

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**9 July 2014**

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

**14/0954/REV**

**Land to the South of Cayton Drive, and West of Middleton Avenue, Thornaby.  
Revised application for the erection of 50 dwellings, formation of access, provision of  
landscaping and associated works**

**Expiry Date: 10 July 2014**

**SUMMARY**

Planning permission is sought for the erection of 50 dwellings on land to the west of Middleton Avenue in Thornaby, within the residential development limits, within designated green wedge and within the Tees Heritage Park. A similar planning application was refused in 2013 for housing on this site which had a slightly different layout and arrangement. That application was refused for 5 reasons relating to, the impact on the green wedge function, a poor highway layout, insufficient provision of affordable housing, impacts on an existing tree belt and impacts on future residents of the development. This application has been submitted in an attempt to address the previous reasons for refusal and following a Secretary of State decision for housing in the green wedge on the opposite side of Ingleby Barwick which is a material planning consideration in the determination of this proposal.

Objections have been received in respect to the application which are made mainly on the grounds that the site is in the green wedge and its development will reduce the strategic gap between Ingleby and Thornaby, that the site is well used by wildlife, that traffic in the area is already at congestion level and cannot take any further development and that the development will have a detrimental impact on nearby properties.

Although the site is in the designated green wedge which was a previous reason for refusal, this application needs to be considered against the Secretary of State's decision where it was found that the lack of a 5 year supply was sufficient to outweigh the green wedge designation when considering a proposed housing development. Officers have reconsidered this scheme in the context of that decision and believe that although this site is designated green wedge, its form, position and layout, being a slightly overgrown linear paddock at the far end of the green wedge, within an alcove of built development in the wider area, means that arguably, it is of less value than other areas of the wooded Bassleton Beck. Whilst green wedge is a finite resource, based on the NPPF's guidance that there should be a strong presumption in favour of new housing schemes where authorities cannot demonstrate a 5 year supply and in view of the recent decision by the Secretary of State, it is considered that resisting this application a 2<sup>nd</sup> time would be contrary to these other material planning considerations. As such, it is now considered that the principle of this development in this particular part of the green wedge is acceptable.

The road layout and vehicle manoeuvring within the site has been amended from the previous approval and the Head of Technical Services is satisfied with the layout and parking provisions.

Properties are set away from the adjacent tree belt in the majority of cases and some have side elevations facing it, which will reduce the overshadowing issue which was a previous reason for refusal and the scheme is now considered to provide a suitable layout in this regard. The proposed properties are of a scale which is in keeping with the surrounding area, comprise a mix of 2, 3 and 4 bed units and have well detailed elevations. There should also be no significant and undue impacts of overlooking or overshadowing for nearby residents.

Contributions are required via a Section 106 Agreement towards education needs, open space, recreation and landscaping in the local area and a traffic calming scheme on Middleton Road.

In view of all these matters, it is considered that the application is partly in accordance with the Local Development Plan and where it is contrary to that, the National Planning Policy Frameworks presumption in favour of providing a 5 year deliverable housing supply is considered sufficient to outweigh the Local Development Plan in this regard.

### **RECOMMENDATION**

**That planning application 14/0954/REV be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with Heads of Terms below. Should the Section 106 Agreement not be signed by the 10<sup>th</sup> July 2014 then the application should be refused due to lack of adequate provisions in respect to the details listed within the Heads of Terms.**

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

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>SD-00.01</i></b>	<b><i>7 April 2014</i></b>
<b><i>SK-10.01</i></b>	<b><i>7 April 2014</i></b>
<b><i>SK-10.02</i></b>	<b><i>7 April 2014</i></b>
<b><i>2071-A1-627-(20)100</i></b>	<b><i>7 April 2014</i></b>
<b><i>REV P3</i></b>	
<b><i>2071-B-795-(20)100 REV</i></b>	<b><i>7 April 2014</i></b>
<b><i>P5</i></b>	
<b><i>2071-C-795-(20)100 REV</i></b>	<b><i>7 April 2014</i></b>
<b><i>P4</i></b>	
<b><i>2071-D-915-(20)100 REV</i></b>	<b><i>7 April 2014</i></b>
<b><i>P6</i></b>	
<b><i>2071-G-946-(20)100</i></b>	<b><i>7 April 2014</i></b>
<b><i>REV P3</i></b>	
<b><i>2071-G1-946-(20)100</i></b>	<b><i>7 April 2014</i></b>
<b><i>REV P4</i></b>	
<b><i>L6806</i></b>	<b><i>7 April 2014</i></b>
<b><i>L6808</i></b>	<b><i>7 April 2014</i></b>
<b><i>2071-M-1195-(20)100</i></b>	<b><i>7 April 2014</i></b>
<b><i>REV P5</i></b>	
<b><i>2071-N-1228-(20)100</i></b>	<b><i>7 April 2014</i></b>
<b><i>REV P4</i></b>	
<b><i>91-001</i></b>	<b><i>10 April 2014</i></b>

*Reason: To define the consent.*

**02. Shed provision**

*Prior to the occupation of any dwellings hereby approved, sheds will be provided on site in positions and to a specification and scale to be first submitted to and approved in writing by the Local Planning Authority.*

*Reason: In order to allow reasonable use of garages for vehicle storage and to make provision of parking for vehicles to achieve suitable parking numbers in accordance with the requirements of Supplementary Planning Document no. 3.*

**03. Condition: Flood Risk Assessment**

*The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by ID Civils (3649/FRA1 rev D) and the associated mitigation measures:*

*a. Limiting the surface water run-off generated up to and including the 100 year critical storm (climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Discharge to the watercourse will be restricted to the Greenfield rate of 6.1l/s as detailed in section 10.8*

*b. Consideration to flood mitigation measures in response to overland flow as detailed in section 8.6*

*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 from the site in accordance with the principles of Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.*

**04. Garage Doors**

*In instances where driveways in-front of garages are below 5.5m in length, the garage shall have roller shutter doors fitted. Roller doors shall also be fitted to the garages on Plot 35. This door type shall be retained in perpetuity in all instances where it is necessary to fit them.*

*Reason: In order to prevent vehicles overhanging the vehicular highway and obstructing movement of vehicles in accordance with the principle of Core Strategy Development Plan CS2.*

**05. Code 4 Construction**

*The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.*

**Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3 and in the interest of compliance with National Planning Policy Framework.**

**06. Renewables or Fabric First**

**No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.**

**Reason: In the interests of promoting sustainable development.**

**07. Affordable Housing**

**A total of 16% of housing provision within the site shall be affordable in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The details shall include but not be restricted to including the precise units to be affordable and the nature of tenure.**

**Reason: In accordance with the requirements of Core Strategy Development Plan Policy CS8 (5).**

**08. Communal open space and landscaping**

**Any areas of communal open space and landscaping within the site shall be managed in perpetuity in accordance with a Management Plan which has first been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure any landscape areas of open space are maintained in accordance with the general requirements of saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.**

**09. Timing of Works – Ecologically sensitive**

**No construction works, including preparatory works to the site shall be undertaken until a timing of works schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall detail all works to be undertaken that may affect wildlife in the area and define the extent of the works and the time periods when the works would be undertaken along with any mitigation measures to support them. The construction phase of the development shall be undertaken in accordance with the approved scheme.**

**Reason: In order to minimise impacts of the development on ecology and biodiversity in accordance with the general principles of Core Strategy Development Plan Policy CS3.**

**10. Construction Management Plan**

**The construction works associated with the development hereby approved shall be undertaken in accordance with a Construction Management Plan which has first been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include, but not be restricted to;**

- Access proposals (including HGV routes) and HGV trip profile;
- Details of staff parking proposals during construction;

- Hours of construction; and
- Appropriate mitigation measures.

*The development shall be undertaken in accordance with the Construction Management Plan.*

*Reason: In order to limit the impacts of construction operations where possible in accordance with the guidance within the National Planning Policy Framework.*

**11. Hard and Soft landscaping**

*No above ground development hereby approved shall be commenced on site until a scheme detailing hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.*

*Reason: In order to provide a quality of development as required by saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.*

**12. Means of Enclosure**

*No above ground development hereby approved shall be commenced on site until a scheme detailing all means of enclosure for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.*

*Reason: In order to provide a quality of development as required by saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.*

**13. Tree Protection**

*Notwithstanding details hereby approved, there shall be no construction works commence on site until tree protection has been installed on site in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.*

*Reason: In order to protect existing features of the site in accordance with the requirements of Core Strategy Development Plan Policy CS3.*

**14. Construction Working Hours**

*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.*

**15. Unexpected Land Contamination**

*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*

**13. Removal of permitted development rights for extensions**

***Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings erected within the curtilage without the written approval of the Local Planning Authority.***

***Reason: To prevent significant undue detrimental loss of privacy and amenity for future occupants taking into account the dense nature of the development as proposed, and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.***

**14. Removal of permitted development rights for boundary treatments to the front of properties**

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

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

***Informative 1: National Planning Policy Framework***

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

***Informative 2: Contact Northern Gas Networks***

***Northern Gas Networks have advised that the developer contact them with regard to Gas Apparatus in the area.***

**HEADS OF TERMS**

Precautionary Education Contribution to provide primary/secondary school places should they be required at the appropriate time.

Highways Contribution of £22,500 for traffic calming works on Middleton Road

Open Space Contribution of £98,865.00 to be spent in respect of open space, recreation and landscaping within the local area

**BACKGROUND**

1. Planning application 13/0809/FUL for the erection of 54 dwellings, formation of access, provision of landscaping and associated works was refused for the following reasons;

***Reason 1: Impact on the green wedge***

***In the opinion of the Local Planning Authority the proposed development would cause irreparable damage to the character and openness of the green wedge at this point as a result of the nature of the development on the site, its scale and its position at a high point relevant to the adjacent parts of the green wedge. The scheme would be likely to impact on the adjacent woodland which would further reduce the value and function of the green***

wedge to its detriment. The proposal is therefore considered to be contrary to the guidance contained within Stockton on Tees Core Strategy Development Plan Policy CS10(3). It is considered that the lack of a 5 year housing supply within the Borough is insufficient reason to outweigh this policy of restraint.

*Reason 2: Highway provisions*

*In the opinion of the Local Planning Authority, the proposed development would raise unacceptable risk to highway safety and not sufficiently make provision for access and parking as a result of there being insufficient physical traffic calming features within the highway, excessive reversing manoeuvres being required for plots 22 & 23, insufficient provision for increased parking associated with 'affordable units' and insufficient width to one of the cul de sac's, thereby being contrary to the guidance contained within saved Local Plan Policy HO3(vi) and Core Strategy Development Plan Policy CS3 (8).*

*Reason 3: Insufficient provision of affordable housing*

*In the opinion of the Local Planning Authority, the proposed scheme fails to make an adequate provision for affordable housing with no mitigating circumstances put forward in detail for such a shortfall. The proposed development would therefore be contrary to Stockton on Tees Core Strategy Development Plan Policy CS8 (5).*

*Reason 4: Impacts on existing tree belt*

*In the opinion of the Local Planning Authority, the extent and position of development along the southern boundary would have a significant and detrimental impact on the health and longevity of the trees associated with the woodland planting adjacent to the southern site boundary due to the likely impacts on their root structures. The development would also place future pressure for the removal of trees from within the woodland due to significant impacts of overhanging and overshadowing of gardens and properties. The scheme therefore fails to adequately take into account the impact on surrounding features, contrary to the requirements of saved Local Plan Policy HO3(iv), Core Strategy Development Plan Policy CS3(8) and the National Planning Policy Framework (para. 61).*

*Reason 5: Insufficient amenity for future occupiers*

*In the opinion of the Local Planning Authority, properties 45 to 53 will be unable to achieve adequate levels of natural light into the rear gardens and to rear windows due to the maturing trees, the position of adjacent properties and the limited depth of gardens provided, thereby being contrary to the guidance contained within the National Planning Policy Framework (paragraphs 17 & 58) which seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings and ensure that developments function well over their lifetime.*

## **SITE AND SURROUNDINGS**

2. The site is located on the southern side of Thornaby, within the Bassleton Beck Valley Green Wedge which forms a buffer between Thornaby and Ingleby Barwick. A line of mainly semi-detached housing backs onto the northern boundary of the site and young / semi mature woodland planting adjoins the southern boundary. To the west lies several houses and to the east lies Middleton Avenue.
3. The site itself has no notable planting within it, being a linear field which has some undulations to the south central edge. The field consists mainly of overgrown grass with two small patches of scrub. The character of the site is mainly defined by its openness, the adjacent tree planting along the southern edge and existing housing along the northern edge.
4. A number of properties along the northern boundary have low height rear garden boundaries and therefore gain relatively open views into the site.

## **PROPOSAL**

5. Planning permission is sought to undertake a housing development of 50 dwellings on the site including a mix of two, three and four bed houses laid out in a linear form across the site which has two points of access, one off Middleton Avenue and one off Cayton Drive. Some houses front onto the highway into the site and others have their side elevations facing the highway. Properties are provided with front and rear gardens, off street parking, garden sheds and in some cases, with garages. Visitor parking is also provided along the highway. A small amount of public open space is shown along the southern boundary of the site.

## **CONSULTATIONS**

Consultations were notified and any comments received are summarised below:-

6. Councillor Mick Moore

My objections are on the grounds that it is an intrusion into Green Wedge, it is within the Tees Heritage Park and goes against Stockton Borough Councils core policies to preserve open space. Section 2.7 Stockton on Tees Local Plans Environmental objectives :  
Protect Special Habitat.

Protect the built heritage and urban development.

SBC Local Plan 2.50, Regeneration and Environmental Local Document and Consultation Draft states:

The function of Green Wedge is to prevent the coalescence of communities within the built up areas (maintaining their individual identities).

This policy seeks to improve the appearance of Green Wedge by maintaining openness. Planning application 14/0954/REV is an unjustified incursion into the open aspect of this Green Wedge.

This development would be detrimental to this area, it will also be contrary to local plan policy EN14 which seeks to protect the open nature of the landscape within Green Wedge. The area is identified as a wildlife corridor in the Tees Valley Biodiversity Action Plans any such development could affect this sensitive area.

The development will bring an increased amount of traffic onto Bader Avenue/Middleton Avenue and the surrounding roads, it has been suggested that some 6000 vehicles a day already use Bader Avenue as access to the estate.

7. SBC - Head of Housing

The Strategic Housing Market Assessment (SHMA) 2012 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 planning statement that the developer is proposing to deliver 8 units for affordable housing equating to 16% of the total scheme numbers and that the affordable



homes would be secured in perpetuity via provision agreed in a Section 106 Agreement. Housing Services would therefore accept the proposed percentage of 16% as it is in line with Council policy.

A worked example based on 8 affordable units is detailed below:

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

Proportion	No. of units	Tenure
70%	5 units	Rent
30%	3 units	Intermediate Tenure
100%	8 units	Total

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

Size	Proportion	No. of units
2 bed	91%	7 units
3 bed	9%	1 units
Total	100%	8 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
7 Units	2 bed	5 x Rented 2 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.

#### 8. SBC - Head of Technical Services

Subject to the comments below the Head of Technical Services has no objections to the development.

##### Vehicle Access

This proposal includes two new access points from the existing highway into the proposed development, one from Cayton Drive and another from Middleton Avenue. The applicant was advised during pre-application discussions that two vehicle accesses should be provided to aid permeability through the site and to complement the existing housing estate layout. There is regular on street parking in the surrounding roads and two accesses would aid free flowing traffic movements.

All traffic accessing the site would do so via Bader Avenue to the north as this provides the only access into the wider estate.

Vehicular trip generation from the site has been calculated using the following average trip rates derived from TRICS:

As noted above, all vehicles travelling to and from the site would access the development via Bader Avenue. Access routes to the site form priority junctions with Bader Avenue. The main access routes that would be used by vehicles to access the site would be Middleton Avenue and Lockton Crescent / Barton Close which connect to Cayton Drive. Given the two options available to access the site, the transport statement assumes that there will be an approximate 50/50 split of vehicle trips on each access route. This is a reasonable assumption and should balance the trips across the network.

The greatest impact would be on Bader Avenue as all traffic would use this route. Concerns have been expressed previously about the number of properties that are accessed off Bader Avenue. However, a highway objection, in line with national planning policy guidance, can only be raised on transport grounds where there is reasonable evidence that the impacts of the development on the highway network would be severe. The development is forecast to generate an additional 28.5 trips in the morning peak / 34.8 trips in the evening peak hour on Bader Avenue. This scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds.

A traffic calming scheme has previously been identified as necessary on Middleton Avenue due to vehicle speed concerns expressed by residents. As this development would increase the number of vehicles on Middleton Avenue, it is required that the developer funds this scheme due to the impact the proposal would have on Middleton Avenue. The applicant confirms in the Transport Statement that the traffic calming scheme on Middleton Avenue would be funded by the development to improve road safety for all users. Funding for this scheme should be secured as part of a Section 106 Agreement.

#### Parking/Layout

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

Each parking space should be a minimum of 5m x 2.4m and each garage space a minimum of 6m x 3m (internal). The applicant has shown sheds provided for each dwelling to serve as cycle storage therefore in this instance a minimum garage space of 5m x 2.4m is acceptable. Where a drive is less than 5.5m a roller shutter garage door should be fitted to ensure that the car is clear of the highway while the door is opened.

Parking has been shown in accordance with SPD3; 2 spaces per 2&3-bedroom house and 3 spaces per 4-bedroom house however there are some concerns regarding the layout. Drivers are known to park as close to their destination as possible and prefer to park at the front of a property so that the car is in sight. Some parking shown is remote from the property it serves which is likely to result in drivers parking on-street causing an obstruction to manoeuvring vehicles, particularly large vehicles such as refuse wagons. Plots 50, 49, 48, 37, 34, 32, 29, 18 all have remote parking.

The revised plans resolve most of the concerns regarding the layout however plot 29 would have to undertake an onerous manoeuvre in order to turn. While this is not ideal there are insufficient grounds to object.

#### Sustainable Links

The development is located in an existing residential area and would benefit from existing connections and access to amenities serving the current residential properties. The nearest bus stops are located on Bader Avenue and are within walking distance of the proposed development. These stops provide access to frequent daytime services to Middlesbrough and Stockton.

There is a Public Right of Way to the west of the site (accessed via Bassleton Lane) which provides access through Bassleton Wood to Ingleby Barwick. There is also a Public Right of Way travelling southwards from the site through Thornaby Wood.

An off road cycleway is provided running parallel with Thornaby Road from Middleton Avenue to Ingleby Barwick.

The existing public transport, pedestrian and cycle connections make the site reasonably accessible by sustainable modes and therefore no additional measures are required.

#### Construction

The Construction Management Plan should be agreed prior to construction commencing on the site and include:

Access proposals (including HGV routes) and HGV trip profile;  
Details of staff parking proposals during construction;  
Hours of construction; and  
Appropriate mitigation measures.

The implementation and approval of the final Construction Management Plan should be conditioned should the development be approved in order to ensure the impact on the highway is minimised.

#### Landscape & Visual Comments

The changes to the parking layout do not impact unduly on the landscape layout of the estate. Where the revised turning head meets the southern site boundary between plots 16 and 19 no dig construction techniques should be employed to minimise damaging the roots of the existing trees.

It is still considered that the public open space within the development next to plots 18 and 19 is very small and fragmented to have any useful function and should be given over to private garden space. Given the current layout an offsite provision for open space would be required in line with the Open Space, Recreation and Landscaping SPD 2 supplementary planning document.

#### Flood risk

The proposed development site is situated within flood zone 1 and presently not at risk of either tidal or fluvial flooding. The development must not increase the risk of surface water run-off from the site or cause any increased flood risk to neighbouring sites. Compliance of the conditions will require surface water drainage details to be agreed with the Local Authority.

#### Surface Water Drainage

Surface water should be managed to ensure that run-off from the site is restricted to 3.5 litres/second/hectare, with flows in excess of this rate attenuated on site for the 1 in 100 year storm event, plus an allowance for climate change. Although a detailed surface water management plan is yet to be developed, this approach has been accepted by the Environment Agency.

Sustainable drainage features in the opinion of the Local Authority could include such features as swales, ponds and wetlands. The incorporation of SUD's within a comprehensive landscape setting shall form part of any approved housing layout. The provision of SUDs to any recommendations for approval and their future long term management should be conditioned.

#### Environmental Policy Comments

The application lacks a clear statement of the steps to be taken to comply with CS3, in particular the firm requirement for Code for Sustainable Homes Level 4 and for 10% embedded renewable energy supply. No data has been supplied to support the statement in the design and access statement that a 10% reduction in carbon emissions will be achieved. Confirmation is required of code for Sustainable Homes Level 4 and the method of providing 10% embedded renewable energy supply backed up with data on estimated energy demand and how this will be offset or reduced.

Conditions were recommended

9. SBC - Environmental Health Unit

Further to your memorandum regarding the above application, I have considered the report provided and consider the details satisfactory. The Phase I Investigation demonstrates there has been no land development and minimal land use, and this conclusion appeared to be consistent with the apparently untouched nature of the site when visited.

As with all developments, however, there remains the possibility of some unknown or localised contamination history – for example fly-tipping – and so I would recommend that in the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

10. SBC - Private Sector Housing

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

11. SBC - Spatial Plans Manager

As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise.

The Development Plan - overview

The development plan currently comprises the:

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

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

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

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

The application site is designated as green wedge on the 1997 Local Plan Proposals Map. 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.

The National Planning Policy Framework (NPPF)

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

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.

The NPPF provides that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' (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 Council has produced a report entitled 'Five Year Deliverable Housing Supply Final Assessment: 2014 – 2019'. The Report concludes that the Borough has a supply of deliverable housing land of 4.08 years with a 20% buffer added (with the shortfall being 669 dwellings).

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

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

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

Relationship to the NPPF and the adopted Development Plan

#### Sustainable transport and travel

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

#### Sustainable living and climate change

The proposal will need to be assessed in relation to Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change. The 1st bullet point of point 8 of Policy CS3 states that proposals will ‘Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geo-diversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space’.

#### Landscape and Visual Impacts

The Stockton-on-Tees Landscape Character Assessment and Capacity Study (July 2011) provides the evidence base to consider the proposal in landscape terms. The application site is located within Landscape unit 64. Landscape unit 64 is an area with low landscape capacity (Site SLCA0064 – Landscape Capacity Assessment). Landscape capacity is the ability for the landscape to accommodate change without significant impact.

#### 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 criterion is not met by the proposal:

The land is not specifically allocated for another use

With regard to the other criteria the case officer will need to assess these. It is understood that the land is not used for recreational purposes (it is fenced off).

#### Environmental protection and enhancement

Adopted Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement, states at Point 3i) ‘The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of Green Wedges within the conurbation including Leven Valley between Yarm and Ingleby Barwick’. 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: ‘However, this policy can only be given very limited weight given the overriding need to deliver new housing.’ (Para. 5.28). It is acknowledged that the desirability of retaining the land as green wedge needs to be weighed in relation to the benefits of the application as part of assessing the ‘planning balance’ but the Spatial Planning team consider that Policy CS10 continues to have significant weight.

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 at Low Lane, Ingleby Barwick. 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’.*

Taking this 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.

The Spatial Planning team consider that development would not in principle fundamentally harm the openness of the green wedge. However, this is subject to the scheme being sympathetically designed.

#### Provision of Open Space

The site has been identified as amenity open space within the Council’s open space audit. Based on the open space audit the Council has undertaken a robust assessment of open space, sports and recreation facilities; this is encapsulated within the Council’s PPG17 Assessment, which forms Appendix 6 of the Open Space, Recreation and Landscaping SPD.

Paragraph 74 of the NPPF and point 3 of Core Strategy 6 ‘Community Facilities’ will be material in the determination of the application. The Open Space, Recreation and Landscaping SPD does not identify any land that is surplus to requirements in the Borough. It sets out that where provision is well above the minimum standard for a particular type of space, land should be considered for providing a different type of open space where the standard is not yet met rather than being developed for alternative uses. However, it is acknowledged that the site is fenced off, there is no public access and it is unlikely that this situation will change.

#### 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 bedroomed bungalows and executive housing as part of housing schemes offering a range of house types. The planning statement in support of the application identifies that the proposal will deliver 50 no. 2, 3, and 4 bed semi-detached and detached dwellings.

Point 5 of 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’. 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.

It is understood that 16% 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.

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.

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 ...”*

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 the supply of housing; if implementation begins within a five year timeframe it would make a contribution towards the five year supply of housing. Meeting housing need and demand is clearly a key national priority.

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

Point 3 of Core Strategy Policy 10  
Point i of Saved Local Plan Policy HO3

- The case officer will need to consider whether the proposal is contrary to the following adopted development plan policy:

Point 8 of Core Strategy Policy 3

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.

## 12. The Environment Agency

We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITION is imposed on any grant of planning permission:

Condition: Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by ID Civils (3649/FRA1 rev D) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated up to and including the 100 year critical storm ( climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Discharge to the watercourse will be restricted to the Greenfield rate of 6.1l/s as detailed in section 10.8
2. Consideration to flood mitigation measures in response to overland flow as detailed in section 8.6

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.

Reasons:

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To reduce the risk of flooding to the proposed development and future occupants.

Separate to the above condition, we also have the following advice to offer:

**Discharge of Foul Sewage - Advice to LPA/Applicant**

The application form indicates that foul sewage will be discharged to the public sewers. The Sewerage Undertaker should therefore 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.

**13. Northumbrian Water Limited**

The developer has made a pre-development enquiry to NWL and through this process we have agreed that foul flows can discharge into the foul sewer to the east of the site. Surface water should discharge to the local watercourse named Bassleton Beck.

NWL would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy" and the site plan entitled "Drainage Strategy Plan". These documents reflect our comments already made through the pre-development enquiry process. We would therefore request that the Flood Risk Assessment and Drainage Strategy and the Drainage Strategy Plan form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

**14. Northern Gas Networks**

No objections but advise apparatus in the area may be at risk during construction, suggesting the developer contact them.

**15. Thornaby Town Council**

Oppose this application due to the following:

It is Thornaby Town Council's policy that the proposed development of green field, woodland and wildlife habitat with scant regard for community well being and the natural environment should be opposed to without reservation.

That the road infrastructure will not be able to cope with the increase in road traffic and noise pollution therefore causing more misery for residents already living in the area where there are issues with busy roads and roadside parking.

Local schools will not be able to cope with the extra child places that this development will bring as they are already filled to capacity.

**16. Campaign to Protection Rural England**

It must becoming obvious to Stockton Council that the repeated submission of this particular proposal, regardless of any amount of revisions and the recent reduction from 55 to 50 houses, that the number of previous credible objections from the community, must emphasise the lack of credibility again repeated in this latest application.

CPRE Stockton wishes to object to the above planning application.

We detail our objections as follows -

Unnecessary and inappropriate development on Green Wedge land.

Loss of open space/green wedge/contrary to Stockton Council planning policy

This green space has not been identified as a suitable site for future housing development in the draft Stockton Council LDF Preferred Options.

Incursion into the boundary of the prestigious Tees Heritage Park.

Loss of tranquillity to the area.

Disturbance of a wildlife corridor as defined in the Tees Valley Biodiversity Action Plan.  
Loss of agricultural land  
Site not included in the LDF Preferred Options Policy H1 housing allocations.  
The need to maintain consistency in Council planning decisions.

Below are valid reasons for our objections.

CPRE Stockton consider that the open character and amenity of this part of the Green Wedge would be irrevocably changed by this development, changing the landscape from one of an open agricultural field to inappropriate housing and garaging.

Core Strategy Policy 10 (CS10) is based solely around Environmental Protection and Enhancement with criterion 3i) setting out that the separation of settlements and quality of the urban environment will be maintained through the protection and enhancement of these areas, including those which are identified as Green Wedges. It is also recognised that Strategic Gaps and Green Wedges form part of wildlife corridors that helps to create added value to the borough. The protection of the natural environment is also seen as a core element of the definition of sustainable development and forms a key part of guidance within the National Planning Policy Framework.

It is acknowledged that Green Wedge does not carry the same weight as Green Belt and is not mentioned in the NPPF. However, we note the case of *William Davis Ltd v Secretary of State for Communities and Local Government and NW Leicestershire District Council* [2013] EWHC 3058 (Admin). NW Leicestershire has a saved Policy E20 which is similar in effect to the earlier Stockton Policy EN14 and now represented in CS10 (3). In this case, Mrs Justice Lang considered the strength of Green Wedge land since the NPPF, including whether footnote 9 may apply to it. She determined that the Inspector and SoS were entitled to give due weight to Green Wedge in appropriate circumstances. She concluded her judgment on this issue by saying

para 45. "When considering the extent to which Plan E20 is inconsistent with the NPPF, the Claimants are correct to say that Policy E20 prevents housing development on this site, and so does not, of itself, reflect the countervailing advantages of development. However, on reading the Report and the DL, it is clear that the Inspector and the Secretary of State went beyond the terms of Policy E20 and gave considerable weight to the advantages of a development which would increase the supply of housing in the area, as required by the Regional Plan."

Para 46. The Inspector and the Secretary of State also understood and acknowledged the tension between the NPPF's policy in favour of delivering housing, and its policy in favour of protecting green spaces, in section 11, entitled "Conserving and enhancing the natural environment". Planning authorities are directed to plan positively for the protection, enhancement and management of networks of biodiversity and green infrastructure (paragraph 114). "Green Infrastructure" is defined in the Glossary as "a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities." The Inspector and the Secretary of State both concluded that the site was a very important part of the existing green infrastructure of Coalville and its environs.

As Lord Reed said in *Tesco Stores at* [19] (paragraph 23 above), planning policies often contain broad statements of policy, many of which may be mutually irreconcilable, so in a particular case, one must give way to another. The task of reconciling different strands of planning policy on the facts of a particular case has been entrusted to the planning decision-maker. Such planning judgments will only be subject to review by this court on very limited grounds.

Section 11 of the NPPF sets out the governments objectives in terms of conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment through amongst others, protecting and enhancing valued landscapes. It goes on to state that distinctions should be between the hierarchy of international, national and locally designated sites ensuring that protection is commensurate with their status and gives appropriate weight to their importance and contribution to wider ecological networks (Para 113). Paragraph 123 also states that planning decisions should aim to "identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value".

This site, although privately owned and not available for recreation, offers a considerable amenity value to the adjacent urban area.

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

Stockton Council's draft Strategic Policy 4 (SP4 - Green Wedge) within the Regeneration and Environment DPD Preferred Options draft, outlines the categories of development that would be supported on land designated as Green Wedge. These include activities such as agriculture, recreation, forestry and burial grounds and this proposal for residential development does not fall into any of these categories.

The proposed development will intrude into the already established Tees Heritage Park boundary at this location. The Park is a key part of Stockton Council's Core Strategy and is effectively protected by the Stockton Council Green Infrastructure Strategy. The Park is also designated in the Stockton Council Local Plan - Regeneration and Environment, Local Development Document, Preferred Options - as being outside the limits to development and within green wedge boundaries agreed with Stockton Council. The Council has already shown its commitment to the Heritage Park by previously protecting it from inappropriate development. CPRE Stockton would expect a similar level of protection to be shown to this key area adjacent to Bassleton Beck.

A River Tees Heritage Park has been an aspiration of Stockton Borough Council since the 1997 Local Plan was published. Working together Stockton Council, Friends of the Tees Heritage Park and CPRE Stockton have succeeded in making it a reality. It is this kind of joint approach that exemplifies what the government is trying to achieve with "the Big Society". Were this application to succeed it could seriously affect such partnerships in the future.

CPRE Stockton are confident that, given Stockton Council's strong commitment to the Tees Heritage Park and protection of Green Wedges, you will reject this totally inappropriate application.

#### 17. Friends of Tees Heritage Park

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

The site is within the Tees Heritage Park - The Tees Heritage Park is included in the Council's adopted Core Strategy Document - Section 13 Environment - Policy 10 (CS10)

Environment Protection and Enhancement policy. Sub-section 7 refers to the Council's support for initiatives "to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer, and biodiversity". Only two sites in the whole of Stockton are specifically referred to - Haverton Hill/Seal Sands and the Tees Heritage Park. The Tees Heritage Park is also specifically referred to in the objectives for the Western and Eastern Areas and is clearly shown on the Core Strategy Strategic Diagram. The whole of the area shown in the application is within the boundaries of the Tees Heritage Park as defined in the Council's proposed Local Development Framework and Environment DPD.

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

The Heritage Park offers a real, one off opportunity to provide a unique amenity in the heart of the urban area for the benefit of local communities and to improve the image of our area generally. We contend that the current application is totally at odds with the aims and objectives for the Park as agreed with Stockton Council.

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

Visual impact - the site is on the ridgeline above the Bassleton valley and the proposed development will present an uncompromising elevation of housing when viewed from the valley, particularly in the winter. Landscape screening will not effectively alter this affect.

Ecology/Environment - Section 13.7 of the Stockton Council's Core Strategy refers to "...the duty to have regard to the conservation of biodiversity, which was introduced by the Natural Environment and Rural Communities Act.... Conservation of biodiversity is vital in our response to climate change..... Natural habitats are also important in providing corridors to allow mobile species to move in response to changes in climate". The site of this application is an integral part of the Bassleton Beck valley and the proposal would have a seriously detrimental effect on the precious ecology of this locality and its function as part of this wildlife corridor.

Detrimental Impact on investment and tourism in the area - The Park area has been identified as having a special character representing the area's heritage, landscape and ecology. It's strength is that it enables communities to relate to this part of the Tees Valley as an entity and embrace a unique part of their history and environment with pride. Furthermore the Heritage Park is proving to be a wonderful vehicle to help transform the image of the lower Tees valley in regional and national terms. The area still suffers severely from its heavy industrial legacy and continues to be seen as an unattractive environment, unappealing to potential investors and employment generators. This is far from the case,

which the Tees Heritage Park clearly illustrates ([www.ft hp.org.uk](http://www.ft hp.org.uk)) and it would be disastrous if the vision was compromised in any way, as it gathers momentum, by sporadic developments such as this. Walks, tours and activities are already underway to raise awareness of this wonderful facility on our doorstep - this proposal is only a few yards from one of the interactive signal post entries into the Park.

Detrimental to future funding opportunities and community spirit. - In practical terms, Phase 1 of the Park has recently been completed and has been enthusiastically received by all. This first stage was funded by Green Spaces Lottery Funding and has enabled the community to enjoy the tangible benefits of their actions and commitment. FT HP membership has increased substantially and we are now looking at the next phases within the greater Heritage Park area. Further Heritage Lottery funding is also under way for the River Tees Rediscovered project, which includes the whole of the lower Tees valley. These projects are essentially community driven and very much in the spirit of the Government's policies to involve local neighbourhoods and communities in determining their own future. Further funding depends on potential funds being confident that the Council supports the community initiatives with sustainable commitment through their policies and planning decisions. The recent approval for the Retirement Village within the Leven Valley has severely dented community moral and belief in the Council consistency to support such initiatives as the Tees Heritage Park, with consequent damage to funding confidence for the future. Refusal of this application will help restore some hope that the previous approval was indeed an aberration and inconsistent with Council objectives for the Heritage Park and Green Infrastructure/Green wedge policies

We have no doubt that the momentum, enthusiasm and support for the Heritage Park weak if the Council does not continue to demonstrate its support for the community's aspirations by rejecting these applications. The Heritage Park and River Tees Rediscovered projects are also very much within the spirit of Government's vision for Localism and Neighbourhood Planning and should be supported on this basis in an Appeal situation.

There are clearly other areas of concern, such as traffic generation, but we have concentrated our objections on matters particularly pertinent to the Tees Heritage Park. FT HP and the local communities, who have been involved with the Heritage Park vision and progress, look forward to the Council's continued support and resistance to proposals such as this - to ensure that the aims and objectives we have all agreed for the Park can be achieved for future generations to enjoy.

## **PUBLICITY**

18. Neighbours were notified. A total of 164 representations have been made including 161 letters of objection. Comments were received from those people below and their comments are summarised on the following pages:

Mr And Mrs Deacon, 31 Kintyre Drive Thornaby  
Nyla A Osborne, 21 Burniston Drive Thornaby  
Anthony Mccue, 7 Burniston Drive Thornaby  
Mr L E Woodcock, 14 Cayton Drive Thornaby  
Derek Ainsley, 54 Firbeck Walk Thornaby  
Miss K Oates, 37 Kintyre Drive Thornaby  
M W Johnson, 35 Kintyre Drive Thornaby  
Mr M Morgan, 21 Liverton Crescent Thornaby  
Mr K Barugh, 5 Liverton Crescent Thornaby  
N Knight, 35 Middleton Avenue Thornaby  
Hodgson, 33 Middleton Avenue Thornaby

Norman Walker, 29 Middleton Avenue Thornaby  
Mr And Mrs McCulloch, 15 Burniston Drive Thornaby  
Mrs Carole Palin, 37 Lockton Crescent Thornaby  
Mr Darren Collier, 33 Liverton Crescent Thornaby  
Mr And Mrs Simms, 19 Liverton Crescent Thornaby  
Mrs C Simpson, 16 Liverton Crescent Thornaby  
Mrs A Burke, 10 Liverton Crescent Thornaby  
E Brown, 8 Liverton Crescent Thornaby  
Michael Roberts, 17 Middleton Avenue Thornaby  
A And A R Humphreys, 5 Middleton Avenue Thornaby  
Howes, 4 Burniston Drive Thornaby  
Mrs P Twinn, 29 Bader Avenue Thornaby  
Mr And Mrs Carr, 10 Middleton Avenue Thornaby  
R G Fallaize, 8 Middleton Avenue Thornaby  
Richard Bakewell, 4 Lockton Crescent Thornaby  
Mr And Mrs Walker, 2 Lockton Crescent Thornaby  
John Malcolm Legg, 9 Lockton Crescent Thornaby  
Salt, 8 Lockton Crescent Thornaby  
Vincent Thwaites, 22 Middleton Avenue Thornaby  
Craig Iveson, 24 Middleton Avenue Thornaby  
Robert And Lilian Crallan, 7 Charrington Avenue Thornaby  
Miss J Stockley, 19 Ryton Close Thornaby  
Jonathan Skidmore, 63 Marchlyn Crescent Ingleby Barwick  
Mrs Diane Dobson, 26 Rivergarth Darlington  
Mr And Mrs Ethrington, 33 Kintyre Drive Thornaby  
Catherine Ansell, 2 Cayton Drive Thornaby  
T Sedgwick, 14 Liverton Crescent Thornaby  
Mrs Cooper, 23 Liverton Crescent Thornaby  
S E G Bradley, 5 Brisbane Crescent Thornaby  
Ernest Bland, 12 Arran Close Thornaby  
M Ibbotson, 100 Bassleton Lane Thornaby  
Mr And Mrs Rudd, 19 Burniston Drive Thornaby  
Mr K Gardner, 23 Lockton Crescent Thornaby  
Derek Lofthouse, 3 Carlton Drive Thornaby  
Mary P Dawson, 20 Middleton Avenue Thornaby  
Mrs Ella Thompson, 27 Lockton Crescent Thornaby  
Aland And Joan Watson, 27 Bader Avenue Thornaby  
Michael Spink, 6 Middleton Avenue Thornaby  
Doreen Riley, 9 Liverton Crescent Thornaby  
Geoffrey Riley, 9 Liverton Crescent Thornaby  
Julie Lund, 10 Bracknell Road Thornaby  
Mrs Brenda McAra, 10 Cromore Close Thornaby  
Mrs R Barugh, 5 Liverton Crescent Thornaby  
Lisa Cuthbert, 26 Bader Avenue Thornaby  
Mervyn Lowe, Valerie Lowe, Louise Lowe, 3 Lockton Crescent Thornaby  
Doreen Riley, 9 Liverton Crescent Thornaby  
Geoffrey Riley, 9 Liverton Crescent Thornaby  
Andrew Smith, 35 Lockton Crescent Thornaby  
Miss Caroline Thompson, 249 Thornaby Road Thornaby  
Pamela Miller, 4 Middleton Avenue Thornaby  
Patricia Thwaites, 22 Middleton Avenue Thornaby  
Sharon Moore, 23 Barkston Avenue Thornaby  
Mrs Andrea Kirkwood, 73 Bromley Road Stockton-on-Tees  
Mr Ian Parnaby, 14 Charrington Avenue Thornaby  
Mr Dave Smith, 35 Lockton Crescent Thornaby

Mrs Sandra Mylan, 96 Bassleton Lane Thornaby  
Brent Smith, 35 Lockton Crescent Thornaby  
Miss Caroline Tyerman, 23 Axton Close Thornaby  
Mr Simon Bould, 12 Picton Crescent Thornaby  
Mr S Jukes, 21 Axton Close Thornaby  
G Cooper, 23 Liverton Crescent Thornaby  
S Bland, 12 Arran Close Thornaby  
Mr Young, 18 Kintyre Drive Thornaby  
Mrs Young, 18 Kintyre Drive Thornaby  
Mrs M Leonard, 6 Carlton Avenue Billingham  
Rebecca Jones, 17 Lockton Crescent Thornaby  
Mr Kenneth Gettings, 91 Bassleton Lane Thornaby  
Mr Harry Waters, 112 Bassleton Lane Thornaby  
Mr Gregory Havelaar, 8 Cayton Drive Thornaby  
Mrs Karen Newton, 29 Lockton Crescent Thornaby  
Mr Ronald Brown, 27 Liverton Crescent Thornaby  
Mrs Pat Tingle, 49 Lockton Crescent Thornaby  
Therese Hutchinson, 19 Lockton Crescent Thornaby  
Nicole Jones, 17 Lockton Crescent Thornaby  
Mrs Lynn Cooper, 23 Liverton Crescent Thornaby  
Mr Richard Birdsall, 12 Cayton Drive Thornaby  
Mrs Allison Hodgson, 53 Barkston Avenue Thornaby  
Mr Robert Turner, 10 Cayton Drive Thornaby  
Mr Gordon Hobbs, 47 Lockton Crescent Thornaby  
Mr Robert Newton, 29 Lockton Crescent Thornaby  
Ms Emma Chapman, 29 Liverton Crescent Thornaby  
Jeffrey Kerr, 25 Liverton Crescent Thornaby  
Mr David Flewker, 1 Liverton Crescent Thornaby  
Mr Ian Dalgarno, 59 Bader Avenue Thornaby  
Paul Little, Linda Little And Terrance Little, 53 Bader Avenue Thornaby  
Barry Hetherington, 45 Bader Avenue Thornaby  
Mr Martin Blackburn, 16 Burniston Drive Thornaby  
Mr Ron Hall, 14 Burniston Drive Thornaby  
Sally Bromiley & Dean Watson, 3 Middleton Avenue Thornaby  
Nora Wardill, 15 Middleton Avenue Thornaby  
Mr Eric Jack Elliot, 1 Middleton Avenue Thornaby  
Paul Snelling, 23 Bader Avenue Thornaby  
Keeley Harrison, 26 Bader Avenue Thornaby  
Mrs J Imeson, 24 Bader Avenue Thornaby  
Mr Brian Miller, 4 Middleton Avenue Thornaby  
Phil Walker, 7 Lockton Crescent Thornaby  
Lee Rutter, 5 Lockton Crescent Thornaby  
Mr Leslie Fothergill, 22 Lockton Crescent Thornaby  
Maureen Pinnegar, 9 Barton Close Thornaby  
Mr kaashif latif, 31 Lockton Crescent Thornaby  
Mrs Brenda Bean, 98 Bassleton Lane Thornaby  
Mrs Janice Graham, 10 Battersby Close Yarm  
Miss cheryl havelaar, 5 The Crescent Thornaby  
Mr christopher Havelaar, 8 Cayton Drive Thornaby  
Mrs jean Taylor, 3 Cayton Drive Thornaby  
Mr John Ellis, 36 Chesterton Avenue Thornaby  
Mrs Rachel Wilkinson, 7 Barkston Avenue Thornaby  
Mr Gordon Bean, 98 Bassleton Lane Thornaby  
Mrs Ann Taylor, 12 Cayton Drive Thornaby  
Miss pamela Cooper, 7 Northumberland Grove Norton



Mr Michael Degnan, 11 Liverton Crescent Thornaby  
 Mrs J Heavisides  
 Mr M Degnan  
 Mr And Mrs Ryder, 3 Liverton Crescent Thornaby  
 Mr Len Small, 53 Bassleton Lane Thornaby  
 Mrs Jean Higgin, 20 Charrington Avenue Thornaby  
 Mr & Mrs D Crofton, 20 Barkston Avenue Thornaby  
 Mr Paul Webster, 33 Lockton Crescent Thornaby  
 Mr Keith Brittain, 51 Bader Avenue Thornaby  
 Eileen Skidmore, 25 Lockton Crescent Thornaby  
 Mrs Christine Mundy , 28 Crosswell Park Ingleby Barwick  
 Angela Henderson, 21 Carlton Drive Thornaby  
 Mr S Durham, 38 Kintyre Drive Thornaby  
 Mr Gordon Cooper, 23 Liverton Crescent Thornaby  
 Andrew Jones, 17 Lockton Crescent Thornaby  
 Ray Pinnegar, 9 Barton Close Thornaby  
 Mr Keith Skidmore, 25 Lockton Crescent Thornaby  
 Mr Mark Tingle, 49 Lockton Crescent Thornaby  
 Mrs Jane Jones, 24, Kintyre Drive, Thornaby.  
 Carol Lockwood, 2 Axton Close Thornaby  
 David Lockwood, 2 Axton Close Thornaby  
 Annette Kerr, 25 Liverton Crescent Thornaby  
 Bethany Kerr, 25 Liverton Crescent Thornaby  
 Kimberley Kerr, 25 Liverton Crescent Thornaby  
 Connor Kerr, 25 Liverton Crescent Thornaby  
 Jan Jobling, 14 Carlton Drive Thornaby  
 Kenneth Wardill, 15 Middleton Avenue Thornaby  
 Mrs Heather Hodgson, Lowlands farm Station road  
 Mr Phil Birdsall, 12 Cayton Drive Thornaby  
 Mr Gary Kay, 2 Millbank Lane Thornaby  
 Mr Ian Charlton, 7 Northumberland Grove Norton  
 Miss Lily Cooper-Charlton, 7 Northumberland Grove Norton  
 Mrs Dorothy Cooper 32 Kinderton Grove Norton  
 Mr Ben Kirkwood, 73 Bromley Road Stockton-on-Tees  
 Mrs Julie Havelaar, 8 Cayton Drive Thornaby  
 Mr Stephen Chapman, 5 The Crescent Thornaby  
 Jan Leonard, 19 Epping Close Thornaby  
 Miss Patricia Charlton, 136 Weardale Crescent Billingham  
 Mr A D Harrow, 27 Kintyre Avenue Thornaby  
 Mr Peter Ansell, 2 Cayton Drive Thornaby  
 Christine Smith, 35 Lockton Crescent Thornaby

***Objections Summarised***

19. The land has historically been used as a green belt. New estates over the years such as Ingleby Barwick have encroached on the original surrounding woodlands and fields surrounding the estate and arguably provides enough suitable housing for future residents within the Teesside area.
20. The site attracts both a diverse range of local nature and wild life, including offering a space for current residents to enjoy an active lifestyle and pleasant atmosphere in and around the surrounding woodland.
21. The estate currently only has one access road and a small selection of local amenities for the current community. An addition of 50 houses will put pressure not only on the traffic congestion, but also local schools, public transport and services.

22. An extra 50 houses will create an increase in noise, pollution and affect the aesthetic nature of the original housing estate.
23. The estate currently has no level crossing, traffic control for the school or pedestrian safety measures, which would have a direct impact on safety for local school children and residents with extra cars entering the estate on a regular basis to access the estate through roads which have traditionally experienced a light flow of residential traffic.
24. This application has already been refused permission several times in the past.
25. The current roads already struggle to support the car traffic with it being a bus route. The drainage will not be able to cope with extra waste. There is also already an issue with schooling in this part of Thornaby.
26. The loss of privacy and light. The green wedge should be a protected site, i don't understand why it isn't.
27. I strongly object to this proposed development. Having bought my house for the views to the rear of the property and the open aspect looking onto Thornaby woods.
28. This proposed development would lose the only piece of Heritage Park Land that we have left in close proximity, an area designated by Stockton council as a GREEN BELT .
29. There is an abundance of wildlife using this piece of land ,Deer,Foxes,Pheasants and a multitude of birds. The land also has some rare species of Flora and Forna that must be protected.
30. These dwellings will be far to close to my home which will be 15.3 m from my wall to the dwellings wall my privacy is being taken away and with the 1.8m high close boarded fence in the winter months I will lose a lot of light and with the last application the drains can not cope with any more dwellings so there must be a health hazard as with the noise most of the residents are retired so if building goes ahead we will have to put with noise dust not nice.
31. There is loads of brown land in Stockton that needs building on so why build on green wedge
32. The existing properties on Liverton, Cayton and Lockton will be totally overlooked by houses and garages (as their gardens are not very big to start with) and these "New Build Houses" will not blend in with the existing type of houses that have been here for some 40 years.
33. If you want to build, then continuing building on Europe's Largest Housing Estate, - Ingleby Barwick an estate we do not want to be part of, which if you keep allowing the last pieces of "Green Wedge" to be built on this is where we will be heading. This must not be allowed to happen!!!
34. I object to the above development on the grounds that the location is in the Tees Heritage Park.
35. I would like to oppose the proposed building of 50 houses on land south of Cayton Drive. This is green belt land and will have a damaging effect on both the wild life, nature on the land and the local community.

36. I would like to know why Bellway homes have chosen to omit garages and extensions to the properties on Liverton crescent but show one tree. This appears highly irregular as properties not backing on to the development have these additions accurately added to the plans.
37. Our property has the smallest back garden in Liverton crescent and measures just 24 feet from back door to rear fence. I am extremely concerned regarding four parking bays directly at the rear of my fence, roughly one metre from it. There will also be four driveways on the planned properties all again directly at the rear of my fence. This is going to not only intrude on my privacy and light due to the four planned houses but also the fact that at least six if not more of cars could be parking directly behind my property causing not only extra noise but also pollution. Pollution from cars is a proven risk to health and as I suffer from COPD and my granddaughter severe asthma if these plans go ahead the use we will get from our own land will be greatly reduced.
38. Many residents here work night shifts, and the sustained noise which would be inevitable throughout the whole building period will be a HUGE and unacceptable disruption as relative peace and quiet through the day is crucial to their lives! I personally work from home and can not imagine the massive negative impact this will have on my productivity.
39. The Core Strategy was adopted by Stockton Borough Council in March 2010 and as such, as residents of the borough, we are expected to trust that the ideals it enshrines were both valid at the time and will remain so until 2026.
40. CS 7 1 iii ) States that priority will be afforded to the 'Core Area' ( including Stockton town centre and the riverside corridor from Bowesfield to the boundary with Middlesbrough. Land to the South of Cayton Drive and West of Middleton Avenue, Thornaby, clearly falls outside of this core area.
41. CS7 1 iv ) stipulates a target of 75% of dwelling completions on previously developed land. It is obvious that this land falls outside this category and, whilst this in itself should not be a reason for denying the necessary permissions to build at this location, I would remind Stockton Borough Council that the 9 year average (2004 - 2013) is 62.097% using it's own figures. Allowing this development will not improve this area of under achievement.
42. CS 7 2 states that 'no additional housing sites will be allocated prior to 2016 as the number of dwellings required as per the Regional Spatial Strategy has already been met through existing permissions.
43. CS 6 3 The quantity and quality of open space, etc. throughout the borough will be protected and enhanced. As custodians of our local environment let us hope that our planning department specifically and Stockton Borough Council more generally will be true to their words.
44. CS 8 3 ii ) Identifies Bassleton Beck Valley between Ingleby Barwick and Thornaby as 'Green Wedge'. I note the developer's agent attempts to argue that the land in question ought never to have been included as Green Wedge. I would congratulate those responsible for that original decision and point out that I have no financial motivation one way or another!
45. CS 8 5 recommends that 15-20% of all schemes of 15 dwellings or more should be affordable housing. I note that this proposal includes the lower figure of 15%. Whilst I'm no mathematician, 15% of the proposed 50 dwellings would be, let me see..... oh yes 7.5 dwellings!! Call me cynical but let's be honest, Bellway Homes, have no interest in the provision of affordable homes, otherwise every dwelling in this proposed development would be affordable. This is all about maximising profit on land that can be developed much more easily than other brownfield sites throughout the borough.
46. Four years into a 15 year strategy and SBC is not delivering against the Core Strategy Document. The vast majority of housing developments either in progress or awaiting approval fall outside the 'Core Area'. Stockton Council must find ways of releasing land to

developers that is consistent with its declared ideals regardless of whether the developers can realise a sufficient profit margin or not.

47. Reducing the minimum 'green areas' for kids to play, take dogs for walks etc, why can't these companies renovate empty buildings instead of building more houses, taking what nature we have left and turning everywhere in to a concrete jungle. The motorway isn't far, why can't we enjoy what little nature we have! If these houses are built, I am sure it won't be long until all the trees in the nearby woods are cut down and there will very little to look at and enjoy in the area. So I do not want these to be built, extending the already large estate!
48. In addition the additional pollution, noise and security issues this development would cause is not acceptable.
49. Section 2.7 of the Stockton-on-Tees Local Plan lists Environmental Objectives that are relevant to the formation of policies and proposals for the maintenance and improvement of environmental quality, specifically:-
  - to protect special habitats.
  - to protect landscape quality and the countryside. \*
  - to promote the creation of new habitats and landscapes. \*
  - to control the expansion of built up areas. \*
  - to promote the recycling of land and reuse of buildings. \*
  - to protect the built heritage and the urban environment.
  - to protect the public and the environment from pollution and hazard.
  - to support in appropriate locations development necessary for the generation of energy from renewable resources.
50. This proposed development is in direct contradiction with the four asterisked objectives and therefore permission should be refused.
51. The fact that the development is estimated to generate an extra 31 trips morning peak and 39 trips evening is a joke. 50 homes with an average of two cars some with up to three or four will create at least double to treble that. Simply because there are cycle paths and bus routes does not mean that they will be used at a higher rate than average.
52. The extra traffic the drop in house prices because of the development of the social housing property's and the crime rate and safety of my family with some of the people that may be placed in these houses.
53. It would appear that because the architect was not aware of our extension, a side elevation of a pair of houses has been placed far too close to the rear of our house. The plans appear to show the side elevation of the "Cherry" placed further down our boundary, and not; in fact, immediately behind our window because pre 1986 plans have been used. Please, could you check the developers' measurements in relation to the position of our house and taking into account our 1986 extension and, therefore, our proximity to the proposed "Cherry" house type.
54. SBC's Local Plan - Point 2.50 Regeneration and Environment Local Development Document - Consultation Draft, states:-

The function of the Green Wedge is to prevent the coalescence of communities within the built- up area (thus maintaining their individual identities). The policy seeks to improve the appearance of the Green Wedge by maintaining openness. Easy access from the urban areas into these green spaces is encouraged, and this contributes towards the quality of life

for residents in these urban areas. They also form an important part of the wider green infrastructure of the Borough.

This development represents an unjustified incursion into the open aspect of the Green Wedge defined in the adopted Stockton-On-Tees local plan and would be detrimental to the open character of the area contrary to Local Plan policy EN14 which seeks inter alia to protect the open nature of the landscape within the Green Wedge. Ref:-GP1 EN14.

55. Stockton Council's own Core Strategy Policy 10 [CS10] Point 3 states - "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:
- ii) Green Wedges within the conurbation,
- It goes further in point 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.
- Point 5 adds: "Habitats will be created and managed in line with the objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
- And finally Point 7 concludes: "Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, tourism offer and biodiversity will be supported, including:
56. In terms of the Tees Heritage Park, if this development were to be approved it would be in direct contravention of Stockton Council's own Core Strategy Policies and Green Infrastructure Strategy and would result in a contradiction of the commitment Stockton Council has given to the Tees Heritage Park. Clearly the Park is recognised by Stockton Council as having considerable value to the Borough and local community otherwise it would not be mentioned in Local Plans as being outside the limits to development. Its boundaries clearly defined within the Tees Valley Infrastructure maps as agreed with Stockton Council will become meaningless if development applications such as this at Basselton Beck are approved on the back of the dreadful decision to approve the retirement village within the Leven Valley at Mount Leven. The Tees Heritage Park is enjoyed by many people as a place to escape to from the rigours of stressful lives within built up communities. It is the duty of our local Council in planning the spaces we live in to provide us with such environments for our wellbeing, leisure and recreation, not take them away.
57. A final point worth mentioning is "Strategic Policy SP4 - Green Wedge: Within Green Wedges the Council will support the following land uses and small scale development: a- Agricultural, including allotments and horticulture  
b- Recreation c- Tourism which requires such a location d- Forestry e- Footpaths, bridleways and cycleways f- Burial grounds  
Provided they do not damage the function of the Green Wedge, which is to prevent the coalescence of communities within the built-up area by maintaining its appearance and openness.
58. Recent applications granted approval in and around Yarm have arisen out of the fact that Stockton Council have placed significant emphasis upon the NPPF instead of their own policies and in the process misinterpreted it. The NPPF clearly states that in approving a development "presumption should be in favour of sustainable development", the key word here being "sustainable". As everybody knows not one of the approved developments is sustainable in terms of highways, schools etc. Yet they have still approved on the basis of the 5yr housing supply. I think it is fair to say that the South of the Borough has now taken its fair share of providing housing for the 5yr housing supply and enough is enough. Also the NPPF is clear in giving the power of decision making to Local Councils themselves, the

NPPF does not choose the development site developers do along with consultation with the Local Authority.

59. I sincerely hope that Stockton Council will be more sympathetic this time round and re-establish its commitment to the Tees Heritage Park in rejecting this intrusive application within the Parks boundaries. In failing to do so would undoubtedly set yet another precedent for the break up of the THP thereby damaging the Council's reputation in the process.
60. The local planning authority deemed that the lack of a 5 year housing supply was insufficient reason to outweigh the irreparable damage to the character and openness of the green wedge and contravene the guidance of the Stockton-on-Tees core Strategy Development Plan Policy CS10(3i). Any building application for this land would surely again be refused as in a matter of months the issue of irreparable damage to be caused by developing this site still remain. As the 5 year housing plan was a large factor in the decision making process of this proposal and now a factor that has been proven and decided on as being insufficient I do not see how it should be taken into consideration again as there are many other sites which have already been proven to be much more accessible and appropriate for development in the local area.
61. The proposed development would still as in point 2 of the last local planning authority refusal raise unacceptable risk to highway safety. Parking and reversing issues were listed separately and so even if altered would not affect this 2nd reason for refusing the proposal.
62. There is mention of insufficient amenity for future occupiers but no consideration appears to have been made for the current occupiers who will be significantly affected by the lack of privacy in their homes and gardens, light reduction into south facing gardens, noise pollution and general stress and lack of quality of life. These homes were purchased due to their location and the fact that they backed onto a green wedge, some householders being in there homes since originally built.
63. A major query is to why the plans have not been noted as wrong as they are clearly omitting garages, extensions and established trees from properties on Liverton crescent. This seems most peculiar as all other garages etc are shown. These garages and extensions mean that properties are significantly closer to the new development than shown and numbers 23 and 25 have significantly less space at the rear than others and the proposed development plans have drive ways and parking bays less than a metre from the rear fences.
64. Kintyre Drive is currently being used as an access road for the drop off, and collection of children from Bader Primary School, and is very congested with traffic at least three to four times each day, and numerous complaints have been made to the school, neighbourhood enforcement, and the member of parliament of the lack of concern and total disregard for the neighbourhood, by motorists with inconsiderate double parking, parking on well kept grass verges, and pavements, and a lack of observation to the speed restriction. Any further development, with the traffic it would bring, would probably make Kintyre Drive a convenient alternative "Rat Run" to Access Thornaby Road.

#### **PLANNING POLICY**

65. 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

66. 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
67. The following planning policies are considered to be relevant to the consideration of this application:-

***National Planning Policy Framework***

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

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

***Saved Policy HO3 of the adopted Stockton on Tees Local Plan***

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

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

***Core Strategy Policy 1 (CS1) - The Spatial Strategy***

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

***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***

4. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
  5. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
  6. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
  7. 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. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
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***



9. 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.
10. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.
11. 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.
12. Support will be given to the Borough's Building Schools for the Future Programme and Primary Capital Programme, and other education initiatives, the expansion of Durham University's Queen's Campus, and the provision of health services and facilities through Momentum: Pathways to Healthcare Programme.
13. Existing facilities will be enhanced, and multi-purpose use encouraged to provide a range of services and facilities to the community at one accessible location, through initiatives such as the Extended Schools Programme.

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

14. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:
  - i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
  - ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
  - iii) The priority accorded to the Core Area;
  - iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.
15. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.
16. Areas where land will be allocated for housing in the period 2016 to 2021:
 

Housing Sub Area	Approximate number of dwellings (net)
Core Area	500 - 700
Stockton	300 - 400
Billingham	50 - 100
Yarm, Eaglescliffe and Preston	50 - 100
4. Areas where land will be allocated for housing in the period 2021 to 2024:
 

Housing Sub Area	Approximate number of dwellings (net)
Core Area	450 - 550
Stockton	100 - 200
5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.
6. Proposals for small sites will be assessed against the Plans spatial strategy.

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

17. 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).

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

- \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- \_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- \_ In the Core Area, the focus will be on town houses and other high density properties.

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

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

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

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

8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.

9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.

10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.

12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.

13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

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

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.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

- iii) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;
- iv) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

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

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

***Core Strategy Policy 11 (CS11) - Planning Obligations***

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

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

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

**MATERIAL PLANNING CONSIDERATIONS**

68. Planning permission is sought for a development of 50 residential properties (including 16% affordable houses) on land south of Liverton Crescent and Cayton Drive in Thornaby. The site is greenfield, within the defined limits of development and one which is designated as green wedge and which lies within the Tees Heritage Park. The main considerations of this application therefore relate to the impact of the development on these designations, the sites layout, design and highway related provisions as well as the impacts on surrounding properties and ecology. These and other material planning considerations are considered as follows;

***Principle of Housing within Thornaby***

69. The site lies within the 'Limits of Development' as defined within the Stockton on Tees Local Plan where residential development would, under normal circumstances be supported. However, the site is allocated as green wedge and the proposal would therefore be contrary to saved Local Plan Policy HO3(i) which removes general support for housing sites where land is allocated for another use.

70. Core Strategy Policy CS7 (Housing Distribution and Phasing) indicates the need for a 5 year supply of housing, priority being accorded to the Core Area and the aim of seeking 75% of development on Brownfield sites. It further indicates that no new allocations will be made before 2016. This proposal seeks permission for housing on a greenfield site out-with the core area prior to 2016 and as such would be contrary to this policy. Notwithstanding this, the guidance within paragraph 49 of the NPPF states that housing policies within Local Development Plans should not be considered as being up to date where the authority cannot demonstrate a five year supply of deliverable housing sites. The Council is only currently able to demonstrate a deliverable supply of housing of 4.08 years and as such, no weight can be afforded to Policy CS7. The principle of housing development is therefore considered to be in accordance with the principles of the National Planning Policy Framework.

71. Within the emerging Stockton on Tees Core Strategy Regeneration and Environment LDD, the site would fall outside of the limits of development, however, this is emerging policy and is only at a preferred options stage at the moment. Whilst it adds some weight to the argument for restraint, this must only be limited at the current time.

***Principle of residential development within the green wedge***

72. The NPPF seeks to conserve and enhance the natural environment by 'protecting and enhancing valued landscapes' (para. 109). The protection of green wedges is more specifically detailed within one of the 12 objectives (no.8) of the Core Strategy Development Plan (CSDP);

*'The strategic gaps and green wedges that prevent the coalescence of built up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value'.*

This is further expanded upon in CSDP Policy CS10(3). Core Strategy Policy CS10(3) indicates that

*'the separation of settlements, together with the quality of the urban environment will be maintained through the protection and enhancement of the openness and amenity value of green wedges within the conurbation',*

including the one between Ingleby and Thornaby (Bassleton Beck Valley). Prior to the core strategy, the green wedge was protected through the local plan adopted in 1997. The green wedge has therefore been protected via policy for in excess of 15 years. Prior to / during some of this period, green wedges were also protected by the county structure plans.

73. In view of current policy, housing development within the green wedge would be contrary to the core strategy, however, this needs to be balanced against the lack of a deliverable 5 year housing supply. This balancing needs to take account of the form and function of this area of the green wedge and its relationship with the surrounding settlements, i.e. its value.
74. Officers have made several site visits and note that the site is of a very different character and appearance to the wider area. The site is a slightly undulating linear and somewhat over grown grassed area with limited landscape features of any scale within it. Immediately to the south lies a maturing woodland which is also part of the green wedge. This area of tree planting will have steadily matured to form its current appearance and therefore changed in character since its initial designation. Currently, when there is little leaf cover associated with the woodland to the south it is possible to view rooftops associated with Ingleby Barwick from within the site when stood at ground level and views from nearby properties which are at a higher level will achieve more visual connection with Ingleby Barwick on the opposing side of the valley and therefore a greater appreciation of the function of the green wedge between the two settlements.
75. In determining the previous application, consideration was given to the value of the green wedge as a strategic gap between Thornaby and Ingleby which are two separate and distinct settlements on opposing sides of the valley of Bassleton Beck. Officers considered that encroachment of built form down into the valley represented a detrimental impact to the value of the green wedge and considered it would be a significant intrusion although accepted that views of the properties proposed may only be sporadic from selective view points.
76. It is recognised that the site creates an alcove within the green wedge with other residential development to the east and west. The proposal to develop the site would effectively reduce the green wedge at this point from 380m deep to 330m deep and would impact across a significant width which forms the ridge of the green wedge in this location. The previous scheme was also considered to place pressure in the future for tree removals within the remaining green wedge due to the proximity of properties to trees. This matter

has now been rectified with the proposed layout through a more generous spacing of properties from the tree canopies.

77. It was previously accepted that tree planting near to the site would need to be thinned as it grows and that views from the footpath through Bassleton Beck to the south of the site may be achieved as a result, thereby compromising the integrity of the green wedge. It was also considered that the current tranquillity that the site gives to the public footpath due to it buffering the site from existing residential development would be affected due to it bringing residential development and associated domestic noise such as that from vehicles being in closer proximity to the more public areas of the remaining green wedge. These matters, along with the site being at a high point in the green wedge resulted in a reason for refusing the previous application.
78. Whilst officers remain to stand by these previous considerations, the layout has been amended to remove likely future pressures to remove trees from the northern woodland boundary line due to more spacing between the trees and the proposed properties. Further to this, the Secretary of State, in determining an appeal on the opposing side of Ingleby Barwick gave limited weight to the value of the green wedge over the need to provide housing. Whilst these sites are of a very different nature and therefore value, the limited weight given to the green wedge is now guiding officer's considerations in respect to this current application. The site is in private ownership and has no trees or other notable landscaping within it to any extent. The site lies adjacent to a maturing woodland which continues from the southern boundary of the site down the valley to Bassleton Beck and up to Ingleby. The housing layout has changed to one which should allow the woodland to continue growing unaffected whilst the woodland should further mature and gain greater height and therefore provide greater visual separation between settlements, even if the physical gap is reduced. In balancing these matters, officers consider that the development of the site, whilst contrary to the development plan in respect to its impact on the green wedge, is no longer sufficient justification to outweigh the current material planning considerations which include the lack of a deliverable 5 year supply of housing. This consideration also takes into account the proposal being contrary to emerging Strategic Policy SP4 'Green Wedge' which continues the approach to green wedges found in Core Strategy Policy CS10 and which the councils Spatial Plans Manager has advised can itself be given limited weight due to the amount of objection to it.
79. The Council for the Protection Rural England have objected to the application as have residents and others due to the impact on the green wedge and a case has been referred to whereby significant weight was given to the value of green belt. Whilst noted, this case is not considered to carry significant weight in determining this current application due to many differences in terms of policy and siting and this current proposal has been considered on its site specific circumstances and those of locally representative appeals.

***Impact on the Tees Heritage Park***

80. The site is located within the Tees Heritage Park as defined under Core Strategy Development Plan Policy CS10 and as detailed within one of the 12 objectives of the Core Strategy Development Plan which is;

*'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees'.*

*'The provision of leisure and recreation facilities as part of the Tees Heritage Park will provide more open space accessible to the public, improve the opportunity for water based facilities and enhance the areas landscape and biodiversity. A high quality network of*

*urban parkas and green spaces within the conurbation will contribute to a better quality of life for all'*

81. Core Strategy Development Plan Policy CS10(7) gives support for initiatives which improve the quality of the environment in key areas (including Tees Heritage Park) where it may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity.
82. Residents and others, including the group 'Friends of Tees Heritage Park' and the CPRE have objected to the development of the site due to it being part of the Heritage Park which they indicate as being an area where protection is given to improve the landscape, wildlife and ecology for future generations. It has been indicated that Lottery funding has been used in other areas of the Park and that the community are able to enjoy this asset. It is suggested by objectors that the Heritage Park would be irreparably damaged by the proposed development.
83. It is considered that the loss of the site to residential development would not constitute an improvement as detailed in CS10 and as such, the proposal would be contrary to this Policy. However, this site is at the far side of the Tees Heritage Park, away from the river and the associated water based facilities, within private ownership. As such, the impacts of this development on the Tees Heritage Park are considered slightly differently to those on the green wedge. The site has some ecological benefits although ecological opportunities and wildlife corridors will exist within the woodland to the south. In view of these matters, the impact on the heritage park is considered to add insufficient weight against the principle of development on the site when taking into account the lack of a 5 year deliverable supply.

***Highway related matters***

84. A focus of objection from local residents, the Local Councillors and the Town Council has been around the impact of the additional traffic that this proposal would result in, with residents highlighting existing problems for Bader Avenue, suggesting some 6000 vehicles can use this each day. Residents consider it will increase risk to highway and pedestrian safety particularly in respect to school children crossing the roads in the local area.
85. The development is located in an existing residential area and would benefit from existing connections and access to amenities serving the current residential properties. The nearest bus stops are located on Bader Avenue and are within walking distance of the proposed development. These stops provide access to frequent daytime services to Middlesbrough and Stockton. There is a Public Right of Way to the west of the site (accessed via Bassleton Lane) which provides access through Bassleton Wood to Ingleby Barwick. There is also a Public Right of Way travelling southwards from the site through Thornaby Wood. An off road cycleway is provided running parallel with Thornaby Road from Middleton Avenue to Ingleby Barwick. In view of these matters, the existing public transport, pedestrian and cycle connections are considered to make the site reasonably accessible by sustainable modes.
86. The proposed site layout has been amended from that of the previous application. There remains to be two access points into the site off Middleton Avenue and Cayton Drive and a liner road layout running east west across the site. This has now been split part way along with a footpath linking the two sections. As such, pedestrians will be able to pass freely through the site but vehicles will be split which will limit the maximum potential impact on the adjacent streets of Cayton Drive and Middleton Avenue. The Head of Technical Services has advised that all traffic accessing the site would do so via Bader Avenue to the north which provides the only access into the wider estate and having considered the projected trip rates, it is considered that the scheme would not lead to unacceptable trip

generation as it would be unlikely to have a significantly adverse impact on the highway network.

87. A traffic calming scheme has previously been identified as necessary on Middleton Avenue due to vehicle speed concerns expressed by residents and as this development would increase the number of vehicles on Middleton Avenue, the developer has been asked to, and has agreed to funding a traffic calming scheme on Middleton Avenue which would form part of the Section 106 Agreement.
88. The Head of Technical Services has confirmed that adequate parking exists throughout the site, with sheds being provided for storage to allow better use of garages where provided. A condition is also recommended to provide roller shutter doors where drive lengths are slightly below the normal length sought which will allow cars to park closer to the garage doors and thereby prevent any overhanging of vehicles.
89. The Head of Technical Services has requested a Construction Management Plan is in place for the development of the site and in view of it being part of an estate with a single access road serving it off Thornaby Road, this is considered to be a suitable suggestion. A condition has been recommended accordingly.

***Layout and street scene considerations***

90. This proposal details a linear layout to the properties, served of the main highway running through the site. Properties and their garages have been moved away from the maturing tree belt to the south which is considered sufficient to mitigate any likely impact on the trees and prevent future occupiers of the properties from being in permanent shade.
91. Although objections from residents are raised in relation to impacts on amenity, privacy and on established landscape features, officers consider that proposed properties have been set a sufficient distance from existing properties to the north and west of the site to prevent undue impacts on privacy and amenity and any existing trees, with distances between opposing elevations of existing and proposed properties exceeding those that would normally be expected.
92. Open space has been provided for the scheme which is of a scale and shape which will have limited use and would not represent formal open space for active play, instead being open space associated with the greening of the development. The Council would be unlikely to adopt such an area of land whilst off site provision would remain to be necessary in line with council policy. As such, a condition is recommended in relation to the future management of any communal open space within the site which is out-with residential curtilages.
93. Open plan front gardens and private rear gardens are provided to all properties, with some being relatively small and other relatively large which is considered to provide a good mix.
94. The Street scene provides some opportunities for landscaping whilst the tree belt to the southern side will be visible between properties and above roof tops which will provide a positive characteristic to the development. In order to prevent small frontages being enclosed in a sporadic form in the future which would adversely affect the character of the street scene, a condition is recommended removing permitted development rights. Further to this, in order to prevent undue impacts on the root systems associated with the trees to the southern boundary and prevent undue impacts from the higher density parts of the development, a condition is recommended to remove permitted development rights for the erection of extensions to the properties.



95. The proposed house types and scale of properties are considered to be suitable for the area.
96. A number of objectors have raised concern over the plans not accurately showing all extensions and other elements associated with existing properties which back onto the site. Whilst noted, the proposed dwellings are in many cases several metres further away from existing properties than would normally be expected in an urban environment and as such, will prevent any significant or undue impacts of overlooking.

#### ***Impacts on Ecology & Biodiversity***

97. The site has no specific wildlife or ecological designations on it although many objections have been raised, advising that a wide range of wildlife uses the site and that this proposal will have an undue impact on that wildlife. As with the previous application, the submission has included an ecological statement which considers these matters. The report indicates that there are no records of protected species at the site although some do exist within the wider area, that there are no features on the site that would support otters or water voles, that it is unlikely to affect any Great Crested Newt habitat and that there are no badger setts on the site.
98. Whilst the site may be being used by wildlife it appears that this (apart from nesting birds) is likely to be for general foraging. In view of this, and the site being adjacent to a woodland which offers more extensive provision, it is considered that the proposal would have a limited impact on wildlife and ecology and that were permission to be granted, impacts on wildlife could be suitably mitigated through the provision of a condition as recommended, relating to timing of works. For similar reasons, it is considered that the proposed development would not unduly affect biodiversity within the Borough.

#### ***Other Matters***

99. Previously, consideration was given to the relevance of a Landscape Capacity Study undertaken by White Young Green on behalf of the Council. The relevance to the application site was part of a wider area (site 64 of the capacity study). Whilst this study indicates a low landscape capacity for change and change only for development associated with passive recreation, this reference relates to the overall site (site 64) and is not specific to the application site. The Landscape Capacity Study would therefore not support the nature of the change being proposed, although, it is appreciated that the site forms only a small part of the area assessed in this regard.
100. The councils Environmental Health Officer has raised no objections to the application although indicated that a condition should be imposed in respect to unexpected land contamination. In addition to this it is considered appropriate to limit construction working hours and the associated impact of the construction phase on nearby residential properties.
101. A number of objections have previously been raised in respect to the impact on landscaping to the eastern side of the site which are suggested as being an ancient hedgerow and a small number of trees. The site layout has been amended from its initial submission and provides open space to the eastern site boundary along with the access road and a front garden. It is considered that the revised layout would generally allow for the retention of these features. A tree protection condition has been recommended.
102. In accordance with the requirements of Core Strategy Policy CS3(1) major residential development such as this would need to be built to Level 4 of the Code for sustainable homes and would also require renewables to be provided on site to ensure 10% of total predicted energy requirements would be provided on site. Conditions are recommended to address these matters.

103. Core Strategy Policy CS8 (5) requires new major housing development of 15 dwellings or more to provide affordable housing within a target range of 15-20%. The policy also states that the targets are minimums. The applicant has detailed a 16% provision of affordable housing which would generally accord with the policy. Whilst a 20% provision for the site was previously sought officers have been advised by Counsel that due to the wording of the Core Strategy Policy, any provision between 15 to 20% would be compliant. This advice is also reflected within the Secretary of State's recent appeal decision on the other side of Ingleby Barwick, where it was determined that provision of 15% affordable housing would comply with the Council's adopted policy.
104. Northern Gas Networks have advised that they have no objections to the proposal but that there may be apparatus in the area and the developer should first contact them before commencing any development. An informative has been recommended to address this.
105. Objection was raised previously that the proposal would result in the loss of agricultural land, however, the land is not in active agricultural use, and is of a limited scale. Whilst the site could readily be used for agricultural purposes, were the site to be lost to the housing development, it would not constitute a significant loss of agricultural land and it is considered that this would not outweigh the need for housing provision in view of a lack of a 5 year supply.
106. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations towards highways infrastructure, as already detailed in the highways section of this report and in respect to the provision of open space, and recreation facilities. Officers have applied the council's standard formula for off-site provision of such space as there is no such usable space provided within the layout. Officers have highlighted local schemes where monies could be used to support such schemes and a figure for this has been included within the Heads of Terms.
107. Objections, including those from the Town Council are raised in respect to the lack of available school places within the surrounding area and as with all major residential developments, this would be provided for (if places were required at the time of commencement) via a formula based contribution as required by the council's Supplementary Planning Document 6.
108. Objection was previously raised suggesting that the proposed development may result in ground heave within the curtilages of existing properties. There is no evidence to demonstrate this whilst a condition is recommended to deal with surface water from the site.
109. There are no Tree Preservation orders within the site although trees along the boundaries of the site have been taken into account in the positioning of properties and it is considered no significant tree works would be required as a result of this proposal.
110. Objections have been received in relation to loss of views over the land and devaluation of property prices, neither of which are considered to be material planning considerations.
111. Objections have been raised which suggests that existing drains cannot cope with flood condition weather. Whilst this is noted both the Environment Agency and Northumbrian Water have responded to the consultation exercise. The site is situated within flood zone 1 and presently not at risk of either tidal or fluvial flooding. A condition has been recommended as suggested by the Environment Agency and Northumbrian

Water in respect to limiting surface water run-off from the site whilst Northumbrian Water have confirmed foul water can connect into their existing system in the area. In view of these matters, it is considered that there would be no undue impacts on the risk of flooding in the surrounding area as a result of this proposed development, subject to the condition as recommended.

112. Objections have been raised suggesting that the proposal would be detrimental to tourism, funding opportunities and community spirit although these matters are partially unsupported by any evidence and are considered to carry insufficient weight to outweigh the lack of a 5 year housing supply.

### **CONCLUSION**

113. The proposed development of the green wedge is at a high point with the adjacent Bassleton Beck Valley and due to its position and the nature of the development, it is considered that the proposal would detrimentally affect the character and function of the green wedge. Due to changes between this and the earlier scheme it is considered that this will have a reduced impact on the green wedge, in addition to which, in view of existing material planning considerations, it is considered that the impact on the green wedge and other designations is insufficient reason to outweigh the lack of a 5 year housing supply.
114. It is considered that the site layout has adequately taken account of the surrounding woodland and residential development and would have no significant detrimental impacts on these adjacent uses and features. It is further considered that the scheme makes adequate provision for properties, spacing within the site, gardens, parking and the turning and manoeuvring of vehicles in accordance with local development plan policy.
115. Subject to conditions as recommended and Section 106 contributions being made towards education, a highway scheme and towards off site open space, recreation and landscaping, the scheme is considered to be suitable for approval.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

### **WARD AND WARD COUNCILLORS**

Ward Village  
Ward Councillors Councillor I J Dalgarno, Councillor Mick Moore

### **IMPLICATIONS**

#### Financial Implications:

There are no known financial implications in determining this application.

#### Legal Implications:

There are no known legal implications in determining this application.

#### Environmental Implications:

The assessment of the application has taken into account the impacts on wildlife and ecology, the green wedge, the heritage park and the general character and appearance of the area as well as impacts on adjoining properties and the adjacent woodland. It is considered that there would be no undue impacts on wildlife and ecology and the heritage park, although the impact on the green wedge is unacceptable. Detailed considerations are listed within the report.

#### Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report which has included an assessment of peoples representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development.

**Community Safety Implications:**

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

Within this report consideration has been given to implications of increased traffic movements and the need for traffic calming along Middleton Avenue. There are no other notable impacts on community safety recognised within the assessment of the proposed development.

**Background Papers:**

SBC - Regeneration and Environment DPD - Preferred Options draft

Stockton on Tees Landscape Capacity Study (White, Young Green)

Tees Valley Biodiversity Action Plan

Other applications and planning history for the site