if not all the places would be swallowed up by these developments. This also means that there would be an urgent need for an extra Primary School provision! There is no provision for education from primary age upwards in these applications and with no foreseeable plans for provision within Ingleby Barwick; there would be no capacity to extend existing schools and defiantly no provision to build a new one.

#### *Site Allocation*

This site is not on the council's preferred housing document and is not proposed to be; this is not proposed as an enabling development and therefore does not support the development of any wider strategic need!

#### *Traffic Impact*

There are as far as I am aware any plans in the application to prove that this is a traffic neutral development. I believe the guide lines for cars allotted to new build are 1.5 cars per household ,this means in real terms that there would be if this development went ahead there would be an extra mind boggling 1350 vehicles, using what are already essentially heavily congested road within Ingleby Barwick. There is no way anyone can mitigate this amount of extra traffic on our roads! It goes without saying that our residents and environment would be put in real serious danger, yet no mention from the developers which beggar's belief!

It has been mentioned that the recently acquired funding to improve the Thornaby Road / A174 Spine road junction was for this development, as far as I am aware I know having been in discussion with officers that these plans have been drawn up for the past 4-5 years in order to improve the traffic flow on and off Ingleby Barwick NOW! Not for any future development.

So how do the developers propose to mitigate this huge problem? They cannot be allowed to just build and leave our residents with the huge problems that would arise!.

### **Head of Technical Services**

#### Executive Summary (see appendices for full comments)

This development would increase the number of residential properties on the site up to 900 units. There is also a separate application on the site currently being considered (14/0562/OUT) for a further 70 dwellings, taking the total number of properties on the site up to 970 units.

The Head of Technical Services considers subject to detailed design and subject to a Section 278 Agreement with the Highway Authority that the provision of a second access onto Low Lane using the proposed emergency access via a left-in / left-out junction arrangement would provide a safe access for the development.

The impact of the proposed development on the highway network has been assessed using a micro-simulation transport model developed by Technical Services. The results show that the development could be accommodated with improvements to the highway network. If the site is recommended for approval the S106 Heads of Terms should include a contribution towards the provision of:

- The Ingleby Barwick western highway improvements; and
- Highway works to provide a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout.

In addition if the site is recommended for approval the S106 Heads of Terms should include a contribution towards the provision of a bus service (and associated bus stop infrastructure) to serve the site for a minimum of three years. The applicant has demonstrated a willingness to provide a public transport connection and is currently liaising with Tees Valley Unlimited.

The additional 550 dwellings should be incorporated into the Travel Plan for the wider site which requires the provision of incentives to encourage sustainable travel at a value up to £100 per dwelling (£55,000).

This development should also be included in the Construction Traffic Management Plan for the wider site and this must be secured by planning condition. The Construction Traffic Management Plan must give consideration to the operation of the Free School and ensure traffic is managed accordingly to keep construction traffic segregated from school traffic.

In landscape and visual terms, the retention of approximately 350m of Green Wedge between the eastern edge of the proposed development and Thornaby Road is considered too broadly accord with the Inspectors decision in terms of retaining separation between communities. The provision of an increased landscaped buffer zone of varying width 15-20m of structure planting on the eastern site boundary is considered to provide the necessary screening of the proposed buildings, assist their integration into their surroundings and retain the character and functionality of the remaining area of green wedge. This buffer must also be provided on the south eastern boundary. On maturity of the buffer planting (after 15 years) the impact of development on the local landscape character is not considered to be significant. The inspector also considered that a properly designed landscape buffer should be provided to act as an edge and screen to the development.

It is considered that the area of Public Open Space (POS) on the Indicative Masterplan TAG 5 is not acceptable both in terms of size and shape for the development. The increase in POS provision and the increased buffer planting is likely to reduce the yield of the site in terms of housing numbers. These requirements would be dealt with as part of any Reserved Matters application.

#### **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.

- Noise disturbance from adjacent road traffic
- Open burning
- Construction Noise
- Unexpected land contamination

#### **Northern Gas Networks**

No objections

#### **Northumbrian Water Limited**

Thank you for consulting Northumbrian Water on the above proposed development.

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.

Further to our response dated 17th December 2013 to the original application ref. 13/3107/OUT 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:-

- 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.

For information only

We can inform you that a trunk main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you

should note that the presence of our assets may impact upon the layout of the scheme as it stands.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

### **Highways Agency**

Thank you for consulting the Highways Agency in respect of the above.

I note that the traffic and highway information submitted in support of the application is substantially unchanged from the earlier, refused application (13/3107/OUT), with the addition of some further modelling results in the appendices to the transport assessment. In

light of our previous comments and work undertaken between the developer, Council and the Agency, we have no objection to consent being granted in respect of this application.

If you have any queries, please contact me on the details below and I will be happy to discuss them with you.

### **Natural England**

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 18 December 2013. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

*Previous comments-* Thank you for your consultation on the above dated and received by Natural England on 16 December 2013. 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) Natural England's comments in relation to this application are provided in the following sections. Statutory nature conservation sites - no objection Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. 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 at with details at [consultations@naturalengland.org.uk](mailto: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.

## **Spatial Plans Manager**

The application site is designated as green wedge on the 1997 Local Plan Proposals Map. Green wedge designations have not been altered 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 site is designated as green wedge in the emerging LDD.

Point 3 of Core Strategy Policy CS10 'Environmental Protection and Enhancement' is a key consideration as the site is located within the green wedge.

## Background

The application is a re-submission of a previous application. It is understood that more information is provided with the re-submission but that otherwise the new application is unchanged from the previous application. The Spatial Planning team are not aware of any change in circumstances since the previous application was considered that are material to the Spatial Planning comments. These comments are therefore as submitted in response to the previous application apart from providing an update to the information provided regarding the supply of deliverable housing land and also reference to what the national Planning Practice Guidance states regarding the issue of prematurity.

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:
  - o 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
  - o 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.' (Para 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. The three dimensions of sustainable development are economic, social and environmental.

The NPPF core planning principles include making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' The 1st bullet point of NPPF paragraph 47 states that to boost significantly the supply of housing local plans should 'use their evidence base to ensure that

their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'. The proposal would assist in addressing the identified need for housing and thus fulfil both a social and an economic role.

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.

As part of application for the Free School and housing the council advanced an argument regarding the ability of the proposal to deliver housing quickly enough to alleviate the current difficulties with housing supply. The inspector, in determining the appeal, stated that delivery is largely a matter for the market but noted that evidence is that Ingleby Barwick is an attractive location to house builders and prospective occupiers. In conclusion the inspector stated that 'the doubts about delivery raised by the Council bear little on the weight to be attached to the benefits inherent in the provision of market and affordable housing'.

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. The sustainability of the wider site was assessed as part of the sustainability appraisal of the Regeneration and Environment LDD with the site

performing well. In this regard the Council consider the location to be a sustainable location for housing development in principle.

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'.

### Community Facilities

The proposal will need to be assessed in relation to Core Strategy Policy 6 (CS6) – Community Facilities. The third point of this policy is that of most relevance and states that 'The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.' Whilst the proposal is in outline and details such as layout have not been submitted in detail you should be satisfied that open space can be delivered in accordance with the provision standards identified within the Open Space, Recreation and Landscaping SPD.

The proposed master-plan identifies that 0.63 ha of public open space will be provided, alongside 0.89 ha of retained woodland and 1.53 ha of buffer planting. This is in comparison with the following requirements for on-site provision within the Open Space, Recreation and Landscaping SPD for a development of the scale identified within the submitted Design and Access statement of 550 dwellings (137 x 2 Bed, 275 x 3 Bed and 138 x 4 Bed):

- Amenity greenspace: circa 2.3 ha
- Play: circa 1 play unit
- Allotments: circa 1.3 ha
- Outdoor Sports Facilities: For developments of over 1000 people a strategic approach is required to determine if outdoor sports facilities are required on site.

As previously stated whilst the proposal is in outline and details such as layout have not been submitted in detail you should be satisfied that open space can be delivered in accordance with the provision standards identified within the Open Space, Recreation and Landscaping SPD. In considering this I would draw your attention to paragraph 4.17 of the SPD.

'the requirement for amenity space excludes land set aside purely to provide an attractive setting and/or landscaping function, which will normally be expected to be provided by developers in addition to that required under this standard, and as normal design requirements. Highway verges, utility corridors, sustainable drainage systems (SUDS) noise attenuation bunds and the open space provided as visibility plays will not be counted toward open space provision.'

It should be noted that there is flexibility within the provision standards where this leads to a better design as stated within paragraph 4.3 of the SPD:

'Standards are not intended to be applied mechanically in cases where a better outcome may be achieved through amending them. Where there is a need for effective place making or a particular approach to urban design it may be justifiable to seek alternatives to the standards. However, this should be driven by a desire for innovative design rather than the



avoidance of providing suitable on site open space. In these cases open space standards can still provide useful guidance.'

There are a number of planning applications under consideration within this location which if approved would significantly increase the population in this area and demand placed upon open space and recreation facilities. In this regard the Spatial Planning team would encourage a comprehensive masterplan covering the adjacent sites to ensure that a strategic approach is adopted to the delivery of open space and recreation facilities.

#### Landscape and Visual Impacts

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'.

The Stockton-on-Tees Landscape Character Assessment and Capacity Study (July 2011) provides the evidence base to consider the proposal in landscape terms. The site is located in an area with medium landscape capacity (Site SLCA0045 – Landscape Capacity Assessment). Landscape capacity is the ability for the landscape to accommodate change without significant impact. A Landscape and Visual Impact Assessment has been undertaken in support of the application.

Development on unallocated sites

The proposal will need to be assessed in relation to saved Local Plan policy HO3: Development on unallocated sites. The policy states that residential development may be permitted and then lists the criteria that this is subject to. The following criteria are not met by the proposal:

- The land is not specifically allocated for another use,
- It does not result in the loss of a site which is used for recreational purposes,
- It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- It does not result in an unacceptable loss of amenity to adjacent land users.

Environmental protection and enhancement

The proposal will need to be assessed in relation to Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement. Point 3 of policy CS10 states that 'The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of... Green Wedges within the conurbation...' The site is located within the Bassleton Beck Valley between Ingleby Barwick and Thornaby. The proposal will introduce development within the green wedge which will impact upon the openness and amenity value of the green wedge at this location. Therefore, the proposal is contrary to point 3 of Core Strategy policy CS10 and saved Local Plan policy HO3.

The applicant's supporting Planning Statement states 'the Development Plan is silent (shown as white land in the Core Strategy) and out of date (due to paragraph 49)' and similarly 'The majority of the site is not shown as a Green Wedge within the Core Strategy'.

In considering the appeal for the Free School and housing the Inspector accepted that the site lies within the designated green wedge. The green wedge policy within CS10 is an environmental policy. It is not a housing supply policy. It is part of the adopted Development Plan and fully up-to-date. The absence of a five year supply of housing land does not lessen the value that should be attached to the role and function of the Bassleton Beck Green Wedge.

Clearly an assessment of the application in the context of the impacts on the Green Wedge needs to be cognisant of the Secretary of State for Communities and Local Government's determination of the recovered appeal for application 12/2517/OUT for a Free School and housing to the south west of the current proposal. The Report of the Inspector to the Secretary of State stated at paragraph 11.1:

'Put simply, the main issue to be considered in this case is whether any harmful impacts that would be caused by the proposals, in terms of the green wedge, the character and appearance of the area, and recreational opportunities, in particular, are outweighed by any benefits'.

In discussing this, the Inspector acknowledged at paragraph 11.6 that development of the appeal site 'would harmfully undermine the existing degree of separation between settlements'. As a consequence the Inspector stated that the appeal site proposal is contrary to Saved Local Plan Policy HO3 and to Core Strategy Policy 1 and Point 3 of Policy 10. I consider that the Inspector's comment is also relevant to this proposal and that it is contrary to these policies because whilst not directly leading to coalescence between settlements, it would significantly reduce the degree of separation between Ingleby Barwick and Teesside Industrial Estate.

The Inspector continued at paragraph 11.7 that whilst the appeal site has little to offer in terms of landscape quality, 'it is axiomatic that the loss of open agricultural fields to development would harm the character and appearance of the area concerned'. As a consequence the Inspector stated that the appeal site proposal is contrary to Saved Local Plan Policy HO3 and to Point 8 of Core Strategy Policy 3. I consider that there is direct read across to this proposal and that it is contrary to these policies because of the harm to the character and appearance of the area.

The Inspector then referred (at paragraph 11.10) to paragraph 14 of the Framework, stating that it is necessary to assess the degree of harm that would be caused and finding that although the degree of separation would reduce, the remaining open land 'between these settlements would be sufficient for them to remain readily perceptible as separate entities' and that as the appeal site would be part of Ingleby Barwick a sense of separation from Thornaby would remain.

Taking the above into consideration it will be necessary to consider the harm caused by the development. In considering the harm that would be caused by the proposal, it will be necessary to consider the impact of the proposal on separation and openness, amenity value, landscape quality, the natural environment and the historic environment.

36. Point 6 of CS10 states that 'joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.' Secondary green infrastructure corridor I 'Bassleton Beck, Thornaby Wood to A174' identified within the Stockton-on-Tees Green Infrastructure Strategy (November 2011) follows Bassleton Beck and separates the existing built development at Ingleby Barwick from this proposal.

Consideration needs to be given to the impact of this proposal upon the green infrastructure corridor.

#### Housing mix and affordable housing

The proposal will need to be assessed in relation to Core Strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision. Point 2 of policy CS8 states that a more balanced mix of housing types will be required, in particular 2 and 3 bed roomed bungalows and executive housing as part of housing schemes offering a range of house types. The design and access statement in support of the application identifies that the proposal will deliver a mix of 2, 3 and 4 bedroom dwellings and that there will be the opportunity for retirement housing. It is acknowledged that the mix of housing does not form a part of this application.

Point 5 of Core Strategy Policy 8 (CS8) states 'Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more'. Recent government advice to apply affordable housing targets with flexibility in order to facilitate delivery is also noted. The Council is committed to achieving housing delivery and Policy CS8 acknowledges this by allowing scope for provision at a rate lower than the standard target where robust justification is provided. The standard target is 'within a target range of 15 to 20%.'

The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual affordable housing shortfall of 560 dwellings for the borough of Stockton-on-Tees. This includes an annual requirement for the Ingleby Barwick housing sub-division of 81 dwellings. Given that the average annual housing requirement for the borough for dwellings of all tenure types is 555 dwellings it is clearly not realistic to meet the TVSHMA requirement in full and this is recognised in the annual affordable housing targets set by Policy CS8. However, the policy also states that the targets are minimums, not ceilings.

The planning statement in support of the application states that 15% of dwellings will be affordable housing which is in accordance with the requirements of Policy CS8. This is welcomed and is a significant material consideration in support of the application.

No reference is made with regards to the mix of affordable housing. The TVSHMA recommends a mix of 30% intermediate and 70% affordable rented tenures. This has informed emerging Policy H3 in the Regeneration and Environment LDD Preferred Options.  
Retail Provision

Included within the proposal is a local centre with retail and associated services up to 2,500 m<sup>2</sup>). Core Strategy Policy CS5 'Town Centres' states that 'No further allocations for retail development will be made other than those in or on the edge of the Town Centre during the life of the Core Strategy'. However, saved Alternation No1 to the Adopted Local Plan Policy S15 states that 'Within major new residential and employment developments, where no similar facilities exist within a reasonable walking distance, developers will be expected to provide an element of convenience retail development at a scale to be agreed by negotiation.'

Should residential development be supported there would, combined with the existing extant consent, be up to 900 homes at this location. Given the scale of residential development retail provision could be acceptable within the site. The scale and nature of any provision should be tailored to meet the needs of this new population and be complimentary of

existing provision. In this regards it is considered that a small scale neighbourhood centre may be appropriate.

The closest existing retail centres to the development are Beckfields Neighbourhood Centre and Ingleby Barwick Local Centre. Beckfields Neighbourhood Centre contains 9 units of which a significant proportion are now takeaways; this brings into question the demand for A1 in this location. It is envisaged that residents in the proposed properties will generally follow the shopping habits of other people in the Borough and that they will use existing facilities for their main food shopping.

Considering the above matters it is considered that there is likely to be a degree of demand for local convenience retail. However, this demand is anticipated to be relatively low given the proximity of Beckfields Neighbourhood Centre and the level of housing proposed. Therefore, it is considered that the provision of a small convenience store below the legislative limits that permit all day Sunday trading alongside a very small number of units for convenience facilities (principally A1) would be appropriate. It might be considered appropriate to secure the agreed scale and make-up of units by planning condition.

It should also be noted that the thrust of health and planning policy is toward restricting young people's access to unhealthy food and drink options – often purchased before, after and during the school day. In this regard, I would direct you to emerging Regeneration and Environment LDD policy TC10 'Proposals for Hot Food Takeaways'.

The quality of agricultural land

Paragraph 112 of the NPPF states 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). It needs to be taken into account alongside other sustainability considerations when assessing planning applications. Local site specific surveys were undertaken in 1988 and 1999. The latter of these two surveys covered the application site and assessed it as grade 3b agricultural land. Therefore, the site is not considered it be the best and most versatile.

#### Relationship to the NPPF and 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

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 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. It should also be noted that the council have sought to remove the green wedges from the limits to development to increase the protection afforded to the green wedges. This was undertaken as a direct result of responses made to the Regeneration DPD Issues and Options.

#### Plan-led approach

The NPPF states that planning should be genuinely plan-led and empower local people to shape their surroundings and set out a positive vision for the area (Paragraph 17). Furthermore, strong community support has been expressed through the responses to the consultation on the Regeneration DPD Issues and Options for retaining green wedges and strengthening their designation.

The site is designated as green wedge in the adopted development plan and this designation is being carried forward through the emerging development plan and this has community support. There is clearly a tension between releasing the site for housing development and the core principle in the NPPF that states that planning should be genuinely plan-led. However, recent decisions by the Secretary of State suggest that this principle is being accorded less weight than the need to demonstrate a five year supply of deliverable housing sites.

Although it is guidance, not policy, it is also relevant that the national Planning Practice Guidance states "Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination ..."

#### Master-planning

The Proof of Evidence of the Council's Spatial Planning Manager for the Free School site stated that the appeal site is not needed for housing and that if it ever should be the case that it is needed for housing then this should be achieved through a master-planning approach. Only through a master-plan led approach in partnership with the Council can the ethos of the Localism Act be respected through fully engaging with the relevant core planning principles (empowering local people, be a creative exercise, high quality design and amenity and take account of and support local strategies) of NPPF paragraph 17 and the priority accorded to the provision of facilities in Ingleby Barwick (Core Strategy Policy CS6 (1), be fully engaged.

This remains the Council's preference. However, it is acknowledged that the Inspector commented at paragraph 11.25 of his report that should proposals come forward then 'I see no good reason why they could not be successfully integrated with the proposals at issue here, especially when detailed design of the layout will be addressed through the reserved matters.' The provision of community facilities including a local centre is welcomed. However, a further development proposal to the east of this proposal has now come forward. Notwithstanding the Council's preference for retaining the land as green wedge, it will be important to ensure that the location of community facilities is co-ordinated between the proposals as well as of course access arrangements.

#### Summarising comments

The starting point for consideration of the application is the adopted development plan. The application is contrary to the adopted development plan. However, the Council accepts that it is not able to demonstrate a five year supply of deliverable housing sites with a 20% buffer added. 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 significantly the supply of housing; if implementation begins within a five year timeframe it would make a contribution towards the five year supply of housing; the provision of affordable housing would contribute to reducing the annual net shortfall of affordable housing identified in the TVSHMA; and it would contribute towards achieving economic growth. Meeting housing need and demand and driving economic growth are clearly both key national priorities.

Turning to the potential adverse impacts, the proposal is contrary to the following adopted development plan policies:

- Point 8 of Core Strategy Policy 3
- Point 3 of Core Strategy Policy 10.
- Points i, iii, iv and v of Saved Local Plan Policy HO3.

However, it is clear from the Inspector's Report for the Low Lane appeal that, in the context of NPPF paragraph 14, the key issue in relation to these policies is not the fact that there is conflict with these policies but the degree of conflict. The case officer will need to carefully consider the degree of conflict with the role and function of the green wedge, the character and appearance of the area and recreational opportunities and whether the harm outweighs the benefits of the proposal. For the reasons set out in the environmental protection and enhancement section of these comments, the Spatial Planning team have not identified harm of a degree that outweighs the benefits. Finally, it is essential that that if outline planning permission is granted, then the subsequent detailed application is considered in tandem with the detailed application that will be submitted for the Free School and housing site.

### **The Environment Agency**

We have NO OBJECTIONS to the development proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITIONS are imposed on any grant of planning permission:

#### **Condition 1: Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Ref: 6804/JMcK/001/03 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. The discharge should be restricted to the equivalent greenfield runoff rate for the undeveloped site of 48.3 l/s. Attenuation will need to be provided for rates above this as stated in section 7.8.5.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

#### Condition 2: Buffer Zone

No development shall take place until a scheme for the provision and management of an 10 metre wide buffer zone (measured from the bank top) alongside both sides of the Bassleton Beck shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

plans showing the extent and layout of the buffer zone

details of any proposed planting scheme (for example, native species)

details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan

details of any proposed footpaths, fencing, lighting etc.

where a green roof is proposed for use as mitigation for development in the buffer zone

ensure use of appropriate substrate and planting mix.

#### Reasons

Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

Separate to the above conditions, we also have the following advice/comments to offer:

#### Biodiversity

Due to the large scale of the proposed development, we would expect the development proposal to provide significant biodiversity gains. This approach reflects the objectives of National Planning Policy Framework (NPPF) paragraph 109, which states that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is also supported by recent legislation and Government Guidance as set out in the Natural Environment and Rural Communities Act 2006 and the UK Biodiversity Action Plan.

We recommend that the proposed development incorporate the following measures:

The continuation throughout the development site of the green corridor that runs from the north along the Bassleton Beck. This could follow the Bassleton Beck or the other watercourse that runs through the site. It should retain at least the minimum width of 80m as is present to the north.

Retention, and incorporation into the site layout, of the woodland to the north of the site and the various hedgerows within and adjoining the site.

The creation of Sustainable Drainage System features with biodiversity value such as ponds and reedbeds.

There is also the opportunity to retain lowland meadow (as recorded in the Phase 2 survey) and/or create new lowland meadow.

#### Sustainable Drainage Systems (SuDS) - Advice to LPA/applicant

Support for the use of SuDS approach to ensuring development does not increase flood risk elsewhere is set out in paragraph 103 of the National Planning Policy Framework.

Further information on SuDS can be found in:

the CIRIA C697 document SuDS manual;

HR Wallingford SR 666 Use of SuDS in high density developments;

CIRIA C635 Designing for exceedance in urban drainage - good practice;

the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on our website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's website at [www.ciria.org.uk](http://www.ciria.org.uk)

#### Discharge of Foul Sewage - Advice to LPA

The application form indicates that foul sewage will be discharged via the public sewers. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

#### **Ingleby Barwick Town Council**

Ingleby Barwick Town Council has considered all of the information and plans provided in respect of planning application No. 14/0569/REV.



The Town Council would reiterate its previous comments made on planning application no. 13/3107/OUT for this site.

Ingleby Barwick Town Council OBJECTS to this proposed development on the following grounds:

- o Development within the Designated Green Wedge

The proposed development would be an intrusion into the designated green wedge. The Bassleton Beck Valley is an important open space which provides and maintains the separation between the communities of Ingleby Barwick and Thornaby. The green wedge not only improves the appearance of the area but also allows each community to maintain its own identity.

Given the approval of planning application no. 12/2517/OUT granted on Appeal for the erection of Ingleby Manor Free School and Sixth Form as well as 350 dwellings, this proposed application for 550 dwellings and the further applications submitted for 70 dwellings and 550 dwellings respectively, this will give rise to an overall total of 1,520 dwellings in this area.

The scale and nature of this current proposal for 550 dwellings, as well as the approved and proposed additional dwellings, would have a severe detrimental impact on the open character of the area.

- o Protection of Wildlife

The area contains wildlife habitats which should be protected.

- o Lack of Infrastructure

**Highways** The traffic which would be generated from this proposal would have a significant impact on the already congested road network, at peak times, in and around Ingleby Barwick, which is already struggling to cope.

**Road Safety Concerns** are raised in respect of road safety issues, with particular regard to access to and from the development.

**Education** The additional houses will undoubtedly generate more children, of both primary and secondary school age. This will put further strain on our existing schools and give rise to a shortage of school places which is a major concern.

**Health Care Facilities** There will be a major impact on access to health care services such as the local doctors and dental surgeries which are already stretched. Concerns are also raised in respect of an impact on the local hospitals.

**Amenities and Facilities - Supermarket, Shops, Leisure Activities & Facilities, etc** Additional development will put a strain on the existing amenities and facilities.

**General Comments**

It is noted that the 'Principles of Development - The Overall Strategy' in the Master Plan for Ingleby Barwick dated May 1977 proposed seven villages, each with a primary school and local facilities etc. Little Maltby Farm was identified in the original Master Plan for development, however this was removed when the Master Plan was revised in 1991.

Given the current proposals and the proposed development, this area would now constitute 'Village 7'.

If the proposal is allowed to go ahead it should be ensured that the 'principles of development' contained in the original framework are adhered to in order that the concerns highlighted above, are taken into account.

The Town Council hopes that the Planning Committee will give the above comments due consideration when determining this application.

### **Tees Archaeology**

Thanks for the consultation on this planning application and additional notification that an additional archaeological report has been submitted.

I made some initial comments on the application in December 2013 which set out the known archaeological resource and recommended that geomagnetic survey and trial trenching took place prior to a planning decision being made.

The geophysical survey report has now been provided (January 2014) and was followed by trial trenching in March 2014. A number of archaeological features were noted. These are probably later prehistoric boundary features which relate to a known settlement site to the immediate south (outside of the current development area).

The geophysical report along with the results of the trial trenching provide a sufficient evidence base to make an informed planning decision with regards to the impact of the development on the significance of Heritage Assets (NPPF para 128).

In this case I recommend that the archaeological remains are of local to regional importance and would not preclude development providing that appropriate mitigation took place. This mitigation could either take the form of the physical preservation of the heritage assets or their archaeological excavation prior to development (or a combination of both approaches).

The mitigation could be secured by means of a planning condition, the suggested wording for which I set out below:-

Recording of a heritage asset through a programme of archaeological works

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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeological Officers.

Please do not hesitate to contact me if you require any further information.

### **The Ramblers Association**

We thank the Council for consulting the Ramblers on the above application.

We note the Pedestrian/ Cycling Access note 8.2 in the Design and Access Statement.

However, we think a link from the southeast of the site to the cricket ground and Maltby beyond to connect with the path to Hilton would be of benefit to future residents of the new development.

In para 4.14 iii of the Transport Assessment mention is made of a link with the wider Ingleby Barwick area in the north of the development with an existing PROW. There is no such PROW as far as we can see. An indicative access is shown in Appendix C connecting with Chalfield Close. Can you enlighten us on this point?

### **Private Sector Housing - Mr Dave Dawson**

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

### **Head of Housing**

The Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties.

Core strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision states: Affordable housing provision within a target range of 15 – 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.

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 serviced by making provision elsewhere.

We note from the Design and Access Statement that the developer has made no reference to the provision of affordable housing within the site. In line with the need identified in the

SHMA 2012 and Policy CS8 as outlined above there is a requirement for between 15% and 20% of the total housing numbers to be provided as affordable housing.

Based on a development of up to 70 units 15% affordable housing would equate to 11 units and 20% would equate to 14 units. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2012 a high priority will be accorded to the delivery of smaller 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 target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on a requirement for 15% or 11 affordable units: -

- Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	8 units	Rent
30%	3 units	Intermediate Tenure
100%	11 units	Total

- Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	10 units
3 bed	9%	1 unit
Total	100%	11 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
10 Units	2 bed	7 x Rented
3 X	Intermediate Tenure	
1 units	3 bed	1 x Rented
0 x	Intermediate Tenure	

A worked example based on a requirement for 20% or 14 affordable units: -

- Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	10 units	Rent
30%	4 units	Intermediate Tenure
100%	14 units	Total

- Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	13 units
3 bed	9%	1 unit
Total	100%	14 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
13 Units	2 bed	9 x Rented
4 X	Intermediate	Tenure
1 units	3 bed	1 x Rented
0 x	Intermediate	Tenure

Space standards – the Council would expect all affordable housing units to comply with Homes and Communities Agency space/quality standards.

#### **Stockton Police Station - Stephen Davies**

No comments received

#### **Campaign to Protect Rural England**

I refer to the above application.

At the time of the original Free School and related Housing Application CPRE Stockton Group had serious reservations, principally over its impact on Green Wedge and the resultant closer coalescence between the two settlements.

Very unusually however we took the view that these serious and genuine concerns were on this occasion outweighed by the chronic under provision of secondary education in Ingleby Barwick. The environmental and educational implications of bussing upwards of 1,000 pupils, for the long term, out of a substantial town with no other practical solution, were totally unacceptable. This was accentuated when the Council itself stated that Low Lane was the only practical site for a new secondary school. We therefore gave very qualified support for the Application, emphasizing that it must not be used as a precedent. We feel that our views were largely supported by the Appeal Inspector.

Consequently, we have no hesitation whatsoever in opposing this current Application.

The combination of the approved Free School housing, Mount Leven, Tall Trees and Morley Carr will put severe strain on Highways and services in the South East of the Borough. It is inevitable that it will exacerbate further the existing insoluble serious traffic problems within Yarm. To add on an additional 550 houses, many of which would be occupied by families with children requiring education for which there is no provision, is unacceptable.

As you will be aware CPRE invented the concept of Green Belt. We have repeatedly been assured by the Council that Green Wedge will be protected in the same way. Notwithstanding any current Government guidelines, it is a concept worth defending.

The previous Application was rejected unanimously. We look to the Planning Department to continue to oppose this misguided proposal and once again recommend rejection.

### **Hilton Parish Council**

Hilton Parish Council has reviewed the planning applications 14/0562/OUT and 14/0569/REV both of which refer to Little Maltby Farm.

The Parish Council has already registered its objections to the scale of building on this green space associated with Ingleby Barwick. 350 houses are to be built with the Free School plus an application for a further 550 houses and now there are two applications for 70 and 550 houses.

This is a total of 1520 houses. This means there will be no green space along Low Lane and then along Thornaby Road until the Football Pitch is reached. The local infrastructure is already struggling with the volumes of traffic at peak times and this number of houses will make the problems considerably worse. No new roads have been constructed and consequently one accident can bring the area to gridlock causing frustration not only for those who do not live in Ingleby Barwick but also for the residents of Ingleby Barwick. The traffic from local villages such as Hilton and Maltby already has great difficulty in joining Low Lane because of the pressure at the junctions and this will be made worse by the extra traffic associated with these houses.

There is already considerable pressure on school places (both at primary and secondary level) within Ingleby Barwick resulting in many children having to be bused off the town in order to attend schools - further developments will make the situation even worse.

This last winter has demonstrated the problems that can occur when green space is covered in concrete resulting in flooding - green space is becoming an increasingly rare commodity in this area.

In 2013 SBC issued plans to meet government requirements for new home building and since then a very large number of new developments have been given the go ahead. The number of homes planned in the area of Yarm and Ingleby Barwick are already in excess of the numbers quoted for the whole of the SBC area. The overturning of the refusal of the planning application for the Free School by the Planning Inspectorate should not set a precedent for unlimited building.

### **English Heritage**

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

### **Recommendation**

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Conservation and Historic Buildings Officer**

I refer you to my previous comments which are still considered to be relevant.

#### *Previous comments;*

The application sits to the further north of the recent planning consent granted on appeal at Low Lane 12/2517/OUT. This planning consent allowed outline planning permission for 350 homes within close proximity to the grade II listed, Little Maltby Farm House.

Little Maltby Farm house is an 18thC farmhouse, two storeys in height and is a designated heritage asset as set out in the NPPF. The current proposal also has the potential to impact on this heritage asset. The application site is separated from Little Maltby Farmhouse by the existing housing approval which runs to the north and west boundaries of the farm house. Therefore, a significant number of dwellings have in principle been granted planning permission in the immediate setting of the farmhouse.

This current proposal is for an additional 550 dwellings to the north of the site beyond the existing housing approval. Due to the nature of the proposal (outline application for residential development of a limited height) and the existing planning approval dividing the site from Little Maltby farmhouse it is unlikely that any additional housing would have an adverse impact on the setting of Little Maltby Farmhouse. However, any detailed proposals coming forward would be expected to describe those heritage assets affected and demonstrate the impact as set out in paragraph 128 of the NPPF. Any such proposals should respect the scale and setting of the listed farmhouse and comply with saved policy EN28 of the Stockton-on-Tees Local Plan.

The proposals at this stage are therefore unlikely to impact on any heritage assets and I raise no objection to this outline application.

### **Thornaby Town Hall**

Thornaby Town Council object to this revised planning application on the same grounds previously stated that it is their contention that proposed development of green wedge land merely for profit and with scant regard for community wellbeing and the natural environment should be opposed to without reservation. This development will create untold traffic problems on Thornaby Road/A174 therefore creating more hazards for residents. The infrastructure cannot cope and until there is an exit onto the A19 south of Ingleby Barwick (Low Lane) all developments should be stopped.

### **PUBLICITY**

11. Neighbours were notified and the application was also advertised via a press advert and site notice. A total of 70 objections and 1 letter of representation have been received to the application with those objections and objectors identified below. A separate petition has also been created against development on the green wedge which currently stands at 289 online signatures. In addition a number of petition letters have also been received which as yet haven't been verified.

- Loss of open space/green wedge/greenfield site
- Will make quality of life in Ingleby Barwick unbearable
- Green spaces are required no more houses
- Any further development of Ingleby Barwick is unsustainable
- Will not provide for educational needs and remove those provided by the free school
- Lack of infrastructure and amenities i.e. health centres, dentists, banks, community centres, school places
- Increase traffic and congestion within the area
- Will increase surface water run-off and increase risk of flooding
- Will increase noise and air pollution
- Ingleby is already over developed
- Nothing has changed since earlier application

- Increase in children will mean children are still bussed off the estate
- Plenty of brown field sites available within Stockton and Middlesbrough
- Ministers decision should be abided or start again with their application
- Impact on nature and wildlife
- Loss of views
- Loss of property value
- Lack of public transport

**Objectors:**

Mrs Katia Lightfoot 18 Regency Park Ingleby Barwick  
 Mr Richard Clements 20 Regency Park Ingleby Barwick  
 Mr W G Dunwell 28 Priorwood Gardens Ingleby Barwick  
 Christine Rhodes 27 Priorwood Gardens Ingleby Barwick  
 Mr Charles Clarke Glen Coe Low Lane High Leven Yarm  
 Mr G Walker - 14 Chalfield Close Ingleby Barwick  
 Mrs Nicola Cowell - 99 Marchlyn Crescent Ingleby Barwick  
 Mrs Christine Mundy - 28 Crosswell Park Ingleby Barwick  
 Mrs Kendra fox - 43 Henshaw Drive Ingleby Barwick  
 Andrew Graham - 2 Hareshaw Close Ingleby Barwick  
 Mrs Maureen Logan - 18 Brendon Grove Ingleby Barwick  
 Allan Mitchell - 67 Church Field Way Ingleby Barwick  
 Miss Jennifer Pemberton - 16 Brendon Grove Ingleby Barwick  
 Mr Graeme Smith - 2 Brownsea Court Ingleby Barwick  
 Brian Thompson - 43 Thornwood Avenue Ingleby Barwick  
 Mrs L Hedley - 31 Stoneacre Avenue Ingleby Barwick  
 Mr Richard Bytheway - 28 Brendon Grove Ingleby Barwick  
 Mrs Sandra Wickham - 19 Hillbrook Crescent Ingleby Barwick  
 Ms Louise Baldock - 8 Cribyn Close Ingleby Barwick  
 Mrs Paula Watson - 8 Hawkridge Close Ingleby Barwick  
 Mrs Judith Evans - 12 Owletts Court Ingleby Barwick  
 Gary Corr - 16 Trenholme Close Ingleby Barwick  
 Mrs HILDA HIRST - 21 The Pasture Ingleby Barwick  
 Mrs Bridget Boyle - 12 Wheatear Lane Ingleby Barwick  
 Mr William March - 5 Beaver Close Ingleby Barwick  
 Mrs Joanne Bytheway - 28 Brendon Grove Ingleby Barwick  
 Mr Gary Vance -15 Rowen Close Ingleby Barwick  
 Mrs Helen Chilvers - 21 Thorington Gardens Ingleby Barwick  
 Miss Sally Hutchinson - 10 Redesdale Grove Ingleby Barwick  
 Mr Stefan Barnes - 17 Rowallane Gardens Ingleby Barwick  
 Mr Justin Williams - 40 Regency Park Ingleby Barwick  
 Helen Chilvers - 21 Thorington Gardens Ingleby Barwick  
 Mr Clive Harding - 11 Thorington Gardens Ingleby Barwick  
 Miss P Malloy - 9 Thorington Gardens Ingleby Barwick  
 Ms C Short - 5 Thorington Gardens Ingleby Barwick  
 William Prosser - 4 Thorington Gardens Ingleby Barwick  
 Brian Garwood - 1 Thorington Gardens Ingleby Barwick  
 Mrs Lynne Langstaff - 29 Thorington Gardens Ingleby Barwick  
 Mr and Mrs Robinson - 8 Chalfield Close Ingleby Barwick  
 K S Vance - 1 Rainham Close Ingleby Barwick  
 Mr F and Mrs L Keighley - 12 Priorwood Gardens Ingleby Barwick



Mrs Pauline Topliffe - 7 Priorwood Gardens Ingleby Barwick  
Mrs J E Simpson - 4 Eastbury Close Ingleby Barwick  
Crowther 5 - Aylsham Close Ingleby Barwick  
Mr Ian Woollett - 51 Priorwood Gardens Ingleby Barwick  
Mr David Bell - 37 Priorwood Gardens Ingleby Barwick  
Mrs Helen Hill - 34 Priorwood Gardens Ingleby Barwick  
Mr Peter Sutherland - 30 Priorwood Gardens Ingleby Barwick  
Mr David Powell - 12 Acorn Bank Ingleby Barwick  
Mr David Smith - 8 Acorn Bank Ingleby Barwick  
Mr and Mrs Singh - 6 Regency Park Ingleby Barwick  
Mr Mark Butler - 25 Bunting Close Ingleby Barwick  
Mrs Linda Dixon - 41 Henshaw Drive Ingleby Barwick  
Mr David Cooper - 20 Stainforth Gardens Ingleby Barwick  
Mrs Samantha Allcock - 19 Pembroke Drive Ingleby Barwick  
Mr Neil Cawthorne - 39 Mastiles Close Ingleby Barwick  
Helen Gregory - 5 Ramsey Gardens Ingleby Barwick  
Mrs Eleanor Leeds - 27 Houghton Banks Ingleby Barwick Stockton-on-Tees  
Mrs Claire Gee - 2 Crummackdale Ingleby Barwick  
Mr Leon Leeds - 27 Houghton Banks Ingleby Barwick  
Mr Cecil Logan - 18 Brendon Grove Ingleby Barwick  
Ms Helen Oliver - 3 Newgale Close Ingleby Barwick  
Mr Paul Kendrick - 8 Greenway Ingleby Barwick  
Mr Glen Urban - 3 Newgale Close Ingleby Barwick  
Mr E Strike - 7 Claydon Grove Ingleby Barwick  
Mr Andrew Duffell - 8 Cennon Grove Ingleby Barwick  
Mrs Patricia Faulks - 32 Wheatear Lane Ingleby Barwick  
Mrs Frances Roundtree - St Francis House Barwick Way Ingleby Barwick  
Mrs Rachel Burgum - 8 Brecon Crescent Ingleby Barwick  
Mrs Maria Rudd - 1 Bernica Grove Ingleby Barwick  
Mrs Denise Powell - 19 Emmetts Garden Ingleby Barwick

### **Representation**

- Traffic at peak periods is already bad
- Schools are bursting at the seams with no spaces
- Public transport in this area is also diabolical with lack of transport after teatime Monday through Sunday
- Just because this is a private estate does not mean that everyone has access to cars.
- Stop allowing the building of more houses in and around Ingleby Barwick.

Miss Heather Watson - Marsden Close, Ingleby Barwick

### **PLANNING POLICY**

12. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan.

13. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

14. The following planning policies are considered to be relevant to the consideration of this application:

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.  
Further guidance will be set out in a new Supplementary Planning Document.

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

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

2. 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'.

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

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

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### **Core Strategy Policy 6 (CS6) - Community Facilities**

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

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

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

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.

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.

### **Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement**

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

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

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

#### **Saved Policy EN28**

Development which is likely to detract from the setting of a listed building will not be permitted.

#### **Saved policy EN30**

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

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

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

#### **Saved Policy HO3**

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

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

#### **Saved Policy S15 of the Local Plan Alteration**

Planning permission will be granted for new development or limited extensions for small scale retail use outside the Centres listed in Policy S1 provided that : -

- i) the proposal is within defined settlement limits, and
- ii) the facility is intended to serve local needs only, being of a scale appropriate to the locality and being within walking distance of residential areas, and
- iii) the proposal would not give rise to any adverse effect on the amenity of neighbouring properties or on the character of the area, and
- iv) the proposal would not adversely undermine the vitality and viability of any village shop or retail Centre as listed in Policy S1

Within major new residential and employment developments, where no similar facilities exist within reasonable walking distance, developers will be expected to provide an element of convenience retail development at a scale to be agreed by negotiation.

#### **National Planning Policy Framework**

15. Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

16. For decision-taking this means:

- approving development proposals that accord with the development without delay; and

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

17. The sections of the National planning Policy Framework which are considered to be relevant to the determination of this application are;

Section 1. Building a strong, competitive economy

Section 2. Ensuring the vitality of town centres

Section 4. Promoting sustainable transport 9

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 8. Promoting healthy communities

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

### **MATERIAL PLANNING CONSIDERATIONS**

18. The main material planning considerations of this application are compliance with planning policy and the impacts of the proposed development on the visual amenity of the locality; setting of a listed building; amenity; access and highway safety; features of archaeological interest, protected species; flood risk and other matters arising out of consultation.

#### **Principle of development;**

19. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

20. In terms of Local planning policies there are no specific designations which apply to this site other than its allocation as Green Wedge under policy CS10 of the Core Strategy. A number of other local planning policy considerations are relevant and these are discussed in the report below along with those relevant considerations from the NPPF.

#### **The supply of deliverable housing land;**

21. As members are well aware the five year housing land supply assessment for the Borough is currently being updated on a quarterly basis. The latest update demonstrates that the Borough has 4.08 years of deliverable housing land (with a 20% buffer). The Council cannot therefore demonstrate a 5 year supply of housing land and the Council's housing supply policies are therefore out of date. The application must therefore be considered against the

NPPF and the presumption in favour of sustainable development. Of particular relevance is paragraph 14 of the NPPF which sets out that the application should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

22. This is particularly evident within the recent appeal decision for the neighbouring site, which proposed a new free school and 350 homes, where both the Planning Inspector and the Secretary of State placed significant weight in addressing the shortfall in the five year housing land supply thus allowing the appeal. Accordingly the merits of this proposal must be weighed against the harm that would occur to the development plan policies such as those which seek to preserve the green wedge, the character of the area and any recreational value the site has.
23. Whilst objectors may consider that there are alternative brownfield areas within Stockton and across the borough which could accommodate large scale housing developments, it is a question of deliverability and whether these sites are likely to come forward for development within a 5 year period. Furthermore, the NPPF is clear that if a five supply is not available then housing sites must be brought forward through either the development plan process and/or through planning applications, no definite distinction is made between brown and greenfield sites and this alone is not considered to cause such significant harm it would justify a refusal of the application on its own merits.

#### Environmental protection and enhancement

24. Core Strategy Policy CS10 seeks to ensure that the separation between settlements is maintained and that the quality of the urban environment is protected. Saved Policy HO3 also seeks to protect sites which have a recreational value and preserve the character of the locality. Given that the proposal introduces a level of built development into an undeveloped area of the green wedge which harm will result in to the sites openness, character and amenity value and the scheme is contrary to the aims of these policies.
25. In making an assessment of the impacts on the Green Wedge it is prudent to be cognisant of the Secretary of State's decision for a Free School and housing to the south west of the current proposal. Whilst it was accepted that development of the appeal site 'would harmfully undermine the existing degree of separation between settlements', he was satisfied that sufficient land remained between the two settlements and that the appeal proposal would be seen as part of Ingleby Barwick. Furthermore the Inspector concluded that the degree of harm that would be caused to the character of the area would be limited, particularly as the Council has sought to address their housing supply shortfall by granting or expressing a willingness to grant planning permission for housing on other similar sites on the edge of settlements.
26. Taking the above into consideration it is considered that the proposed development would ensure that there would remain some separation between Ingleby Barwick and Thornaby (Teesside Industrial Estate) and that the application site would be readily seen against the back drop of Ingleby Barwick particularly given that the free school and associated housing predominately sits in front of (to the south) of the application site. Consequently the impacts of this development on the openness, amenity value, and landscape quality of the site are considered to be limited.

#### Housing mix and affordable housing:

27. Core Strategy Policy 8 (CS8) sets out considerations in respect of housing mix and affordable housing provision it encourages a mix of housing types and sizes and whilst information is included within the supporting documentation such matters will be considered as part of a reserved matters application.
28. However policy CS8 also sets out the need for affordable housing and sets a target range of 15-20%. The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual affordable housing shortfall of 560 dwellings for the borough including an annual requirement for the Ingleby Barwick housing sub-division of 81 dwellings. The planning statement in support of the application states that 15% of dwellings will be affordable housing which will equate to 82 units such provision is welcomed and in view of the existing shortfall across the borough and Ingleby Barwick is a significant material consideration in support of the application.

#### Retail Provision

29. Included within the proposal is a local centre with identifies provision for retail and associated services it proposes a total floor space of up to 2,500sqm. Core Strategy Policy CS5 promotes the vitality and viability of defined retail centres while saved Policy S15 of the Local Plan Alteration allows provision for small scale convenience retail development.
30. Should the proposed housing come forward a total of 900 dwellings would be consented in the surrounding area, some retail provision within the site is considered acceptable provided the scale is appropriate and would not harm existing retail provision within the area. Such provision should be along the lines of a small scale neighbourhood centre and may include a small convenience store below the legislative limits that permit all day Sunday trading (280 sq.m) alongside a very small number of units for convenience facilities. Such matters could be controlled via planning condition(s) and it is expected that the total size of such an area (including units, landscaping and associated parking) would be no greater than 2500 sq.m in area. A planning condition is recommended to restrict the provision of retail facilities and also maximum net retail floor space.

#### Sustainable transport and travel

31. The sustainability of the wider site was assessed as part of the sustainability appraisal of the Regeneration and Environment LDD with the site performing well accordingly the application site is considered to be a sustainable location for housing development, a conclusion that is also consistent with the Secretary of States appeal decision for the neighbouring site.
32. In terms of Sustainable Living and Climate Change policy CS3 requires that residential development meets code level 4 for sustainable homes and that 10% of the predicted energy usage of the development is provided through renewable sources. Both of these elements can be addressed through planning conditions.

#### Community Facilities

33. Core Strategy Policy 6 (CS6) promotes the provision of community facilities particularly within Ingleby Barwick this includes provision of open space, sport and recreation facilities. Whilst the proposal is in outline and details such as layout would form part of the reserved matters the developer would need to ensure that open space provision is provided in accordance with those standards set out with the Council's adopted Supplementary Planning document on Open Space, Recreation and Landscaping unless a contribution is made to provide such facilities off site. Whilst the concept plan submitted as part of the proposal includes open space in an irregular and linear form, which is considered to be both

insufficient in size and not a useable space, there is considered to be sufficient space within the site to accommodate the required provision although this may have implications for the overall housing yield. These open space requirements could be secured through a section 106 agreement and in the event they are not provided, commuted lump sums would be required for improvements to nearby areas where appropriate.

34. As set out above the need for additional retail/service provision is also considered to offer some community benefit and would aid the overall sustainability of the site.

#### Education Provision

35. Several of the objectors raise concerns in relation to the impact of the development on primary school provision, particularly given existing shortfalls in school spaces. From discussion with Education officers, it transpires that although there is the potential for some limited expansion of primary schools within Ingleby Barwick, it is not considered that this would be sufficient enough to accommodate the anticipated primary school children from the proposed housing numbers. Consequently the developer will be required to set-a-side an area of land within the site for a new primary school. The area of this site should be in accordance with the latest government guidelines (Building Bulletin 103 – published May 2014). The applicant has confirmed that they are willing to provide such an area, and this would need to be secured through a section 106 agreement, such a requirement is set out within the Heads of Terms earlier within this report.

#### The Regeneration and Environment Preferred Options

36. Whilst it is noted that the Council has some emerging policies that would conflict with the proposed development most notably Emerging Strategic Policy SP4 on Green Wedges the NPPF is clear that only limited weight can be attached to this particular policy.

#### Summary:

37. In considering the views of both the Planning Inspector and the Secretary of State in determining the recent appeal decision. It becomes all the more clear that the lack of a five year housing land supply is a both a significant and strong material planning consideration which weighs in favour of this application for additional housing. Although this must be weighed against the harm that would occur to the development plan policies which seek to preserve the green wedge, the character of the area and any recreational value the site has the Secretary of State's recent appeal decision gives a strong indication of the planning balance in such cases.

#### **Visual Impact/Impact on the green wedge;**

38. In terms of the visual impact of the proposed development, the site adjoins the northern edge of the development that was granted consent for a Free School and 350 residential dwellings. The topography of the site is gently undulating, which gives a relatively flat appearance and is identified as being within an area of medium landscape and visual sensitivity with a medium capacity for appropriate development. As detailed in earlier in this report, the site is also designated as Green Wedge under Core Strategy Policy CS10.
39. It is noted that during consideration of the previous application members expressed strong concerns with regards to the impact of the development on the amount of green wedge that would remain, concluding that insufficient green wedge would remain to fulfil its function, adding a reason for refusal.



40. Whilst these concerns are noted Officers have given consideration to the Planning Inspectors decision for the free school and the 350 homes on the neighbouring site. It is noted that at paragraph 11.10 of his report to the Secretary of State, that although it was acknowledged that the degree of separation between Ingleby and Thornaby would reduce, the remaining land between them would be sufficient to enable them to be seen separately from one another and therefore the associated harm was limited.
41. In assessing this application, it is noted that the Landscape Officer considers that that the existing open character of the Green Wedge designation would be irrevocably changed. However, it is considered that with the provision of a landscaped buffer zone (varying in width between 10 - 20m of structure planting) on the eastern and south eastern site boundaries an appropriate degree of screening could be provided. Whilst it is accepted that the development will be visible and therefore have an impact until the screening matures, the impact of development on the local landscape character is not considered to be significant.
42. Furthermore, the application site would lie adjacent to existing housing within Ingleby Barwick and both behind and alongside the already consented housing and the free school development. Consequently the proposal would be seen against the context of built development to the north, south and west. This effectively reduces the overall visual harm of the scheme in these areas and coupled with an appropriate level of screening to the eastern boundary of the site the visual impacts of the scheme are considered to be limited. This also reflects the conclusion reached by the Secretary of State in his recent decision for the neighbouring free school and housing site and Officers are not of the opinion that the associated impacts are significant enough to justify a refusal of the scheme.
43. In addition, the amount of green wedge which would remain to the east of the site makes it difficult to conclude that there would be a coalescence of the settlements of Thornaby and Ingleby Barwick. In view of these considerations and particularly given the Secretary of States conclusions for the already consented development for the 350 houses and the free school. Therefore, any associated visual harm is considered to be limited and would be outweighed by the benefits of addressing the current shortfall in the 5 year housing land supply.

**Setting of listed building;**

44. Little Maltby Farm to the south of the application site is a grade II listed building and would be separated from the application site by the already consent housing which formed part of the combined housing and free school application (ref; 12/2517/OUT). English Heritage do not offer any comments and suggest that the application is determined in accordance with national and local policy guidance, and on the basis of the Authorities own conservation advice.
45. The Historic Buildings Officer has reiterated her previous comments that whilst this proposal has the potential to impact on the heritage asset of Little Maltby Farm, this application site is separated from Little Maltby Farmhouse by the existing housing approval which runs along the northern and western boundaries of the farm house. Therefore, a significant number of dwellings have in principle been granted planning permission in the immediate setting of the farmhouse. It is therefore considered unlikely that any additional housing would have an adverse impact on the setting of Little Maltby Farmhouse.

46. It is also recognised that the application is made in outline, with details over the scale and appearance of the dwellings being reserved for future consideration. Any impacts on the setting of the listed building would also need to be considered at this stage, but at present it is not considered there would any significant conflict with guidance within the NPPF or saved policy EN28 of the Stockton-on-Tees Local Plan, to justify a refusal of the application.

**Amenity;**

47. The indicative housing parcels layout shows that the proposed housing would be at nearest approximately 30m from rear of the properties along Priorwood Gardens however this distance varies greatly and reaches a maximum distance of approximately 100m. Little Maltby Farm to the south would be a minimum of approx.130m from the site whilst other properties which front onto Low Lane would be in excess of 160m from the development site. Whilst the final details regarding site layout and the external relationships with existing properties would be a matter for consideration at the reserved matters stage, the indicative drawings provide enough satisfaction that sufficient space exists between these dwellings and the application site to ensure that the proposed development would not have any significant impacts on the amenity of the neighbouring residents in terms of loss of daylight, appearing overbearing or a loss of privacy. Equally the internal relationships between the proposed dwellings would also be assessed at the reserved matters stage to ensure that acceptable levels of amenity are provided for future residents of the proposed development.

48. Short to medium environment impacts such as dust, noise and general disturbance during any associated construction activity could be minimised and controlled through planning conditions should the development be approved and is not considered to be sufficient enough to warrant a refusal of the application.

Access and Highway Safety;

49. The Head of Technical Services notes that the proposed development is for up to 550 residential dwellings and a local centre (2,500sqm). Furthermore, this development would increase the number of residential properties on the site up to 900 units and along with a separate application (currently being considered ref 14/0562/OUT) for a further 70 dwellings, the total number of properties on the site up to 970 units.

50. The impact of the proposed development on the highway network has been assessed using a micro-simulation transport model developed by Technical Services. The results show that the development could be accommodated with improvements to the highway network, this would include contributions towards the 'Ingleby Barwick western highway improvements' and highway works to a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout. Consequently subject to these mitigation measures the Head of Technical Services has no objection to the proposal on highway impact. In addition it is also noted that the Highways Agency has no objections to the proposed development.

51. In addition it is requested that there are further improvements to the sustainability of the site, this would include a contribution towards the provision of a bus service for a minimum of 3 years and a travel plan incentive for public transport of £100 per property which are also to be agreed through the s.106 agreement The applicant has also offered a number of alternative pedestrian/cycle linkages between the existing housing to the north and the application site and again these should also be secured through the section 106 agreement.

52. Whilst the concerns of the objectors are noted, the Head of Technical Services is satisfied that the proposed development (with appropriate highway mitigation works) can be accommodated on the highway network. Furthermore, a number of improvements to sustainable modes of travel would enable the development to offer alternative mode of travel thereby achieving an acceptable degree of sustainability. In the absence of any objection from either the Head of Technical Services or the Highways Agency the proposal is not considered to pose any significant impacts on the free flow of traffic or highway safety.

**Features of Archaeological Interest;**

53. Tees Archaeology has considered the information supplied as part of this application and the additional archaeological reports. The requested geophysical survey has now been provided, which was followed by trail trenching. Although some archaeological features were noted, these were likely to be prehistoric boundary features which relate to a known settlement site to the immediate south (outside of the current development area). It is therefore considered that sufficient evidence has been provided to make an informed decision as to the impact of the development on the significance of Heritage Assets

54. Tees Archaeology are therefore satisfied that the archaeological remains would not preclude development subject to appropriate mitigation, this would be either physical preservation or archaeological excavation (or a combination of both). This mitigation could be secured through a planning condition and consequently it is not considered that the proposed development would have an adverse impact on archaeological remains, thereby addressing the previous reason for refusal.

**Impact on protected species;**

55. Natural England have responded to the application and advised that there previous advice still stands. Previously it was advised that there standing advise should be used to assess the proposal and its impacts. The application has been supported by a phase 1 habitat survey and additional surveys for badgers and roosting and foraging Bats.

56. In respect of Badger populations, the report advises that the site will not require a badger licence at this time. The report makes a number of recommendations given that Badgers are known to enter the site and it is considered that these are appropriate given the standing advice from Natural England. In terms of Bats it is considered that the site has a high potential for commuting and foraging bats and that the removal of trees and hedgerows are likely to have an effect on bat commuting and foraging. A number of recommendations are made for further survey work should certain trees be pruned or removed. Certain recommendations are also made with respect to maintaining trees and hedgerows. Again these recommendations are considered appropriate at this time. A planning condition is recommended to ensure that the development is carried out in accordance with the recommended mitigation works and consequently it is not considered that the proposed development will have any adverse impacts on protected species, so as to justify a refusal of the application.

57. The Environment Agency also have requested that a 10 metre buffer zone be in place alongside both sides of the Bassleton Beck which is free from any development in order to prevent any severe impact on the ecological value of the watercourse. Again it is such matters could be controlled via a planning condition.

**Flood risk;**

58. The Environment Agency has been consulted on the application and has no objections subject to a planning condition being imposed for the development to be carried out in accordance with the submitted Flood Risk Assessment. Northumbrian Water also has no objections to the proposed development subject to a planning condition being imposed for further details in respect of surface and foul water drainage. Both of these matters can be controlled via planning conditions and the proposed development is therefore not considered to pose any significant impacts with regards to flood risk.

**Residual matters;**

59. Northumbrian Water has also made comments with regards to a trunk main and a raw water main crossing the site. They also advise that they will not permit a building over or close to their apparatus. Given that the current application is in outline the area for development is not yet known, though ultimately it may affect the overall yield of housing that is currently sought.

60. Concerns raised by objectors relating to matters relating to a loss of property value are noted, however this is not a material planning consideration and these concerns cannot be taken into consideration in the determination for this application.

**CONCLUSION**

61. Given that the Council is unable to demonstrate a five year supply of deliverable housing sites with a 20% buffer added; in such circumstances the NPPF makes it clear that those relevant policies for the supply of housing cannot not be considered up to date. Accordingly planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As set out within the report the benefits of the application boost significantly the supply of housing including affordable housing provision and contribute to achieving economic growth through investment and job creation.

62. Whilst it is noted that members previously considered that there would be harm to the green wedge. The proposal would be seen against the context of built development to the north, south and west. Thus reducing the overall visual harm of the scheme, coupled with an appropriate level of screening to the eastern boundary of the site, the visual impacts of the scheme are considered to be limited. Officers are therefore of the opinion that the associated impacts are not significant enough to justify a refusal of the scheme. Furthermore, the amount of green wedge which would remain to the east of the site makes it difficult to conclude that there would be a coalescence of the settlements of Thornaby and Ingleby Barwick. Therefore, any associated visual harm is considered to be limited and would be outweighed by the benefits of addressing the current shortfall in the 5 year housing land supply.

63. Previous issues relating to a lack of information being provided to satisfactorily demonstrate that the proposed development will not adversely impact on highway safety or features of archaeological interest have now been resolved and there is no justification to refuse the application on this basis. Consequently the application is recommended for approval subject to the conditions set out within this report and the applicant entering into a section 106 agreement, in accordance with the heads of terms identified above.

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

**WARD AND WARD COUNCILLORS**

**Ward Ingleby Barwick East  
Ward Councillor Councillors Jean Kirby, K C Faulks and Gillian Corr**

**IMPLICATIONS**

**Financial Implications**

Section 143 of the Localism Act and planning obligations as set out in the report.

**Environmental Implications**

As report.

**Community Safety Implications**

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

**Human Rights Implications**

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

**Background Papers**

Stockton on Tees Core Strategy

Stockton on Tees Local Plan

Stockton on Tees Regeneration and Environment DPD (Preferred options)

National Planning Policy Framework (NPPF)

Planning Applications; S1626/74; S1629/75; S1389/88; 90/1965/P, 94/0385/P, 97/0884/P, 00/1063/P, 00/1064/P, 03/1976/P, 03/1977/P, 06/2593/OUT, 12/2517/OUT, 13/3077/VARY & 13/3107/OUT