

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

23 SEPTEMBER 2015

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

15/1466/OUT

Land South Of Cayton Drive, Thornaby,

Outline planning application (all matters reserved) for residential development of up to 45 dwellings

Expiry Date: 18 September 2015

SUMMARY

Outline planning permission is sought for the erection of up to 45 dwellings on land to the west of Middleton Avenue in Thornaby, within the defined development limits 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. A further application was submitted to address these matters and was recommended for approval by officers although refused by the Planning Committee.

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 Barwick 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 and the Tees Heritage Park.

Although the site was previously considered to be within the designated green wedge which was a previous reason for refusal, this position has significantly changed following a High Court Decision. The Council are now only in a position to give weight to areas of green wedge within the Borough based on the 'strategic diagram' within the Core Strategy as detailed plans for the green wedge boundaries do not form part of the Development Plan. This application site lies outwith of the strategic Green Wedge area as detailed in the Core Strategy.

Officers have considered this scheme in the context of its layout, its relationship with existing housing and the landscape area to the south as well as matters of access and impacts on existing residents.

The Highways Transport and Environment Manager is satisfied adequate access and highway provision can be made and that properties can be adequately set away from the adjacent tree belt and ancient woodland to allow their long term retention.

Being outline, no site layout is detailed although based on the previous submissions; it is considered 45 dwellings could be achieved on the site whilst achieving suitable levels of amenity and privacy for existing and future residents.

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

In view of all these matters, it is considered that the application is in accordance with the Local Development Plan and the National Planning Policy Frameworks presumption in favour of providing a 5 year deliverable housing supply and supporting sustainable development.

RECOMMENDATION

That planning application 15/1466/OUT 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 11th January 2016 then the application should be refused due to lack of adequate provisions in respect to the details listed within the Heads of Terms.

Approved Plans

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>1200/SK200</i>	<i>16 June 2015</i>
<i>L100</i>	<i>18 June 2015</i>

Reason: To define the consent.

Reserved Matters - Details

02. *Approval of the details of the Access, Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans*

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

Period for Commencement

03. *The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.*

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

Reserved Matters - Time Period for submission

04. *Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.*

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

Renewables or Fabric First

05. *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.

Surface Water Drainage Scheme

06. *No development hereby approved shall commence on site until a scheme of surface water drainage and management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of timing and phasing arrangements within the development. The development shall be carried out and subsequently maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.*

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with the aims of the National Planning Policy Framework.

No burning of waste

07. *During the construction phase of the development there shall be no open burning of waste on the site.*

Reason: To protect the amenity of the occupants of nearby properties in accordance with the requirements of the National Planning Policy Framework.

Timing of Works – Ecologically sensitive

08. *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.

Bat Boxes

09. *Bat boxes shall be detailed at 4 positions within the site as detailed within the ecological mitigation statement submitted as part of the application and shall be installed on site at an agreed time in accordance with details to be first approved in writing by the Local Planning Authority.*

Reason: To adequately mitigate impacts on wildlife in accordance with the guidance contained within the National Planning Policy Framework.

Tree and landscaping protection

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

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

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

Construction Management Plan

11. 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; 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.

Construction Working Hours

12. 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.

Unexpected Land Contamination

13. 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

INFORMATIVES

Informative 1: Working practice

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

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 time of commencement on site.

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

Open Space Contribution to be spent in respect of open space, recreation and landscaping within the local area. Provision of the payment in full (calculated on a pro rata basis of £841.59 and to include inflation, per bedroom within the development) following completion of the 25th dwelling or at an earlier agreed time should the reserved matters application detail less than 30 dwellings within the site. Provision to be made for an on-site provision in lieu of-off site payment.

Affordable Housing provision of minimum 15% within the site.
Tenure: Using the percentages of 70% rent, 30% intermediate:
Bed Size: 90% 2 bed, 10% 3 bed

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.

2. Application 14/0954/REV was a revised application for the erection of 50 dwellings, formation of access, provision of landscaping and associated works that was recommended for approval by officers and refused by planning committee on the 9th July 2014 for the following reasons:

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.

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).

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SITE AND SURROUNDINGS

3. The site is located on the southern side of Thornaby, adjacent to Bassleton Beck Valley which lies 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.

4. 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.
5. A number of properties along the northern boundary have low height rear garden boundaries and therefore gain relatively open views across the site.

PROPOSAL

6. Outline planning permission is sought to undertake a housing development of up to 45 dwellings on the site. All matters of Access, Layout, Landscaping and Scale are reserved for future submissions / approval should outline permission be granted.

CONSULTATIONS

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

SBC - Highways Transport And Environment

Summary

Subject to the comments below the Highways, Transport & Environment Manager has no objections to the outline planning application (all matters reserved) for residential development of up to 45 dwellings.

The proposed development is an outline planning application (all matters reserved) for residential development of up to 45 dwellings. As the proposal is outline with all matters reserved the Highways, Transport & Environment Manager will only be considering the principle of development which was considered under a previous application (14/0954/REV)

No details of the proposed site access point(s) have been provided however, in accordance with comments made in relation to the previous application (14/0954/REV) it is considered that two points of access would be required and should be taken from Cayton Drive and Middleton Avenue.

A Transport Assessment (TA) has been submitted in support of the application and this has demonstrated that an additional 25 trips in the morning peak / 31 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. The applicant confirms in the TA that the traffic calming scheme on Middleton Avenue would be funded by the development and this should be secured as part of a Section 106 Agreement.

The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

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.

A Construction Management Plan should be agreed prior to construction commencing on the site and this should be secured by condition.

The development site is located within an eastern spur of the Tees Heritage Park (this heritage park is designed to connect and promote the existing green space along the River Tees and some of its immediate tributaries as a single park). Whilst the site cannot be clearly seen from within the heritage park or the green wedge, any development within this area must be designed so as not to undermine either the openness of the site or the visual separation of the settlements of Thornaby and Ingleby Barwick.

A Landscape and Visual Assessment (LVIA) has been submitted with the outline application which considers that the site is unconnected to the adjacent landscape. This is considered untrue as any development upon this site could impact upon the community woodland on the southern boundary of the site, hence the need for a development standoff from this boundary.

The public open space (POS) provided for the development, as shown on the landscape strategy plan, is considered to be too small and fragmented to have any real recreational function. Given the current layout, an offsite provision for open space would be required.

Landscaping should be provided within the estate to soften its appearance and in this respect the use of boundary hedges as front garden boundaries is welcomed.

The retention and management of the existing mature boundary hedge, on the eastern boundary next to Middleton Avenue, and the existing trees on the site should be considered as part of any detailed landscaped proposal for the site.

The application lacks a clear statement of the steps to be taken to comply with CS3, in particular the requirement for 10% embedded renewable energy supply and this should be secured by condition.

The proposed development site is situated within flood zone 1 and not at risk of either tidal or fluvial flooding. Surface water should be managed to ensure that run-off from the site is restricted to existing greenfield runoff rates, with flows in excess of this rate attenuated on site for the 1 in 100 year storm event, plus an allowance for climate change. A detailed surface water management plan is yet to be and this should be secured by condition.

Detailed comments and conditions are included below in Appendix 1 and 2 respectively.

Appendix 1 – Detailed Comments

Highways Comments

The proposed development is an outline planning application (all matters reserved) for residential development of up to 45 dwellings. As the proposal is outline with all matters reserved the Highways, Transport & Environment Manager will only be considering the principle of development with was assessed as a part of previous application 14/0954/REV. The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

Vehicle Access

As the proposal is outline with all matters reserved no details of the proposed site access point(s) have been provided. The previous proposal (Ref. 14/0954/REV) included two new access points from the existing highway, one from Cayton Drive and another from Middleton Avenue, to aid permeability through the site and to complement the existing housing estate layout. There is also regular on street parking in the surrounding roads and it is still considered necessary that two

accesses would be required, to aid free flowing traffic movements, to serve the proposed development.

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:

	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
	Arrivals	Departures	Arrivals	Departures
Vehicle Trip Rate	0.184	0.386	0.448	0.249
Vehicle Trips	8	17	20	11

As noted above, all vehicles travelling to and from the site would access the development via Bader Avenue. 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 25 trips in the morning peak / 31 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

The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

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

This is an outline development for 45 dwellings and the following landscape and visual comments are made;

The development site is located within an eastern spur of the Tees Heritage Park (this heritage park is designed to connect and promote the existing green space along the River Tees and some of its immediate tributaries as a single park). The site is an open grass field (a plateau on the northern edge of the Bassleton Beck valley woodland), that acts as an open green buffer between the houses in Thornaby to the north (Liverton Crescent, Lockton Crescent and Cayton Drive) and developing community woodland to the south, most of which is in Stockton Council ownership. Residential development within Thornaby at this location is not readily viewable from footpaths within the Heritage Park or the Bassleton Beck Green Wedge that runs up the Bassleton beck in the valley below, owing to this woodland planting largely blocking the views of the site.

Whilst the site cannot be clearly seen from within the heritage park or the green wedge, any development within this area must be designed so as not to undermine either the openness of the site or undermine the visual separation of the settlements of Thornaby and Ingleby Barwick. Any development of the site must be set back from the valley edge, so the existing developing woodland is not threatened in any way by development pressure e.g. construction works or shading problems of properties.

A Landscape and Visual Assessment (LVIA) has been submitted with the outline application which considers that the site is unconnected to the adjacent landscape. This is considered untrue as any development upon this site could impact upon the community woodland on the southern boundary of the site, hence the need for a development standoff from this boundary. For the previous housing developments for this site, an area of at least 15 metres from the woodland was requested, providing a landscaped open green space such as rear gardens next to the woodland retaining some form of green openness for the area and overcoming the issues of the construction and shading of houses that could affect the trees. The LVIA provides a landscape strategy plan (figure 8) which shows a housing development with good sized rear gardens facing the trees on the southern boundary of the site. This is acceptable in principle as a landscaped open green space (in the form of rear gardens) next to the woodland has been indicated on the estate layout, but a scale plan must be provided as part of a reserved matters application, demonstrating that at least 15m between the nearest house and the southern boundary has been achieved. A hedge with trees has been shown on the landscape strategy plan on the southern site boundary, and this should be native planting designed to complement the existing woodland. These requirements would form part of any reserved matters application.

The public open space (POS) provided for the development, as shown on the landscape strategy plan, is considered to be too small and fragmented to have any real recreational function. Given the current layout, an offsite provision for open space would be required in line with the Open Space, Recreation and Landscaping SPD 6 supplementary planning document. In order to maximise the visual effectiveness of the open space, the central POS should be relocated next to the POS in the south eastern corner of the site and a footpath link could then be created into the community

woodland to the south. This would improve the amenity value of the development and create a more visually attractive entrance to the site off Middleton Avenue. This area should be landscaped to enhance its visual quality and the use of the space for large forest type tree planting, such as Beech, Lime and Oak, away from the housing should be maximised. The developer should stipulate how the POS on the site will be managed in perpetuity. If the developer wishes to consider the title transfer of any land to the council, this must be at the earliest start of any detailed design and an informative is provided to this effect at the end of this memo. These requirements would form part of any reserved matters application.

Landscaping should be provided within the estate to soften its appearance and in this respect the use of boundary hedges as front garden boundaries is welcomed. Any new tree planting must come no closer than 5 m to any property and light foliage trees should be used as appropriate to minimise shading. These requirements would form part of any reserved matters application.

The retention and management of the existing mature boundary hedge, on the eastern boundary next to Middleton Avenue, should be considered as part of any detailed landscaped proposal for the site. The existing trees on the site, notably the Oak ref.T2, should be retained within the development and protected during any site works in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. These requirements would form part of any reserved matters application.

Environmental Policy

The application lacks a clear statement of the steps to be taken to comply with CS3, in particular the requirement 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 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 and this should be secured by condition.

Flood Risk Management

The proposed development site is situated within flood zone 1 and 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 should be managed to ensure that run-off from the site is restricted to existing greenfield runoff rates, with flows in excess of this rate attenuated on site for the 1 in 100 year storm event, plus an allowance for climate change. A detailed surface water management plan is yet to be developed; therefore the following condition should be applied.

The flood risk assessment implies the land ownership of the SuDS features will be transferred to the Local Authority, SBC have yet to make a decision on the issue of land transfer, however the current position regarding this issue is, SBC will not accept these assets and the developer or management company will remain the landowner.

SBC - Environmental Health Unit

Further to your correspondence on the above matter, may I reproduce my comments regarding the related previous application which remain valid for this. 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.

SBC - Environmental Protection Officer

I have no objection in principle to the development, however, I do have some concerns and would recommend the following conditions be advisory on the development should it be approved.

Construction/Demolition - Open burning

No waste products derived as a result of Construction/Demolition operations hereby approved shall be burned on the site.

Construction/Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend that the working hours of all Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working. Should works need to be undertaken outside of these hours the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

Private Sector Housing

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

Spatial Plans Manager

Thank you for consulting the Spatial Planning team on this application (15/1466/OUT) for residential development of up to 45 dwellings at Land South of Cayton Drive, Thornaby. 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.

This response focuses on the key spatial and housing planning policy issues which relate to the application.

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 National Planning Policy Framework

The National Planning Policy Framework (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.

Delivering a wide choice of high quality homes

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 NPPF states that one of the core planning principles is to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable' (Para. 17, 11th bullet point).

The supply of deliverable housing land

The Council has produced a report entitled 'Five Year Deliverable Housing Supply Final Assessment: 2015 – 2020'. The Report concludes that the Borough has a supply of deliverable housing land of 4.50 years with a 20% buffer added (with the shortfall being 374 dwellings).

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 adopted Development Plan

The Spatial Strategy

Point I of Core Strategy Policy 1 (CS1) – The Spatial Strategy, states that '... In general, new development will be located within the conurbation, to assist with reducing the need to travel'. The proposal is consistent with Policy CS1 (1).

Sustainable transport and travel

The proposal will need to be assessed in relation to Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel. Point 1 of the policy states 'Accessibility will be improved and transport choices 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 healthy lifestyles'

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’.

Environmental protection and enhancement

Core Strategy Policy 10 (3) (ii) states that: The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of green wedges within the conurbation, including Bassleton Beck Valley between Ingleby Barwick and Thornaby. However, the case officer will be aware of the recent High Court judgement regarding the dismissal by the Secretary of State of the planning appeal for up to 550 houses on land adjacent to Little Maltby Farm, Low Lane, Ingleby Barwick. The key points of the High Court judgement include the following:

- The key diagram is as visual tool to illustrate the geographical scope of policy.
- The Council cannot currently apply Policy CS10 (3) (ii) to land which is shown as being outside the ‘green fingers’ which are how green wedges are represented on the key diagram.
- The precise boundaries for the green wedges will be determined in a DPD (the emerging Regeneration and Environment Local Plan).
- An assessment of the visual impact of development may still be a perfectly valid exercise in terms of the effect of the development on the general appearance of the area.

The application site is outside of the ‘green finger’ which is how the Bassleton Beck Valley green wedge is represented on the key diagram. In the context of the High Court judgement therefore, the Spatial Planning team consider that Policy CS10 (3) (ii) cannot currently be applied to the application site. However, this does not prevent an assessment of the application in the context of its impact on landscape and character.

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. In assessing this proposal, the key question from Diagram 1 within the companion guide to PPG17 is whether ‘the land is surplus to requirements in terms of its present primary use, taking account of the various functions which open space can perform’ (PPG17, paragraph 10, and Annex, paragraph 3)’. In this regard, it is acknowledged that the site is fenced off and there is no public access.

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

Affordable Housing Provision

Point 5 of Core Strategy Policy 8 (CS8) states ‘Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. It is understood from the planning statement that 15% affordable housing provision will be provided. The proposal is therefore consistent with Policy CS8 (5).

Relationship to the NPPF and the emerging Development Plan

The Regeneration and Environment Local Plan Publication Draft

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). The Publication Draft Regeneration and Local Plan (RELP) and associated documents were consulted on from 2nd February to 16th March 2015. The Regeneration and Local Plan Publication Draft Policies Map shows the application site as green wedge.

Paragraph 216 of the NPPF states that from the date of publication of plans decision takers can also give weigh to policies in emerging plans depending on the stage of production, the extent of unresolved objections and the consistency with the NPPF. Taking these three factors into consideration the Spatial Planning team consider that only limited weight can be attributed to the RELP.

Relationship to the evidence base

Review of Green Wedges (December 2014)

The application site was assessed in the Review of Green Wedges as follows:

'Land South of Liverton Crescent- the site is a plateau on the edge of the green wedge prior to the valley side sloping down to Bassleton Beck. It is inaccessible and cannot easily be viewed from within the green wedge owing to mixed woodland on the valley sides. Development within this area would not undermine separation or the feeling of openness as long as development is sensibly designed and set back from the valley edge.'

Summarising comments

The starting point for consideration of the application is the adopted development plan. The application is contrary to the adopted development plan. However, the Council accepts that it is not able to demonstrate a five year supply of deliverable housing sites with a 20% buffer added. Paragraph 47 of the NPPF stresses the importance the Government attaches to boosting significantly the supply of housing and paragraph 49 of the NPPF sets out that where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

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

The benefits of the application within a housing context are that it would boost significantly the supply of housing; if implementation begins within a five year timeframe it would make a contribution towards the five year supply of housing and the provision of affordable housing would contribute to addressing the need for affordable housing.

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

- Point 1 of Core Strategy Policy 2
- Point 8 of Core Strategy Policy 3

The case officer will need to consider the proposal in a landscape and visual context.

The Spatial Planning team have not identified any adverse impacts from the application.

The Environment Agency

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee, therefore we have no comment to make on this application.

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.

We note from the Planning Statement that the developer is proposing to deliver 15% of the total scheme numbers (to be determined at Reserved Matters stage) as affordable homes that would be secured in perpetuity via provision in a Section 106 Agreement. Housing Services would therefore accept the proposed percentage of 15% as it is in line with Council policy.

A worked example for 15% affordable housing based on a development of up to 45 dwellings would equate to 7 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%	2 units	Intermediate Tenure
100%	7 units	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	6 units
3 bed	9%	1 units
Total	100%	7 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
6 Units	2 bed	4 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's Level 1 Space standards and associated design and quality standards.

Northumbrian Water Limited

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

Condition: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010.

Namely:-

- o Soakaway
- o Watercourse, and finally
- o Sewer

For Information Only

We also feel it is important to bring to the local planning authorities attention that the development is situated close to an existing sewage pumping station (SPS). SPS emit unpleasant odours and noise at certain times during their operation. As detailed layout plans are yet to be submitted for the site we are unable to comment on the impact of the SPS on the development. The applicant should contact us at the earliest convenience to discuss the impact the SPS may have in relation to the future development.

Northern Gas Networks

No objections although advise there may be gas apparatus in the area.

Thornaby Town Hall

Thornaby Town Council oppose this application on the following grounds:

It is Thornaby Town Council's policy that the proposed development of green field, woodland and wildlife habitat with scant regard for community wellbeing 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.

That 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.

The land in question is designated green wedge and lies within the Tees Heritage Park.

Applications in the past have been refused for those reasons and TTC would expect consistency and SBC to adhere to its own policies and Core Strategy.

Councillor M Moore

I wish to strongly object to Planning Application 15/1466/out. This application is an unjustified incursion into the open aspect of this Green Wedge.

SBC Core Policies:

Protect Special Habitat, protect the built heritage and urban development.

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

The development will be detrimental to this area.

The site is identified as wildlife corridor in the Tees Biodiversity Plan any such development would have a devastating effect on this sensitive area.

The development will bring an increased amount of traffic onto Bader Avenue, Middleton Avenue and surrounding roads.

The development will also affect drainage in the area.

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 Council's on-going commitment to the long term success of the Heritage Park is confirmed in their draft Regeneration and Environment Local Plan (RELP), published for consultation earlier this year. The Plan sets out the Council's policies and site allocation the deliver the development strategy contained in the approved Core Strategy. It includes a specific Policy ENV3 devoted to the Heritage Park, the boundaries of which are also clearly identified and include the site of the application. It is clear that the Council see the Park as an essential and integral part of their Environmental Policy for the future.

Over the past seven 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.

Site is within the River Tees Rediscovered Project Area – This five year, Heritage Lottery funded scheme seeks to raise the profile of the Tees river valley and its tributary valleys as a wonderful amenity, binding communities together. Running from Darlington to the estuary, it recognises the importance of our local heritage and open spaces. The Tees Heritage Park is incorporated as an essential element within the wider project. The Bassleton Beck valley is an integral part of this vision and the proposed development would be very much in conflict with established aims and objectives for the project;

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. The Heritage Park and Tees Valley Rediscovered Projects could transform the image of the lower Tees valley in regional and national terms making it more appealing to potential investors and employment generators as a desirable place to live. Walks, tours and activities are already underway to raise awareness of this wonderful facility on our doorstep. Sporadic proposals such as this application must be resisted if we are to maintain the momentum to improve and enjoy the open space facilities on our doorstep.

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. River Tees Rediscovered expands this concept along the whole Tees. 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. Approval of this application would undermine community confidence and support for future funding initiatives to preserve and enhance their heritage.

Summary

We therefore ask the council to reject this application and continue to demonstrate its support for the community's aspirations embodied in The Heritage Park and River Tees Rediscovered projects. These schemes are also very much within the spirit of Government's vision for Localism and Neighbourhood Planning and, as such, should be supported by the Inspector 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/River Tees Rediscovered. FTHP 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. We believe that the consistent rejection of all unacceptable proposals within the Park boundary is essential to protect the Heritage Park's validity and integrity.

PUBLICITY

Neighbours were notified and comments received are summarised below. 161 letters of objection and 1 letter of support have been received.

Support summarised

Fully support the proposal.

Objections Summarised

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.

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.

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.

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.

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.

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!

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.

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 it's declared ideals regardless of whether the developers can realise a sufficient profit margin or not.

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.

This proposed development is in direct contradiction with the four asterisked objectives and therefore permission should be refused.

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 provide enough suitable housing for future residents within the Teesside area.

There are enough housing developments in Thornaby at the moment. There is a big estate at Mandale Park, new developments in Millbank Lane, new houses at Sun Street and Littleboy Park and look at the expanding Ingleby Barwick. More houses are not needed on this green wedge when there are plenty up for sale on those sites mentioned.

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.

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.

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. There is an abundance of wildlife using this piece of land, Deer, Foxes, Pheasants, woodpeckers, and a multitude of birds. The land also has some rare species of Flora and Fauna that must be protected.

The estate currently only has one access road and a small selection of local amenities for the current community. An addition of 45 houses will put pressure not only on the traffic congestion, but also local schools, public transport and services.

An extra 45 houses will create an increase in noise, pollution and affect the aesthetic nature of the original housing estate.

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.

These dwellings will be far too close to existing properties and take away privacy. The sustained noise which would be inevitable throughout the whole building period being an unacceptable disruption as relative peace and quiet through the day is crucial to their lives. The loss of privacy and light and views from existing properties. 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.

There is loads of brown land in Stockton that needs building on so why build on green wedge. This application has already been refused permission several times in the past.

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.

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.

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:

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.

Stockton Council should 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.

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 - 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.

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.

Extra pressure on drainage systems.

Flooding: Since the bungalows were built in Middleton Avenue, some years ago, flooding to several inches has occurred. The drains in the area have been unable to cope with heavy rainfall. This new development would further reduce the soak effect and would cause flooding of damaging proportions.

Objectors consider the application details include a number of factual inaccuracies.

The local school is filled to capacity at the moment and as a new school is unlikely to be built, I can't see where any school children from this estate would go.

Access to and from this area is very prohibited, with the probability of totally unacceptable levels of vehicular traffic being experienced on Bader Avenue, which is currently a very busy thoroughfare for access to and from the estate, and this would become very dangerous and intolerable should more vehicles from any proposed development require this road. Heavy machinery and fire engines etc. would not be able to use Cayton Drive as it is not wide enough if cars are parked on either side of the road.

Over the years several cars have been badly damaged or written off along Middleton Avenue. The proposed access to this field is to be from the chicane area of Middleton Avenue, a blind turn out for the Brims exit traffic, this could well be a future death trap." These or similar are words I used on last year's application objection. A speed "pinch" has been installed since then near to the new children's play area. The "pinch" has no raised bump on the road, and is proving to be a target for cars to speed through rather than a deterrent. Again, this will be a dangerous focal point of speeding traffic at the proposed turn out.

Objections in relation to parking in the surrounding streets due to parents dropping children off at Bader primary school and concerns over present congestion with the further concern that this proposal will add to that congestion. Objections indicate that numerous complaints have been made to the school, neighbourhood enforcement, and the member of parliament about 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..

PLANNING POLICY

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 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

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.

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

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 Salholme 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.

Emerging Policy – Regeneration and Environment Local Plan

ENV 1 - Strategic Green Infrastructure Network

ENV1 – Urban Open Space

ENV 3 – Tees Heritage Park

SP3 – Green Wedge

MATERIAL PLANNING CONSIDERATIONS

1. Outline Planning permission is sought for a development of up to 45 residential properties on land south of Liverton Crescent and Cayton Drive in Thornaby. The application seeks permission only for the principle of development, leaving all matters (Scale, Appearance, Layout, Landscaping and Access) reserved, meaning that were permission to be granted for the principle of development via this application, further applications would need to be submitted for the reserved matters.
2. The site is greenfield, within the defined limits of development, within the Tees Heritage Park and has previously been considered as being within the green wedge. The main considerations of this application therefore relate to the impact of the development on these designations, the ability for the site to accommodate 45 dwellings, the potential to gain a suitable access into the site and the likely impacts on surrounding properties and ecology.
3. These and other material planning considerations are considered as follows;

Principle of Housing

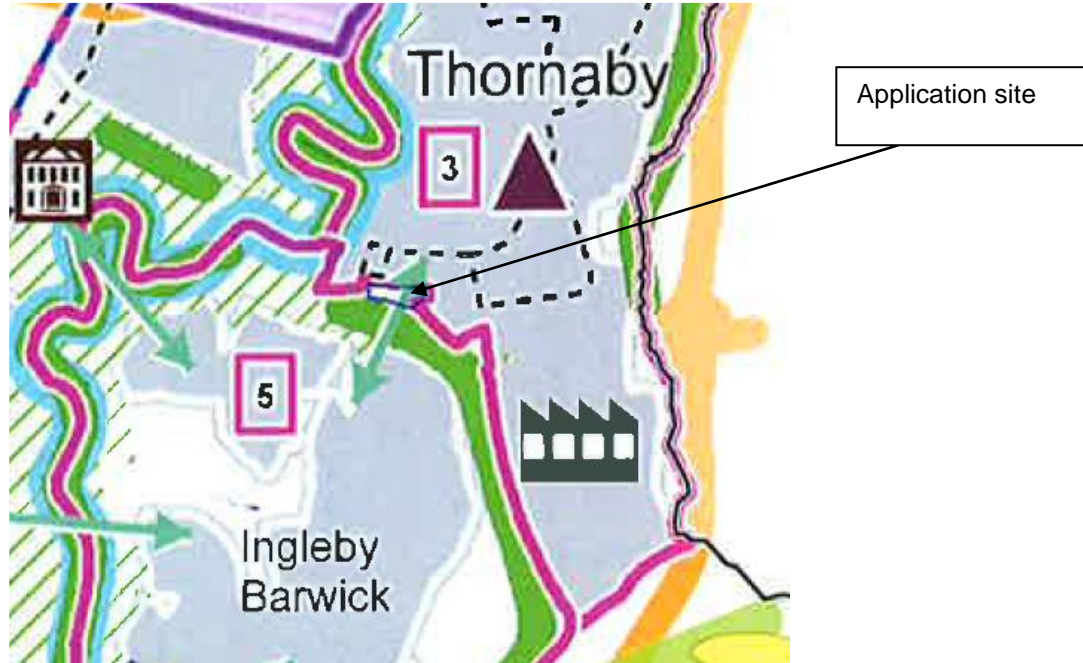
4. The site lies within the 'Limits of Development' as defined within the Stockton on Tees Local Plan where residential development would, under normal circumstances be supported. The site is close to local services and is considered to be sustainable in this respect.
5. Core Strategy Policy CS7 (Housing 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, these points being highlighted by objectors. 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.
6. Notwithstanding the above, 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 4.50 years (including a 20% buffer) and as such, no weight can be afforded to Policies HO3 and CS7 in relation to guiding the location of housing. The principle of housing development on this site is therefore considered to be in accordance with the principles of the National Planning Policy Framework.

7. 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 in the absence of a 5yr housing supply, can only be given limited weight and in view of the NPPF silencing housing allocation policies, no weight could be placed on this emerging policy at this current time.
8. Objections from residents suggest that there is adequate housing within the local areas in view of new development and the extent of housing already for sale in the area whilst consider the south of the Borough has made ample contribution to the Borough's 5 yr supply. Whilst noted, the lack of a 5 year supply prevents such a principle from carrying weight in determining the planning application.

Application site and the Green Wedge and impact on character and appearance

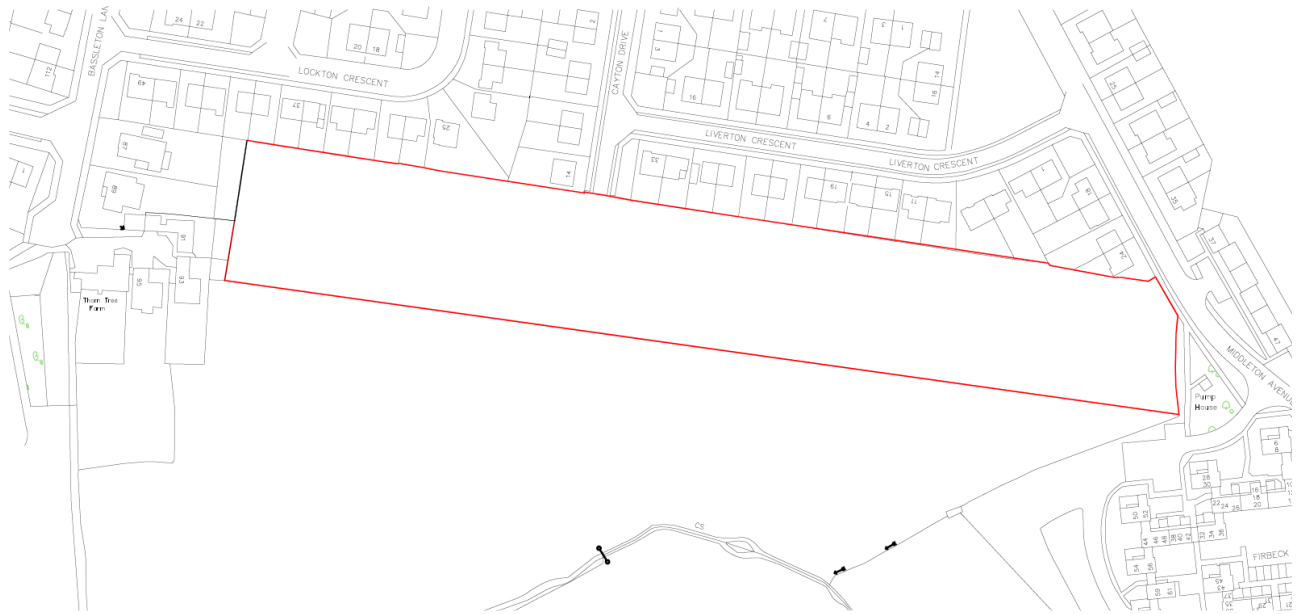
9. The NPPF seeks to conserve and enhance the natural environment by 'protecting and enhancing valued landscapes' (para. 109). The protection of green wedges is more specifically detailed within one of the 12 objectives (no.8) of the Core Strategy Development Plan (CSDP);
 - a. *'The strategic gaps and 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'.*
 - b. This is further expanded upon in CSDP Policy CS10(3). Core Strategy Policy CS10(3) indicates that
 - c. *'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).
10. Core Strategy Development Plan Policy CS10 is supported by a Strategic diagram which details the position of Green Wedge within the Borough. This was intended as a strategic diagram as was the requirement for developing Core Strategy's, and officers have previously placed reliance on the former Green Wedge Boundaries. This situation has been changed following a recent High Court judgement regarding the dismissal by the Secretary of State of the planning appeal for up to 550 houses on land adjacent to Little Maltby Farm, Low Lane, Ingleby Barwick. The key points of the High Court judgement include the following:
 - The key diagram of the Core Strategy is a visual tool to illustrate the geographical scope of policy.
 - The Council cannot currently apply Policy CS10 (3) (ii) to land which is shown as being outside the 'green fingers' which represent the Green Wedge on the Core Strategies key diagram.
 - The precise boundaries for the green wedges will be determined in a DPD (the emerging Regeneration and Environment Local Plan).
 - An assessment of the visual impact of development may still be a perfectly valid exercise in terms of the effect of the development on the general appearance of the area.
11. In the instance of this site, although the site was formerly within the Green Wedge in the 1997 Local Plan, based on the Strategic Diagram within the Core Strategy, (see plan 1 below) this application site is not underneath the area indicated as green wedge and in the

absence of the council having a Development Plan Document highlighting the precise boundaries of the Green Wedge, the council can only give weight to areas defined by the strategic diagram of the Core Strategy in view of the High Court judgement therefore, the Spatial Planning team consider that Policy CS10 (3) (ii) cannot currently be applied to the application site, although advises that this does not prevent an assessment of the application in the context of its impact on landscape and character.



12. The proposal would be contrary to emerging Strategic Policy SP3 which seeks to define the detailed position of Green Wedges although as emerging policy this can be only given limited weight.
13. 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.
14. The immediate landscape is characterised by the settlements of Thornaby and Ingleby and the wooded valley which lies between. The application site lies adjacent to the wooded valley and itself is an untended grass field which is linear in form and which runs along the back of existing houses along its northern edge.

Plan 2: Site Location Plan



15. The site is in private ownership and has no trees or other notable landscaping within it. The site lies adjacent to maturing woodland which continues from the southern boundary of the site down the valley to Bassleton Beck and up to Ingleby. The housing layout is not to be defined by this permission and would be able to provide adequate buffering for the trees to allow the woodland to continue growing unaffected and provide greater visual separation between settlements in the future. The character of the site is very different to the wider wooded area. It is recognised that the site creates an alcove within the urban area of Thornaby. In view of these matters, it is considered the proposed development would not unduly affect the more valuable wider landscape.

Impact on the Tees Heritage Park

16. 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'*
17. 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.
18. Residents and others, including the group 'Friends of Tees Heritage Park' 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.

19. 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. The impacts of this development on the Tees Heritage Park are therefore considered to be limited. The site has some limited ecological benefits although ecological opportunities and wildlife corridors will exist within the woodland to the south which would remain. 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.
20. The '*Friends of Tees Heritage Park*' have highlighted the site as being within the River Tees Rediscovered Project Area, a five year Heritage Lottery funded scheme which seeks to raise the profile of the Tees river valley and its tributary valleys, indicating this runs from Darlington to the estuary and that it recognises the importance of our local heritage and open spaces. Whilst noted, for the same reasoning above, it is considered that this proposal would not unduly impact on this. Furthermore, this is not designated within the Local Development Plan Framework.

Highway related matters

21. 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, congestion of traffic and on-street parking within narrow streets. Residents consider it will increase risk to highway and pedestrian safety particularly in respect to school children crossing the roads in the local area and highlight that the estate currently has no level crossing or traffic control for the school or pedestrian safety measures.
22. 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 provisions, the existing public transport, pedestrian and cycle connections are considered to make the site accessible by sustainable modes and will limit dependency on vehicle movements.
23. The site access is a reserved matter and is not for detailed consideration as part of this submission although consideration is given to the ability for a suitable access to be achieved into the site. The Highways, Transport and Environment Manager has raised no highway objections to this new outline application, referring back to comments made in respect to the previous application which highlighted that two new access points from the existing highway, one from Cayton Drive and another from Middleton Avenue, would aid permeability through the site taking into account there being regular on street parking in the surrounding roads. The estimated 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.
24. 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.

25. Matters of the site layout and parking provisions would be dealt with at reserved matters stage.
26. The Highways Transport and Environment Manager has advised that a Construction Management Plan should be submitted and agreed with the aim of minimising disruption to traffic. A condition is recommended to address this.

Layout and street scene considerations

27. This proposal relates to the development of a linear site which will be most likely served by a highway running the length of the site and properties being served off that to either side. In view of the previous application demonstrating (from officers perspective) that there was adequate space within the site to achieve a suitable layout and there being no reduction to the size of the site or additional demands being placed on the site, these considerations remain, although a detailed site layout would need to be demonstrated by a reserved matters application.
28. Although objections from residents are raised in relation to impacts on amenity, privacy and on established landscape features, officers consider that proposed properties can be adequately spaced from existing properties to the north and west of the site to prevent undue impacts on privacy and amenity of residents and on any existing trees of value.

Impacts on Ecology & Biodiversity

29. 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 and which is based on a Phase I habitat survey and ecological assessment. The report details the site as mainly consisting of semi improved neutral grassland, with dense scrub, a semi ancient hedgerow to the eastern side and scattered scrub to the northern edge adjacent to the rear gardens of existing dwellings. The statement indicates that the grassland is considered to not be species rich although advises that Common Spotted Orchids were present in 2015. It considers that the site overall does not have a high ecological value although advises that the ancient hedgerow must be protected from damage. A condition has been recommended to achieve this.
30. Notwithstanding the site being used by wildlife in a general sense, it is noted that the ecological statement submitted indicates that the site is largely unsuitable for reptiles due to there being no open areas for basking and no suitable areas for roosting bats within the site. It further advises that there are no badger setts or signs of badger foraging within the site. As such it is considered that there is very little potential for protected species to be adversely affected with only nesting birds of concern at the site clearance stage of works. Mitigation in the form of timing of site development works has been recommended by condition to prevent an impact on nesting birds.
31. The submission has highlighted post development impacts from increases in light noise and general disturbance for foraging and commuting bats likely to use the woodland to the south and mitigation in the form of bat boxes installed into some of the properties is recommended. A condition is recommended to address this.

Surface water and drainage

32. The proposed development site is situated within flood zone 1 (least risk from flooding) and is therefore not at risk of either tidal or fluvial flooding. Objections have been raised which suggest that existing drains cannot cope with flood condition weather.
33. The development should not increase the risk of surface water run-off from the site to ensure it does not cause any increased flood risk to neighbouring sites. The indicative drainage strategy suggests the provision of a sustainable urban drainage scheme (SUDS) in the form of a surface water retention pond along the southern site boundary which would be at the lower side of the site away from existing residential properties, adjacent to the wooded area. The submission indicates that this would be maintained via a private management company. As the application is outline with all matters reserved, this would form part of the reserved matters submissions. A condition is recommended to achieve a suitable scheme of surface water drainage.
34. Northumbrian Water have confirmed foul water can connect into their existing system in the area and recommended a condition to address this, however, Building control legislation will deal with suitable foul connections.

Planning Obligations

35. 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, recreation and landscaping. Officers have considered the defined deficiencies within the area and ascertained a need in relation Outdoor Sports Facilities, Amenity Green Space and Allotments. The relevant parts of the council's formula for calculating the costs has been applied and is detailed within the Heads of Terms, and at Appendix. 1. Flexibility is required in-case any part of these provisions could be provided on site as part of the reserved matters applications.
36. In accordance with Core Strategy Development Plan Policy CS11, contributions towards education can be required from development in order to offset the demands placed on the surrounding educational provisions. The Council's School Placement team have advised that at this point in time, there are sufficient places within the surrounding schools to meet the demands of this scheme. However, it is predicted that there will be continued pressure on primary places across Thornaby and that this will in time influence larger cohorts moving on to secondary schools in the same area. Available places will be dependent on a number of influences including other approved but not yet built / commenced residential developments in the wider area. The Councils education contribution is calculated at the time of the development commencing and whether a payment is required is based on the capacity within schools at that time. As such, were development to commence immediately, no education contribution would be required, however, this is an outline permission and may not commence for several months / years at a point in time when there will have been a change in circumstances relating to school places. As such, the education formula is applied as a precautionary approach.
37. 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. This would be required via a Section 106 Agreement and is detailed ion the Heads of Terms.

Other Matters

38. Previously, consideration was given to the relevance of a Landscape Capacity Study undertook by White Young Green on behalf of the Council. 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) which is relatively wide 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.

39. The councils Environmental Health Unit has raised no objections to the application advising that the Phase I Investigation demonstrates there has been no land development and minimal land use on the site and has only recommended a condition to deal with any unexpected land contamination as a precautionary approach. Further conditions are recommended in relation to open burning from the site and construction working hours. In view of the sites location in close proximity to existing residents conditions are recommended.
40. A number of objections have previously been raised in respect to the impact on landscaping to the eastern side of the site which is suggested as being an ancient hedgerow and a small number of trees. The site layout is not detailed by this submission and it is considered that adequate regard can be had of peripheral landscaping with any reserved matters layouts. A tree protection condition has been recommended.
41. 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. Code Construction is now getting phased out from the planning system and no such requirement is considered necessary in this regard although a condition is recommended relating to renewables.
42. Northern Gas Networks have advised that they have no objections to the proposal although 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.
43. 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 deliverable 5 year supply.
44. 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 which should prevent any notable change to ground conditions within surrounding properties gardens.
45. There are no Tree Preservation orders within the site although trees along the boundaries of the site which will need to be taken into account in the positioning of properties should a reserved matters application be detailed.
46. 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.
47. Objection is raised on the impact this scheme will have on tourism within the area and on investment although there is no specific evidence to support this view. The site is not highly visible and will provide housing immediately adjacent to existing housing with limited impact on adjacent land and it is therefore considered there would be no impacts on tourism as a result.

CONCLUSION

48. The proposed development is on an area of land adjacent to the wooded section of the Bassleton Beck Valley, being an alcove of grass land adjacent to the existing urban edge of Thornaby. The site lies within the defined limits of development for the borough and within the Tees Heritage Park. Subject to an appropriate layout and scale of development it is considered that the scheme would not unduly compromise the character or appearance of the wider area and would be able to be undertaken without undue impacts to existing adjacent properties whilst achieving a suitable form of access.
49. It is considered that the site layout will be able to adequately take 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 will be able to make adequate provision for the spacing of properties within the site, gardens, parking and the turning and manoeuvring of vehicles in accordance with relevant local development plan policy. It is considered therefore that the proposal on balance will provide Economic, Social and Environmental benefits
50. Subject to conditions as recommended and Section 106 contributions being made towards education, affordable housing, a highway scheme and 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 Ian 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. 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

Stockton on Tees Local Plan Adopted 1997

Stockton on Tees Adopted Core Strategy – 2010

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

Tees Valley Biodiversity Action Plan

Other applications and planning history for the site

Emerging

Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Documents

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing