

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**1 JULY 2015**

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

**14/3012/REM**

**Land North Of Low Lane, High Leven, Yarm**

**Reserved matters application for the construction of 70 dwellings and associated infrastructure, appearance, landscaping, layout and scale**

**Expiry Date 16 February 2015**

### **SUMMARY**

The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively, with Low Lane situated to the south.

The site forms part of the site which the Secretary of State granted outline planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT). Since the original submission, various amendments have been made to address the concerns of Officers and the application now seeks approval under reserved matters for 70 dwellings and associated infrastructure, including highways and landscaping. The scheme includes two storey units which will provide two, three, four and five bedroomed dwellings, 10 of which will be affordable housing units.

Fourteen letters of objection have been received to the application, these raise matters of principle such as the loss of green wedge, lack of infrastructure within Ingleby Barwick and wider issues such as the impact on traffic and congestion. Although the report considers these matters in much greater detail, the principle of residential development on the site has already been established and the main considerations with respect to this application surround the finer details regarding the design and appearance, layout and landscaping of site.

Although the concerns of the objectors are noted, the principle of residential development on the site has been established as part of the outline planning permission granted by the Secretary of State. The scheme is considered to be visually acceptable, will provide adequate landscaping and not have any significant impacts on levels of residential amenity or highway safety. The proposed development is therefore considered to be acceptable in all regards and is recommended for approval subject to those conditions within the report below.

### **RECOMMENDATION**

***That planning application 14/3012/REM be approved subject to the following conditions and informative(s);***

**Time period for commencement:**

01 **The development hereby permitted shall be begun before the expiration of two years from the date of this permission.**

**Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).**

**Approved Plans:**

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

<b>Plan Reference Number</b>	<b>Date on Plan</b>
SBC0001	10 November 2014
SBC0003	10 November 2014
SBC0004	10 November 2014
SBC0005	10 November 2014
SBC0006	10 November 2014
SBC0007	10 November 2014
SBC0008	10 November 2014
SBC0010	10 November 2014
SBC0011	10 November 2014
SBC0012	10 November 2014
SBC0014	10 November 2014
DAN 001	14 November 2014
SBC0009 A	30 April 2015
SBC0017	30 April 2015
SBC0018	30 April 2015
SBC0019	30 April 2015
DAN001A	14 November 2015
D123_L-002 REV H	19 June 2015

**Reason: To define the consent.**

**Planting details:**

03 **A detailed planting scheme in accordance with those landscaping principles shown on drawing D123\_L-002 rev H shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the first dwelling. Such a scheme shall specify final tree/shrub types and species, stock size, numbers and densities. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**

**Landscape Maintenance:**

04 **Prior to the first occupation of the first dwelling a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.**

*Reason: In the interests of amenity and the maintenance of landscaping features on the site.*

**Hard Landscaping:**

- 05 *Notwithstanding any description contained within this application, prior to the first occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings and street furniture).*

*Reason: In the interests of visual amenity.*

**Tree Protection:**

- 06 *Notwithstanding the submitted information no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.*

*Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality that should be appropriately maintained and protected.*

**Materials:**

- 07 *Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the hereby approved dwellings have been approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved detail.*

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

**Means of Enclosure:**

- 08 *Notwithstanding those details submitted as part of this application, the means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before such fencing is erected. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.*

*Reason: In the interests of the visual amenities of the locality.*

**Existing and Proposed Site levels:**

- 09 *Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and*

**approved by the Local Planning Authority prior to the commencement of the development.**

**Reason: To define the consent and in the interests of the amenity of the neighbouring occupiers**

**Travel Plan;**

**10 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:**

- (i) the appointment of a travel co-ordinator**
- (ii) a partnership approach to influence travel behaviour**
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site**
- (iv) provision of up-to-date details of public transport services**
- (v) continual appraisal of travel patterns and measures provided through the travel plan**
- (vi) improved safety for vulnerable road users**
- (vii) a reduction in all vehicle trips and mileage**
- (viii) a programme for the implementation of such measures and any proposed physical works**
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.**

**The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.**

**Reason: To establish measures to encourage more sustainable non-car modes of transport.**

**Foul and Surface Water drainage;**

**11 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Any surface water discharges from this site should be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated and shall be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage to accommodate a 1 in 30 year storm and ensure that storm water resulting from a 1 in 100 year event surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Thereafter the development shall take place in accordance with the approved details.**

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

**Discharge of Surface Water;**

**12 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.**

**Reason: In the interests of highway safety**

- 10% Renewable energy requirement**  
13 ***The hereby approved school building shall be constructed in accordance with the submitted 10% renewable energy report namely, FES group, 'Energy and Carbon Analysis report, Ingleby Barwick' (August 2014)***
- Reason: To limit the energy requirements of the development in accordance with the NPPF and government guidance on climate change.***
- Ecological Survey:**  
14 ***The hereby approved development shall be carried out in accordance with the findings and recommendations set out within the Argus Ecology Bat Survey (Sept 2014) and the Argus Ecology Extended Phase 1 Habitat Survey (Sept 2014).***
- Reason: To conserve protected species and their habitat.***
- Noise protection - traffic noise**  
16 ***The hereby approved development shall be carried out in accordance with the findings and recommendations set out within the submitted noise assessment report by Wardell-Armstrong (October 2014)***
- Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.***
- Removal of PD Rights - All Householder**  
17 ***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 2015 (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 or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.***
- Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.***

#### **Informative: Working Practices**

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

#### **BACKGROUND**

1. The application site has a relatively long and varied site history, with two applications for outline planning permission originally being sought in the mid 1970's for residential development, with the later application being refused (refs; S1626/74 & S1629/75). A further application for residential and ancillary development was also refused and the subsequent appeal dismissed by the secretary of state (ref; S1389/88). The land forming the application site was also envisaged as being part of village 7 of Ingleby Barwick although this village was removed from the master plan and Ingleby Barwick as a whole proceeded as 6 'villages'.
2. Planning approval was then granted for an 18-hole golf course and driving range (ref; 90/1965/P) with a further application in 1994 seeking the provision of a golf driving range, new access and service building (ref; 94/0385/P). These planning consents were re-established in 1997 and renewed in 2000 and 2003, with the later consent expiring in September 2006.

3. Also in 2006 outline planning permission was sought of a mixed-use development (ref; 06/2593/OUT) comprising of a family pub, play barn, lodge and children's nursery. This application was withdrawn following concerns raised by the Local Planning Authority.
4. More recently a planning application was submitted and refused for outline planning permission for the erection of Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT) which was allowed by the Secretary of State. A further outline application under section 73 of the Town and Country Planning Act was then approved (ref; 13/3077/VARY) which allowed for the re-wording of some of the conditions imposed under that appeal to allow for a phased approach to the development. A reserved matters application for the erection of the free school has also recently been approved (ref; 14/3281/REM).
5. Planning approval has also been granted for a 4 bed detached dwelling house with integral double garage and associated landscaping, to the west of Little Maltby Farm (north east of the application site), (ref: 14/2544/FUL & 15/0503/REV)

### **SITE AND SURROUNDINGS**

6. The application site lies to the south-east of the existing settlement of Ingleby Barwick and is currently a series of open fields bounded by hedgerows. The residential properties of Regency Park and Priorwood Gardens bound the site to the west and north-west respectively.
7. Low Lane runs to the south of the site and a small collection of residential and commercial properties lie on the opposite side of the road. A small group of former farm buildings, known as 'Little Maltby Farm' and the residential property 'Leven Lea' lie immediately to the east of the majority of the site, whilst the proposed Ingleby Manor Free School site lies to the west, with additional housing parcels are located to the north and north-east.

### **PROPOSAL**

8. Planning permission is sought under a reserved matters application for the erection of 70 dwellings and associated infrastructure, including highways and landscaping. The proposed development proposes a mix of two, three, four and five bedroomed properties, including provision for 10no. affordable dwellings. The proposed units will be two storey in scale with a variety of property sizes and styles.
9. Since the original submission a series of amendments to the proposal have been made, which has led to the scheme being revised from 85 dwellings down to 72 units.

### **CONSULTATIONS**

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

**Natural England** – No comment to make on this reserved matters application

**Highways Agency** – no objection

**Highways Transport and Environment** – The development is reserved matters application for the construction of 70 dwellings and associated infrastructure, appearance, landscaping, layout and scale and follows on from the consent granted at Appeal (Application Ref: 12/2517/OUT) and pre application discussions (planning application 14/2029/PREAPP) that were made on a previous layout for 76 dwellings.

The Highways, Transport & Environment Manager, subject to the details and conditions set out below, has no objection to the proposed reserved matters application for the construction of 70 dwellings and associated infrastructure, appearance, landscaping, layout and scale.

Highways Comments

## Layout

All new developments must be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) and Supplementary Planning Document 3: Parking Provision for New Developments. The applicant will need to enter into a Section 38 Agreement for the highway and footpaths which will become highway maintainable at the public expense.

One vehicular access into the development is proposed. This will be designed to serve up to 350 new dwellings and a new school. The layout includes the formation of a distributor road with a width of 7.3m suitable to provide future bus penetration through the wider site. Vehicular access will take the form of a new roundabout on the A1044 Low Lane and an internal roundabout which will be provided by others. There is also a requirement for the provision of an emergency access, from the development, to connect with Low Lane through the proposed Public Open Space at the Southern boundary of the site.

The proposed reserved matters application, as shown on drawing ref IB\_SL\_01 Rev I, will be served from the internal roundabout and will form part of the overall development of 350 dwellings. The internal roads within the proposed development meet the necessary Design Guide standard, and provide a 2m wide footway on both sides of the carriageway. The layout must ensure that all junctions, within the proposed development, have at least 2.4m by 43m visibility splay and this has been achieved.

Auto-tracking has not been provided for the routes that are expected to be highway maintainable at public expense however turn heads have been checked using tracking overlays, for a refuse wagon and they are considered to be acceptable.

In accordance with the Design Guide, no more than five properties may be served from a private access. The site layout submitted, drawing ref IB\_SL\_01 Rev I, meets this requirement. The maximum distance from the public highway to the point of refuse collection, associated with dwellings served by a private drive, must not exceed 25 metres. Details of the location of bin collection points should be provided and this is to be secured by condition.

An existing Public Right of Way (PRoW) runs through the site and is incorporated within the open space / landscape buffer to the eastern boundary of the proposed development. It should be noted that granting of planning permission does not entitle the developer to obstruct the Public Right of Way and permission will need to be granted if a temporary closure is required to upgrade the footway. Enforcement action may be taken against any person who obstructs or damages a Public Right of Way.

## Parking Provision

Car parking must be provided in accordance with Supplementary Planning Document 3 (SPD3): Parking Provision for New Developments. Accordingly, the residential parking standards are:

- Five bedroom dwellings – four parking spaces per dwelling;
- Four bedroom dwellings – three parking spaces per dwelling;
- Three and two bedroom dwellings – two parking spaces per dwelling; and
- RSL dwellings – 1 parking space per dwelling (with option to upgrade to two spaces).

In accordance with SPD3, incurtilage parking should be 6m in length and a garage will only be counted as a parking space if it meets the minimum internal dimensions of 6m x 3m (and 6m x 5.5m for a double garage). The proposed layout has been reviewed and the necessary design standards have been met.

## Sustainable Transport

The site is conveniently located within walking distance of bus facilities on Barwick Way and will benefit from good pedestrian and cycle linkages. It is noted that the applicant has not provided a Travel Plan and this should be secured by condition.

#### Landscape & Visual Comments

The landscape details are subject to the discharge of the following controlling condition placed on the consent:

- No development shall take place until an Open Space Strategy has been submitted to and approved in writing by the local planning authority. This shall identify the extent, location and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved Open Space Strategy.

The Open space strategy plan drawing reference 1835\_32 Rev B has been submitted in support of the application and as it affects this particular site is considered acceptable. Details should be provided outlining how this development will carry out the relevant parts of the open space strategy land area that fall within the application red line boundary.

#### Estate landscaping soft works

A general planting plan drawing reference D123\_L-002 rev H has been submitted outlining the landscape treatment for the site. This plan is considered acceptable subject to the following points,

- Advance planting of the landscape buffer zone to the south should be considered to allow for the establishment of this proposed planting to screen and soften the development.
- Permission should be obtained from the statutory undertakers (gas and water) before finalising the detailed planting plan to ensure they are happy with the shrub planting shown on the plan within the services easements. However should the areas affected be required to be a grass surface only the council would not object to this.
- It is advised that lower numbers of Ceanothus, (on account of its moderate hardiness in this area) are used within the detailed ornamental shrub scheme and then only in sheltered areas.
- Euonymus should be planted at 7/sqm to ensure good cover in this area.

A detailed planting plan and a landscape maintenance plan should be submitted in line with the condition wording in the informative section at the end of this memo.

#### Hard landscaping

A detailed plan is required in line with the condition wording in the informative section at the end of this memo.

#### Enclosures

The Information contained on plan drawing reference IB\_BT\_01 RevD, showing the location of the enclosures within the scheme is acceptable. Section drawings are required in line with the condition wording in the informative section at the end of this memo.

#### Existing trees

No dig construction details will be required where the proposed footpath crosses the root protection area of the Ash Tree T3 in line with the condition wording in the informative section at the end of this memo.

#### Open space and footpaths

The open space strategy, as required under condition 5 and 6 of the Appeal decision (ref A99/H0738/A/13/219538), has not yet been approved by the Council but will require the



provision of a 0.6ha area of informal play space set within a wider area of Public Open Space (POS) totalling 1.0ha, to avoid nuisance to neighbouring properties, for the wider development.

The use of the open space to the front of this site is restricted to limited, passive informal uses only, such as the footpath access indicated, and it is therefore not considered to form part of the requirements of the open space strategy. This is due to the service easements and the close proximity of the A1086 main road on the southern edge of the site and the need for dense woodland type planting to provide a substantial tree buffer for the development.

Therefore prior to commencement of this phase of development the phasing for the provision of the required open space and the open space strategy must be agreed. The area of POS to be agreed through the open space strategy will be outside of the red line boundary for the current reserved matters application. It would therefore be beneficial to progress the agreement of the open space strategy prior to carrying out any amendments to the current proposals.

#### Flood Risk Management

The planning application does not provide sufficient detail with regards to the management of surface water from the development site and this should be secured by condition.

#### Other Relevant Comments:

- The development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the development or existing surface water/groundwater issues on the site must be alleviated by the installation of an appropriate surface water drainage solution we strongly support the use of sustainable drainage systems.
- The discharge rate from the development site should be limited to greenfield runoff rate and must be agreed. The point of discharge for the surface water drainage must be agreed and confirmed in writing.
- The FRA submitted as part of 12/2517/OUT states it is recommended that each phase of the development has a form of attenuation within it so the surface water runoff is dealt with at source. No details have been submitted to state how surface water runoff will be managed from phase 1a, 1b or 1c of the overall development site. Full design details of the surface water management must be submitted for approval.
- This application is for Phase 1 of a potential 4 phase development, therefore the surface water management solution for phase 1 should not be considered in isolation, careful consideration should be given to a surface water drainage strategy that covers the whole site and demonstrate how phase 1 will form part of that overall solution.
- A timetable for construction should also be included especially if it's going to be a phased solution. It should be noted there may be a culvert that passes through the phase 1 of the development; there is an assumed connectivity from sink adjacent to Glen Coe, Low Lane to a drain adjacent to Little Maltby Farm, Low Lane. This assumed connectivity must be investigated and if proven should remain in place.
- It is recommended that you contact the flood Risk Management Team on 01642 526879 or 01642 526497 or you can e-mail [TechnicalServices@stockton.gov.uk](mailto:TechnicalServices@stockton.gov.uk) at an early stage to discuss surface water management plan for this development.

**Head of Housing** – confirms that 10 affordable units as part of this application would be acceptable on the understanding that this complies with the phasing outlined within the s.106 agreement. The tenure split should be 70%/30% (rent/intermediate tenure) with 91% (9 units) being 2 bed and 9% (1 unit) being 3 bed. This equates to 6no.2 bed roomed properties for rent, 3no. 2 bed properties for Intermediate tenure and 1no 3 bed property for rent.

**Environmental Health Unit** – No objection in principle but requests conditions are imposed on the following matters;

- Construction/Demolition - Open burning
- Construction/Demolition Noise
- Demolition and Dust Emissions
- Open burning

**Northern Gas Networks** – No objections

**Northumbrian Water Limited** – request that due to the significant size of the proposed development, Northumbrian Water are consulted on any information submitted as part of a general drainage strategy, but offer no objections.

**The Environment Agency** – no objections to the proposed development, but comment that the layout drawing shows that there may be potential for development over a culverted ordinary watercourse/drainage ditch when studying the Detailed River Network and recommend that the applicant consults with the Lead Local Flood Authority.

**Tees Archaeology** – The applications includes a Written Scheme of Investigation for archaeological trial trenching. This trial trenching took place in November and I have received a copy of the report for the work under separate cover. In summary, a number of archaeological features were noted in the north-west corner (free school site) of the development area, which almost certainly relate to a Bronze Age settlement with the remainder of the site having a more limited archaeological potential. I would advise that the Inspector's condition (No. 18) for application ref: 12/2517/OUT remains valid and should be transferred to the current reserved matters application.

**The Ramblers Association** – The application makes no reference to Maltby 2 Public Bridleway which runs adjacent to the eastern boundary and to the north of the site and it should be indicated on valid planning applications. They object until they can make an assessment of how the public right of way may be affected.

**Private Sector Housing** – No comments

**Stockton Police Station** – No objections to the application but advice is offered with respect to 'Secure by Design' principles and opportunities for designing out opportunities for crime. This includes height of fencing, natural surveillance, lighting, landscaping and car parking.

**Ingleby Barwick Town Council** – raise issues with regards to the lack of infrastructure (education, health care, supermarkets, shops and leisure facilities) as well as issues regarding an increase in traffic and safety issues. It is also highlighted that although this application is in Ingleby Barwick East Ward, it falls within the boundary of Maltby Parish.

## **PUBLICITY**

11. Neighbours were notified and those comments received are set out below (in Summary) a total of 14 letters of objection have been received to the application.

### **Objections:**

- Loss of green land/green wedge
- Lack of public consultation on the proposals
- More housing is not wanted/needed
- Land should be Compulsorily Purchased by SBC
- Amended proposal makes no significant changes
- Increase in traffic and congestion particularly in the morning and evening

- Low Lane is used extensively by cyclists there is a need to improve the capacity of Low Lane, and provide a dedicated cycle path
- Lack of infrastructure with Ingleby - leisure facilities, doctors, dentists, primary schools
- School was intended to cater for existing pupils, this capacity is being eroded by more housing
- War of attrition with application after application

Objectors:

Mr Peter Hadfield - 4 Regency Park, Ingleby Barwick  
 Mr Anil Sharma - 82 Priorwood Gardens, Ingleby Barwick  
 Mr and Mrs Singh - 6 Regency Park, Ingleby Barwick  
 S Crisp - 10 Regency Park, Ingleby Barwick  
 Mrs Katia Lightfoot - 18 Regency Park, Ingleby Barwick  
 Mr Richard Clements - 20 Regency Park Ingleby Barwick  
 Mr Glyn Pemberton - 27 Regency Park Ingleby Barwick  
 Mr John Cattermole - 38 Brendon Grove Ingleby Barwick  
 Robert Manson - 19 Priorwood Gardens Ingleby Barwick  
 Mrs Nicola Cowell - 99 Marchlyn Crescent Ingleby Barwick  
 Mrs Janice Graham - 10 Battersby Close Yarm  
 Andrea Watson - 20 Rainham Close Ingleby Barwick  
 Mr Keith Pratt - 1 Regency Park Ingleby Barwick  
 Mr David Sanderson - 31 Brendon Grove Ingleby Barwick

**PLANNING POLICY**

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

National Planning Policy Framework

14. Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
15. For decision-taking this means:
- approving development proposals that accord with the development without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
    - or-
    - specific policies in this Framework indicate development should be restricted.
16. The following planning policies are considered to be relevant to the consideration of this application:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per

hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

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

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

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

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

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

\_ River Tees Valley from Surtees Bridge, Stockton to Yarm;

\_ Leven Valley between Yarm and Ingleby Barwick;

\_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

\_ Stainsby Beck Valley, Thornaby;

\_ Billingham Beck Valley;

\_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

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

### **Saved Policy EN28 of the Local Plan**

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

### **Saved policy EN30 of the Local Plan**

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

(i) An investigation of the site has been undertaken; and

(ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;

(iii) Provision has been made for preservation 'in site'.

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

### **Saved Policy HO3 of the Local Plan**

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

(i) The land is not specifically allocated for another use; and

(ii) The land is not underneath electricity lines; and

(iii) It does not result in the loss of a site which is used for recreational purposes; and

(iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and

(v) It does not result in an unacceptable loss of amenity to adjacent land users; and

(vi) Satisfactory arrangements can be made for access and parking.

## **MATERIAL PLANNING CONSIDERATIONS**

17. The main planning considerations in the determination of this application include its compliance with established planning policies and the impacts of the development on the visual amenity of the area, levels of residential amenity, highway safety, features of archaeological interest and other matters arising out of consultation.

### **Principle of development;**

18. It is noted that several of the objection received have raised issues such as loss of green wedge, lack of infrastructure/school places and there being no need for further housing. Whilst these matters are noted, outline planning approval for the free school and 350 houses (ref No; 12/2517/OUT) was approved on appeal by the Secretary of State following a Public Inquiry and much of the discussion around the principle of development including such matters was considered and determined as part of that appeal decision.
19. The proposal provides 10 affordable housing units, whilst this will fall marginally below the 15% affordable housing threshold (equating to 10.8 units), this requirement is to be met across the wider site. This is secured through s.106 which was accepted as part of the outline permission and the provision of 10 units at this stage is in accordance with the phasing outlined in that document. The submitted plan details 9no. two bedroom units will be provided along with 1no. three bedroom unit, this meets the Council's Housing section requirements and is considered acceptable subject to the tenure split being provided on 70%/30% (rent/intermediate tenure) basis.
20. Given that the outline planning permission was granted and this forms part of a reserved matters application, the principle of housing on the site has already been established. In view of the extant outline planning consent the principle of residential development on the site remains acceptable subject to those material planning considerations outlined below,

### **Visual Impact;**

21. Paragraph 56 of the NPPF places great importance on achieving good design and it is seen as a key aspect of sustainable development and should contribute to making attractive places. In assessing the context of the surrounding area, it is noted that the application site is a Greenfield site which is free from any built development. To the east and south of the site are a series of small clusters of dwellings, generally of two storeys and consisting of brick and tile. In addition, the location lies in close proximity to Ingleby Barwick, which provides a broad character of modern two storey dwellings.
22. In terms of the physical appearance of the proposed dwellings, they are all two storey in scale and whilst the frontage and overall scale of the dwellings will vary with the size of the property, they are all considered to be of a scale which is appropriate and consistent with existing properties in the locality. The proposed design of the premises is also considered to be acceptable and will fit into the existing character of Ingleby Barwick and the wider surrounding area.

### **Landscaping;**

23. The Council's Landscape Officer has considered the submitted landscaping details and is satisfied that the proposed planting is generally acceptable. Some minor revisions are required to the planting and therefore a planning condition is recommended to secure these details along with landscape maintenance and hard surfacing materials.
24. A condition of the outline planning approval requires that an open space strategy, is agreed. Work has been outgoing with the landowner and there consultant to achieve acceptable provision and layout across the wider Free School and Housing site. Whilst this has as yet not been formally agreed the layout of the scheme is acceptable although confirmation is sought on how this will be implemented. For the avoidance of doubt, this proposal for reserved matters

approval is now in accordance with a layout which Officers consider to be appropriate and the proposed layout will ensure that all the required open spaces as part of this or adjacent phases can be achieved.

**Amenity;**

25. Internally the relationship and separation distances from the main elevations of the proposed dwellings predominately meet or exceed the minimum separation distance of 21 metres between habitable rooms or 11 metres between non-habitable rooms or blank elevations. Where there are exceptions, this is as a result of front elevations facing one another at a slightly reduced distance to achieve a better form of development or where there are differences in orientation which would limit the potential for overlooking. In view of these considerations the proposed layout is considered to be acceptable and will ensure that future residents of the proposed development will have a satisfactory level of residential amenity including privacy.
26. The proposed plots also allow of some formal (front garden) and informal (rear garden) space to ensure that future residents have some outdoor space to enjoy. In view of the separation distances, areas of private amenity space and associated landscaping, it is considered that the level of proposed development can be adequately accommodated on the site and would not be considered an over-development of the site
27. To the north-east of the site lies Little Maltby Farm and a recently approved dwelling, a footpath link will run adjacent to adjacent to the southern boundary of site and the recently approved property within the Little Maltby Farm site, will be approximately 24 metres from the side elevation of the nearest properties. Such arrangements and relationships are considered to be acceptable and will ensure that acceptable standards of residential amenity are provided for. The other neighbouring properties to the east, 'The Vale' and 'Leven Lea' will be 25m and 35m from the rear of the nearby proposed properties and this separation distance is considered to be appropriate so as not to result in any significant loss of residential amenity to these occupiers.
28. The residential properties to the south of the site and on the opposite side of Low Lane are in excess of 75 metres from the nearest of the proposed dwellings and it is considered that this is an acceptable distance in order to secure suitable levels of residential amenity for these residents and any future occupiers of the proposed dwellings. The proposed Ingleby Manor Free school building will be situated approximately 40 metres to the west of the site which is considered to be more than adequate given that this is an educational use.

**Highways matters;**

29. Although many of the objections received raise concerns around the increase in traffic and congestion, the principle of residential development along with the scale of the wider development (a free school and 350 dwellings) has already been established as part of the outline planning application and as such, cannot be given any significant weight in the determination of this application.
30. The Highways, Transportation and Environment Manager has considered the information supplied as part of the application and is satisfied that the proposed layout and parking provision of each property is acceptable and that there proposal will not result in any significant impacts on highway safety.
31. Comments have also been made with regards to Low Lane being used extensively by cyclists there is a need to improve the capacity of Low Lane, and provide a dedicated cycle path. Whilst these comments are noted, the impacts on the surrounding highways were considered and established as the outline stage. In additional this is a largely existing situation and cannot be addressed as part of this application.

### **Features of Archaeological Interest;**

32. Tees Archaeology has considered the submitted Written Scheme of Investigation for archaeological trial trenching and have noted that a number of archaeological features were found in the north-west corner of the development site (the free school area). The proposed development on this particular site is therefore not considered to pose any significant impacts on features of archaeological interest. Whilst a request has been made to repeat the condition imposed on the outline planning application, it is not considered to be necessary in this instance as the outline condition remains in force and to be formally discharged.

### **Residual Issues/non material considerations;**

33. The Environmental Health Officers have requested a number of conditions to address noise and disturbance during construction and land contamination. These aspects except for control of demolition and dust emissions are controlled through conditions imposed on the outline planning permission. Although the request for a condition to control demolition and dust emissions is noted the scheme will take place on a green field site and it is not considered to be necessary in this instance,.
34. Comments in relation to the number of planning applications which have been received are noted and whilst Officers sympathise with the often repeated nature of these applications, there is no provision to resist consideration of these applications at this time. Also in this instance, this is a reserved matters application for the first phases of the housing element and in any case, officers assess applications on their planning merits as opposed to the degree of objection/support which may be received.
35. With regards to the comments by the Ramblers Association, Officers are aware of the existing public right of way to the east and to the north of the site. Whilst it might not be officially marked on the plan, the public right of way will remain unaffected by the proposed development. In addition any applications for closure or diversion as a result of the construction of the proposal would be a matter which lies outside of the planning regime.
36. Although comments with regards to the lack of public consultation are noted it is considered that sufficient publicity has been given to proposed planning application through neighbour letters, a site notice and press advert.

## **CONCLUSION**

37. In view of the above considerations and despite those objections received, the principle of residential development on the site has been established as part of the outline planning application for a free school and 350 dwellings, which was approved by the Secretary of State. The scheme provides the first phase and is considered to be visually acceptable, provides for adequate landscaping and will not have any adverse impacts on the residential amenity of neighbouring occupiers as well as provide appropriate levels of amenity for future residents of the development. The access arrangements remain acceptable and sufficient in curtilage parking is provided, the proposed development is therefore considered to be acceptable in planning terms.

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

## **WARD AND WARD COUNCILLORS**

**Ward** Ingleby Barwick East  
**Councillors** Kevin Faulks, Gillian Corr and Sally Ann Watson

## **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 proposal relates to a reserved matters housing development and its visual impacts, along with matters relating to traffic and associated noise and disturbance are considered and addressed within the report and are considered limited

**Human Rights Implications:**

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

**Community Safety Implications:**

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

**Background Papers**

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Emerging Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing