

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th NOVEMBER 2015

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

15/0931/OUT

**Land Adjacent To Thornaby Road, Ingleby Barwick,
Revised outline application for residential development of up to 200 homes including
provision of means of access and open space.**

Expiry Date 24th July 2015

SUMMARY

The application site is situated on the corner of Thornaby Road and Low Lane and runs northwards towards the southern edge of Ingleby Barwick. Teesside Industrial Estate is located to the east of the application site. The applicant again seeks outline planning permission for a housing development, although the indicated housing land take and dwelling numbers have been reduced, with a maximum of 200 homes now proposed. However, as the Council was yet to make a decision on the application the applicant has lodged an appeal on grounds of non-determination. Consequently the Local Planning Authority is required as part of that appeal process to indicate to the Planning Inspectorate what its decision would likely to have been. For clarity the decision on whether to grant planning permission or not now rests with the Planning Inspectorate.

A total of 230 objections have been received and a number of comments have been made to the application. These comments predominately raise concerns relating to; the loss of the greenfield site; that it is designated as green wedge; the existing lack of infrastructure with Ingleby Barwick; and the increase in traffic.

Members may also be aware that there has been a recent legal challenge to the Secretary of State's decision of the adjacent site at Little Maltby Farm for 550 dwellings and a local centre; this resulted in the decision being quashed and the determination of that proposal reverting back to the Secretary of State. As part of that legal challenge the High Court Judge ruled that when Core Strategy policy CS10(3) replaced EN14 the proposals map delineating the boundaries of policy EN14 also fell away. The High Court Judge went on to explain that although the strategic diagram is indicative and the precise boundaries of the green wedge will be determined in a DPD, for the time being the 'Green finger(s)' (which delineate the areas of green wedge of the strategic diagram) are a *"helpful aid to interpretation of the policy in the statutory development plan"*.

In summary of the main issues, it is considered that based on the green finger of the 'Core Strategy' diagram which runs adjacent to Thornaby Road the extent of the housing proposed would lie broadly outside the indicative area of green wedge. The site is also identified within the emerging Regeneration and Environmental Local Plan (RELP) as being both outside the limits to development and within the green wedge although it can at this point in time be afforded little weight. Nevertheless, Officers consider that at this point in time, the proposal would not represent a logical extension to Ingleby Barwick when viewed independently of the proposed adjacent

development to the west of the site (site B on appendix 1) and would encroach onto the Green Wedge as a result of a small area of built development and through one of the proposed planting buffers. As that site to the west does not currently have planning permission (it is current being re-assessed by the Secretary of State) it would also appear as an isolated development and would therefore have an adverse and harmful impact on the landscape and character of the surrounding area.

RECOMMENDATION

That the Local Planning Authority would have been minded to refuse application 15/0931/OUT for the following reason;

01 In the opinion of the Local Planning Authority the proposed development would through built development and a planting buffer encroach onto the Green Wedge and would also not represent a logical extension to Ingleby Barwick. The proposal would appear as an isolated residential development undermining the proper planning of the area which by virtue of its scale and nature would have incongruous and unacceptable impact on the character and visual amenity of the area contrary to Core Strategy policy CS10(3) and paragraph(s) 17 and 58 of the NPPF .

BACKGROUND

1. It is understood that the site was originally identified as part of a potential village within the development of Ingleby Barwick, although revisions to the then Ingleby Barwick Masterplan meant residential development on the site never materialised and its agricultural use continued. In more recent times the area surrounding the application site has been subject to a number of planning applications which have sought residential development, in effect these form four sites which would create one large housing site to the south of the existing settlement of Ingleby Barwick (see appendix 1).
2. The first aspects to secure planning permission were the Ingleby Manor Free School and a residential development of 350 dwellings (ref; 12/2517/OUT) which was granted on appeal by the Secretary of State for Department of Communities and Local Government (DCLG) – site A on appendix 1. Amendments to the wording of some of the imposed conditions were then approved which allowed each individual element i.e the school and the housing to come forward separately (ref; 13/3077/VARY). Reserved matters applications for the first phase of housing (ref; 14/3012/REM) and the school (ref; 14/3281/REM) subsequently followed and work has since commenced on site.
3. Two further applications for a residential development of 550 dwellings and a local centre (ref; 13/3107/OUT and 14/0569/REV) then sought outline permission on the land immediately to the west of this application site (Site B – Appendix 1), these applications were refused and an appeal against the first application was subsequently lodged. This was heard at a Public Inquiry and although the Secretary of State dismissed the appeal, a High Court Challenge ensued and the decision was found to be unsound and quashed. The matter has now returned back to the Secretary of State to make a decision, which is still pending. In the intervening period a further application 15/0497/OUT was submitted and this is currently pending consideration with the Local Planning Authority.
4. As a result of the free school no longer requiring the original amount of land indicated, a further application for an additional 70 dwellings was submitted (ref; 14/0562/OUT). Although the application was refused by the Local Planning Authority the application was allowed on appeal. This site forms part of the original outline site for the school and 350 houses and

effectively means the original site can hold 420 dwellings and a school – it is marked as site C on Appendix 1.

5. With regards to this particular application site (Site D - appendix 1), an earlier outline planning application for up to 550 homes (ref; 14/0208/OUT) was considered by the Authority and refused due to its adverse impact on the green wedge. This was due to be heard at a Public Inquiry earlier this year but was withdrawn following the appeal at the neighbouring site being dismissed.

SITE AND SURROUNDINGS

6. The application site lies to the south-east of Ingleby Barwick on the corner of Thornaby Road and Low Lane. The site is presently used for agricultural purposes and has a highway verge adjacent to the eastern and southern boundaries. More recently a degree of tree planting has also taken place towards the eastern boundary of the site.
7. To the north of the application site lies Basselton Beck and an area of woodland, with the residential properties of Thornington Gardens and Chalfield Close beyond. To the east lies Thornaby Industrial Estate, whilst to the south lies Low Lane and a small group of commercial buildings including car showroom and public house. To the west of the site, lies the land which is current under consideration by the secretary of state for further housing (site C on appendix 1).

PROPOSAL

8. This revised application seeks outline planning permission for a residential development of up to 200 homes including the provision of means of access and open space. All matters except for the means of access are reserved for future consideration.
9. The application is supported by accompanying indicative drawings which suggest how a feasible layout, connection points to existing and proposed development sites as well as highway connections can be achieved (appendices 3-5).

CONSULTATIONS

10. The following Consultations responses received are set out below (in summary);

Councillor K Dixon – Strongly opposes the development as the land is designed green wedge, is valued by the wider community and is not a preferred housing allocation. Also states that no provision is made for either Primary or Secondary school places; that the highway infrastructure is unable to cope as the roads of Ingleby Barwick are at bursting point during peak times; and, that the doctor's surgeries and dentists within Ingleby Barwick are overcrowded now.

Local Ward Councillor, Cllr Kevin Faulks – Objects to the application due to the loss of open green space and over development. Also highlights a lack of school places within Ingleby and insufficient doctors. Queries why 200 houses were not originally sought and raises concerns that in future an additional 300 plus houses may be sought.

Local Ward Councillor, Cllr Sally Ann Watson – what Ingleby needs is more facilities i.e. schools, doctors, dentists, community buildings, better infrastructure, green space, etc. and not more houses.

Highways Transport and Environment – The proposed development is for up to 200 residential properties accessed off Thornaby Road. The impact of the additional trips on the highway network has been assessed using a micro-simulation transport model developed by Economic

Growth and Development Services (and our Framework Partners Arup) and the results show that the whilst the direct development highway impact could be accommodated with the implementation of mitigation to the highway network.

A revised planning application and appeal against the refusal of planning permission for 550 houses (13/3107/OUT) on the neighbouring site is anticipated. The Highways, Transport & Environment Manager requires a comprehensive Masterplanning approach to this site and the adjoining site. Both applications are currently being considered in isolation and whilst this report focuses on the land accessed off Thornaby Road only, it is recommended that should either site be approved they should be designed to enable the sites to be linked together in the future if required. This site meets this design requirement as the indicative layout that has been provided would allow for the network of routes within this site to be connected to the neighbouring site.

This site on its own would, however, be an isolated housing site with a lack of alternative transport modes available to access the site other than travelling by car and no sustainable linkages will be created without a linkage to the adjacent site. Bus stops are located on Beckfields Avenue to the north but access to these stops would be through Bassleton Wood (Thornaby Plantation). These stops would also be a considerable distance (over 1km walking distance) from the residential properties located in the south of the proposed development. Bus stops are located on Thornaby Road and Low Lane to the south of the site but the stops are unmarked and not suitable in the current form to support a residential development of this size. Furthermore, bus service 507, a subsidised service that operated from the bus stops on Low Lane is no longer operating (service withdrawn on 29 March 2014). Therefore, public transport connections and existing community facilities are largely inaccessible to those without access to a car, including school children. The development is proposing to fund the provision of a bus service which would improve the accessibility of the site to some extent but concerns remain that areas of the site would still be a considerable walking distance from schools and other local facilities.

Should the application be approved the following transport contributions / works would be required:

Section 278 works

- Provision of a Roundabout Junction where Thornaby Road meets William Crossthwaite Avenue – to incorporate pedestrian facilities (dropped kerbs, tactile paving and pedestrian refuge) and review into the existing 50mph speed limit.

Section 106 Contributions

- Contribution towards the provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout;
- Provision of a footway access to the A1044 Thornaby Road;
- Provision of a footway access to the A1044 Low Lane;
- Provision of a footway/cycleway access and bridge crossing through Bassleton Beck woods;
- Contribution towards the provision of a bus service or extension to an existing service (and associated bus stop infrastructure) to serve the site for a minimum of 5 years;
- Contribution towards improvements to the pedestrian link between the site and Beckfields Avenue;
- Provision of a £100 Travel Plan incentive per dwelling (currently calculated based on proposed housing yield at £20,000).

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

Given that the Ingleby Manor housing application for 550 dwellings (just west of this site) does not have planning approval, this development must be viewed as an isolated linear housing development within open fields. As an isolated development the proposed development is considered to have a harmful visual impact on the green wedge and the character of the area and would not be supported by the Highways, Transport & Environment Manager.

The extent of the housing area (including buildings and gardens) extends into the Green Wedge, this includes all properties along the eastern edge of the proposed development (approx. 60 units), as outlined on the LDA design plan reference 4565_06. This physical encroachment of built development into the Green Wedge is considered unacceptable and cannot be supported by the Highways, Transport & Environment Manager.

Two woodland buffer planting areas are proposed on the eastern edge of the housing site. Providing the development footprint is realigned within the agreed extent of the Green Wedge the one immediately abutting the proposed housing would be considered acceptable to provide the necessary level of screening of views of the new development. The second buffer planting area (in the centre of Green wedge) is, therefore, unnecessary to provide the necessary integration of the housing into this rural edge and in its own right at maturity would be considered harmful to the character of the Green Wedge by restricting the open views that are an integral part and function of the Green Wedge. It is noted that this second buffer has recently been planted as mixed woodland. This juvenile planting should be removed from the Green Wedge to retain its openness.

The applicant has not submitted any information on how the proposed development will meet the requirements to reduce energy consumption or meet the 10% renewable energy requirements. This information should be secured by condition.

Insufficient information has been provided regarding the management of surface water runoff from this proposed development and this should be secured by condition.

For the reasons stated above the Highways, Transport & Environment Manager cannot support this application.

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

Environmental Health Unit – No objections provided the mitigation measures outlined within the noise report are adhered to and would recommend conditions covering the following aspects be imposed should permission be granted.

- Noise disturbance
- Open burning
- Construction Noise
- Unexpected land contamination

Northern Gas Networks – A high pressure pipeline owned and operated by Northern Gas Networks runs parallel to Thornaby Road. However, the distance from the proposed homes to the pipeline exceeds the recommended minimum building proximity distance although the proposed access road will cross the pipeline. Northern Gas Networks must be consulted by the developer over the protection required to the pipeline during the construction of the road and any other works in the vicinity of the pipeline

Northumbrian Water Limited – insufficient detail with regards to the management of foul and surface water from the development has been provided to assess the capacity to treat the flows from the development. A condition is therefore recommended address foul and surface water from the development.

Highways Agency – No comments received

Natural England – No objections and consider that the proposal is unlikely to affect any statutorily protected sites or landscapes. Consideration should be given to Natural England's standing advice with regards to protected species and opportunities may exist to create biodiversity enhancements which are beneficial to wildlife (such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes) and landscape enhancements.

Spatial Plans Manager – This proposal would not represent an extension, or a logical extension, to Ingleby Barwick when viewed independently of the proposed adjacent development. Instead, on its own merits, the site is an urban island isolated between a settlement and an industrial estate. If, and only if, planning permission is granted for development of the land west of the appeal site can the site itself then be considered as an urban extension. The Spatial Planning team therefore consider that the application cannot be determined until the proposed adjacent development has been determined.

The Environment Agency – No objections to the proposed development but advise that the Lead Local Flood Authority (LLFA) be consulted with regard to surface water disposal. It is also advised that the areas of open space with Sustainable Drainage System (SuDS) features have the potential to provide substantial biodiversity enhancement and recommends types of habitats which should be considered.

Tees Archaeology – the site has been subject to archaeological desk based assessment, geophysical survey and trial trenching. The archaeological field evaluation results were negative, the archaeological potential of the site therefore appears to be low and no objections are raised to the proposal.

The Ramblers Association – no comments received

Private Sector Housing – no comments

Head of Housing – As required by policy CS8 a target range of 15 – 20% affordable housing will be required. Based on a development of 200 dwellings, 15% affordable housing would equate to 30 units and the mix provided will need to be 30% intermediate and 70% rented tenures. A worked example of the required affordable housing is set out below;

| No. of units | Size | Tenure |
|--------------|-------|---|
| 27 Units | 2 bed | 19 x Rented 8 x Intermediate Tenure |
| 3 units | 3 bed | 2 x Rented 1 x Intermediate Tenure |

Stockton Police Station – No objections but ask they be consulted at an early stage to ensure that the proposals consider crime and disorder and where appropriate the principles of Secured by Design.

Ingleby Barwick Town Council – object to the proposed development as the site falls within the green wedge and would have a severe detrimental impact on the open character of the area. That the site contains wildlife habitats which should be protected, In addition it is also considered that the site has insufficient infrastructure including highway capacity, school places, health care facilities, shops and leisure facilities.

PUBLICITY

11. Neighbours were notified by letter, site notice and press advert and a total of 230 objections/comments have been received. Those people who have commented are listed within the appendices and a summary of all comments received is shown below.

Objections:

Loss of a greenfield site and land is designated green wedge
Lack of infrastructure – school places, doctors, roads, shops, parks and leisure facilities
Lack of sustainability
Impact on climate change
Will increase traffic and exacerbate existing problems
Low Lane is already a dangerous road, more housing will make matters worse
Increase pollution
Brownfield site should be developed ahead of green spaces
Impact on wildlife and nature conservation
Land is used for recreation purposes
Loss of views
Ingleby is in danger of merging with nearby settlements and losing its identity
Further residential development will increase crime/antisocial behaviour
Increase the risk of flooding
Loss of hedgerow
Lack of employment opportunities within Ingleby Barwick
Overcrowding could lead to lower OFSTED ratings
Potential noise nuisance from Thornaby Industrial Estate
Ingleby does not need more houses
Other planning applications turned down including by Secretary of State/Mr Eric Pickles
Will set a precedent for further development

PLANNING POLICY

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

National Planning Policy Framework

13. 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.

Local Planning Policy

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

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

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

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

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

Further guidance will be set out in a new Supplementary Planning Document.

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

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

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

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

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

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

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

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

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

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

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

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

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

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

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

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

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

ii) Green wedges within the conurbation, including:

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

_ Leven Valley between Yarm and Ingleby Barwick;

_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

_ Stainsby Beck Valley, Thornaby;

_ Billingham Beck Valley;

_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

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

Saved Policy EN28

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

Saved policy EN30

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

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

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

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

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

Saved Local Plan Policy EN38

Residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

Saved Local Plan Policy HO3

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

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

MATERIAL PLANNING CONSIDERATIONS

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

Principle of development;

16. The NPPF sets out the governments objectives for the planning system and in particular those for achieving sustainable development, which has three distinct elements economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Building upon this aspect, paragraph 47 outlines the importance government place on boosting the supply of housing, while paragraph 49 states that where a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date.
17. With regards to local planning policy, weight should be given to policies depending on their consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). In this particular instance there are no specific designations which apply other than policy CS10 of the Core Strategy which covers 'green wedge' considerations, this along with other key policy considerations are discussed in more detail below;

Delivery of housing

18. The latest five year housing supply assessment for the Borough currently stands at 4.5 years with the 20% buffer added and consequently the Council cannot currently demonstrate a 5 year supply of housing land. The Council's housing supply policies are therefore 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.
19. In considering the appeal decisions both locally and nationally it is apparent that the lack of a five year housing supply is a both a significant and strong material planning consideration which weighs in favour of any application for additional housing to address the shortfall. Such benefits apply in this case although need to be weighed against all other material planning considerations.
20. The proposed development is currently in outline and final details over the mix of housing would be considered at the reserved matters stage. Policy CS8(5) also requires that a target

range of 15-20% affordable housing is provided as part of a development. Within the applicants supporting statement, they state that the affordable housing provision will fall within the range set out by Policy CS8 although until other requirements for contributions are known it is not possible to finalise a figure at this time. The minimum requirement will be 15% affordable housing provision and this can be secured through a section 106 agreement in the event the application were to be approved. Whilst the Government have recently made an announcement regarding affordable housing and 'starter homes' no firm details on their intentions has been provided and the ministerial statement carries little weight and cannot override the established national and local planning policies at this stage.

21. Many objectors have stated that there are plenty of 'brownfield sites' within the borough that can accommodate housing developments and that these should be considered ahead of this 'greenfield site'. In considering the requirements of the NPPF it is clear that if a five supply is not available then housing sites must be brought forward through either the development plan process and/or through planning applications.

Environmental protection and enhancement

22. It is noted that part of the application site lies within the area of green wedge identified on the strategic diagram, the primary purpose of Core Strategy Policy CS10(3), is to ensure that the separation between settlements is maintained and that the quality of the urban environment is protected.
23. In considering the impacts on the green wedge it is worth noting that as part of a recent High Court challenge the Judge reached the view that when policy CS10 of the Core Strategy replaced policy EN14 of the Local Plan, the Local Plan proposals map which delineated the extent of the green wedge policy also fell away and can no longer be relied upon. She considered that the key diagram of the Core Strategy with its 'green fingers' provides an indication as to where the policy protection applies. Although acknowledging that the precise boundaries would be determined in a development plan document (DPD) she concluded that *"for the time being the Green finger is a helpful aid to interpretation of the policy in the statutory development plan"*, the interpretation of policy CS10(3) is therefore a matter of fact and degree in each case and for interpretation by the decision maker.
24. Regardless of whether the site is in or out of the green wedge, the question and test is whether the proposed development would harmfully undermine the existing degree of separation between settlements, in this case between Ingleby Barwick and Thornaby. The proposed development in its current form would ensure that there would remain an area of land which is 'free' from build development and would be interspersed with planting and other landscaping features, the visual impacts resulting from the development is discussed in greater detail in the report below;

Sustainable transport and travel

25. The sustainability of the wider site was assessed as part of the sustainability appraisal of the Regeneration and Environment LDD with the site performing well accordingly the application site is considered to be a sustainable location for housing development. Whilst it is acknowledged that there are some shortcomings in respect of connections and walking distances improvements are proposed in mitigation such as pedestrian/cycle bridge with appropriate lighting and funding towards a bus service. Such an approach is considered consistent with the Secretary of States appeal decision for the free school site and it also not considered to be so significantly different from the existing situation for some areas of Ingleby Barwick.

Education provision

26. Several of the objectors raise concerns in relation to the impact of the development on school provision, particularly given existing shortfalls in school spaces. Typically on new housing

schemes a contribution towards primary and secondary school provision is sought in line with the Council's adopted Planning Obligations SPD.

27. However, should other developments come forward there will not be sufficient enough to accommodate the anticipated primary school children from all of the proposed housing numbers. In the event the site to the west is granted consent and land for a new primary school secured, this proposal would be required to provide a contribution to help deliver a new primary school on that site. Any such agreement would also need to consider and include appropriate mechanisms should both this application site and the neighbouring site both come forward for residential development. Although an agreement has yet to be finally agreed such provision could be secured through s.106 agreement and it is not considered that this is sufficient enough to justify a refusal of the scheme.

Visual Impact/Impact on the green wedge;

28. As noted within the Landscape Architects comments the site itself is a large, and relatively level arable field with a uniform rough grass running down the eastern boundary and although a number of small trees have recently been planted near the centre the site retains its open agricultural character until the large field divides into two smaller at the southern end of the site. This character is reflected within the Stockton Borough Council Landscape Character Assessment where it is identified as a defensible boundary and falls within the Yarm Rural fringe character area.
29. It is noted that many of the objectors have raised concerns in respect of the loss of the greenfield site and the green wedge site and the impact this will have on the surrounding area. As discussed above, the recent legal challenge to the Secretary of State's initial decision of the adjacent site at Little Maltby Farm for 550 dwellings and a local centre, this resulted in the decision being quashed and the determination of that proposal reverting back to the Secretary of State. However, the judge in that case outlined that although the strategic diagram is indicative and the precise boundaries of the green wedge will be determined in a DPD, at present the green fingers provide an indication of where they green wedges lie. Although the extent of the housing proposed would lie broadly outside the indicative area of green wedge, the site is also identified within the emerging Regeneration and Environmental Local Plan (RELP) as being both outside the limits to development and within the green wedge although it can at this point in time be afforded little weight.
30. In assessing the character of the area and wider visual impacts it is considered by the Landscape Officers that the proposed housing would encroach on the green wedge both in terms of its built form and planting. Whilst the indicated first buffer could provide sufficient screening the second planting buffer would need to be removed. In addition, no planting is shown on the western boundary and as the site to the west does not currently have planning permission there would be full open views of the development when viewed from the west or when travelling eastward. The proposed 200 dwellings would therefore be seen as an isolated and linear housing development. In addition, no landscape and visual information has been submitted to examine the impact of the development on these views.
31. In view of the current position, it is considered that the proposed development would encroach onto the Green Wedge and would appear as an isolated form of development given the clear and open views of the site from the west which would further highlight the isolated nature of the proposal. This current proposal is therefore considered to have a harmful impact on the open character of the Green Wedge and the undermine character of the area and will therefore have a significant and adverse landscape impact.

Setting of listed building;

32. Approximately 250 metres to the west of the application site lies the grade II listed Little Maltby Farm. The proposal would remain separated by the existing agricultural fields (and a

potential housing development should it gain planning approval), therefore it is considered that this proposed housing development is unlikely to adversely impact on the setting of Little Maltby Farmhouse and the scheme therefore accords with guidance within the NPPF and saved Local Plan policy EN28, in this respect.

Amenity;

33. Both Thornington Gardens and Chalfield Close lie a minimum of approximately 70-100 metres to the very northern edge of the site which would include an area of woodland in the intervening distance. Properties further to the west are in excess of 300 metres from the indicated housing, whilst the nearby static caravan is approximately 150 metres from the indicative housing. Whilst the final details regarding site layout and the external relationships with existing properties would be a matter for future consideration (at the reserved matters stage), the indicative distances from the masterplan drawings all suggest that a housing development can be accommodated without there being any adverse impacts on the amenity of the neighbouring residential dwellings. Equally the internal relationships between the proposed dwellings would also be assessed at the reserved matters stage to ensure that acceptable levels of amenity are provided for future residents of the proposed development.
34. Given the commercial nature of the Industrial Estate and the separation of Thornaby Road it is not considered that the proposed development will have any adverse impacts on these businesses or their operations. In terms of the impacts of the commercial activities of the industrial estate a noise report outlines a series of mitigation measures which have been considered by the Council's Environmental Health Officers and they have raised no objections to its findings or to the development provided the mitigation measures are adhered to. Consequently the proximity to the industrial estate is not considered to have any adverse impact on levels of residential amenity for any future occupiers that it would justify a refusal of the proposed development. Planning conditions can be imposed to address short to medium term impacts (i.e. dust and noise) associated construction activity should the development be approved and is not considered to be sufficient enough to warrant a refusal of the application.

Access and Highway Safety;

35. The Highways, Transport & Environment Manager has assessed the proposal noting that this is a revised application and that a development of up to 550 houses and local centre is still pending consideration by the Secretary of State. Although a comprehensive Master planning approach to this site and the adjacent site would be preferred it is recommended that should both sites be approved they should be designed to enable the sites to be linked together in the future, the indicative layout that has been provided would allow for the network of routes within this site to be connected to the neighbouring site. Access into this site would be provided via a roundabout junction where Thornaby Road meets William Crossthwaite Avenue and the applicant would be required to enter into a Sec.278 agreement to deliver these works.
36. The highway impact assessment has been carried out using a micro-simulation transport to review the impact of developments in the Yarm and Ingleby Barwick area. The model incorporates traffic associated with local committed developments and includes any agreed highway improvement measures. It does not however include the additional housing proposed on the neighbouring site as the development has not been granted approval. The results show that with the addition of development traffic some roads within the study area would be adversely affected during the morning peak with a maximum increase in journey times of 2 minutes. The submitted Transport Assessment (TA) identifies a dedicated and segregated left turn filter lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout and the provision of a roundabout junction with the A1044 Thornaby Road and William Crossthwaite Avenue to mitigate these impacts. The Highways Transport and Environment Manager is satisfied that the proposed works and would not affect network conditions and in some cases would improve the existing situation

with some routes experiencing a reduction in journey time. These works could be secured by a Section 106 agreement attached to any planning consent.

37. In view of these considerations the Highways Transport and Environment manager has no objections to the proposed development subject to appropriate mitigation measures and the scheme is not considered to pose any significant risks to highway safety. Whilst it is noted that there are some shortcomings of the site with respect to recommended walking distances to schools and other community facilities this is not substantially different from other areas of Ingleby Barwick and is not considered to be significant enough to justify a refusal of the proposed development on these grounds. In addition the applicant is proposing to upgrade an existing walkway with a bridge and appropriate lighting as well as providing funding towards a bus service. Such measures can be secured through either planning conditions and/or a section 106 agreement in the event of an approval.

Features of Archaeological Interest;

38. Tees Archaeology have advised that the applicant has previously carried out an archaeological desk based assessment, geophysical survey and trial trenching and as a result of those findings the archaeological potential of the site is low. The proposal is therefore considered to accord with saved policy EN30 of the Local Plan and guidance within the NPPF.

Impact on protected species;

39. The applicant has submitted a Phase 1 Habitat Survey and it outlines that there is no evidence of protected species using the application site, although the woodland area to the north west of the application site (including Bassleton Beck) may be likely to support some protected species. It is therefore considered that the proposed development will not have any significant impacts on protected species or habitats providing a series of mitigation measures are adopted, these would include a vegetated buffer zone planted with native species and an Ecological Method Statement that would include factors such as a toolbox talk to all on site staff prior to works commencing, no significant de-vegetation works are completed within the bird-nesting season (early March and late August), no lighting to shine towards the woodland area and pre-start badger assessment on and surrounding the application site.

40. Natural England also has no objections to the proposed development and there does not appear to be any conflict with their standing advice. Comments made with respect to biodiversity and landscape enhancements are noted; these would be considered in detail at the reserved matters stage and could be controlled via a planning condition if necessary. A planning condition can also be imposed to ensure that the identified mitigation within the ecology report is adhered to in the event the application was to be approved.

Flood risk;

41. The Environment Agency has been consulted on the application and have no objections to the proposal although advise that the Lead Local Flood Authority (LLFA) be consulted with regard to surface water disposal. It is also advised that the areas of open space with Sustainable Drainage System (SuDS) features have the potential to provide substantial biodiversity enhancement.

42. The Highways, Transport and Environment manager has commented that the proposed development must not increase the risk of surface water runoff from the site and surface water discharge rates from the proposed site must be restricted to the existing Greenfield runoff rate. Although there is no objection it is strongly recommended that should the application be approved that the developers discuss the site drainage prior to making any Reserved Matters application, as designs and calculations will be required in more detail, particularly with regards to SuDS.

Public Safety;

43. Although a high pressure gas main lies in close proximity to the site the PADHI+ consultation tool of the Health and Safety Executive has been used to assess the potential risks as a result of the proposed development. The HSE have subsequently advised that they do not advise on safety grounds against the granting of planning permission. Consequently there is considered to be no risk to public safety or any conflict with saved policy EN38 of the adopted Stockton on Tees Local Plan.

Residual matters;

44. Northumbrian Water have stated that insufficient detail is provided to make a thorough assessment as to the available capacity of the foul and surface water drainage system, such the development be considered acceptable, such matters could be addressed via a planning condition.

45. Local residents have also commented that the site is used for recreational purposes. However, from previous site visits it is clear that the land has been used for agricultural purposes and any recreational use is considered likely to have been very limited. The site is therefore considered to have very limited recreational or general amenity value other than offering a visual break across the wider more open area.

46. Whilst it is noted that some residents consider that additional housing will increase crime and antisocial behaviour there is no evidence to suggest that this would occur. Opportunities to design out crime can be assessed at the reserved matters application where factors such as natural surveillance and the appropriate use of lighting would be encouraged to prevent opportunities for crime and anti-social behaviour.

47. Objections relating to the loss of view or property value are not material planning considerations and therefore they carry little to no weight during the determination process.

CONCLUSION

48. As detailed in the report above, the recent Secretary of State's decision for the adjacent site at Little Maltby Farm for 550 dwellings and a local centre has been found unsound and quashed following a High Court challenge. The determination of that proposal has now reverted back to the Secretary of State for re-consideration.

49. As part of the High Court challenge, the Judge ruled that as Core Strategy policy CS10(3) replaced policy EN14 (green wedges) of the Local Plan, the proposals map delineating the boundaries of green wedges also fell away. There is now a reliance on the strategic diagram to provide a "helpful aid to interpretation of the policy" in respect of the green wedges and that any impact(s) on the green wedges must be made on a case by case basis. In this instance it is considered that based on the green finger of the 'Core Strategy' diagram which runs adjacent to Thornaby Road the extent of the housing proposed would lie broadly outside the indicative area of green wedge and although the site is identified as being both outside the limits to development and within the green wedge within the emerging Regeneration and Environmental Local Plan (RELP), at this point in time be afforded little weight.

50. Nevertheless, the proposal as currently proposed would encroach into the green wedge through a small area of built development and the indicated second planting buffer and would adversely impact on the open character of the site. In addition it is not considered to represent a logical extension to Ingleby Barwick and given the lack of planting to the western edge of the site open views of the site would remain. It would therefore be viewed as a linear and independent form of development which is poorly related to the surrounding area and would not constitute as the proper planning of the area. Given the current lack of planning

permission for the land to the west of the application site, the proposal would therefore appear as an isolated development, reduce the current sense of openness and have an adverse and harmful impact on the green wedge and rural character of the surrounding area.

51. Although it is acknowledged that the proposed development would have some strong social and economic benefits as a result of its contribution towards economic growth (through investment and job creation) and through significantly boosting the supply of housing. It is not considered that these benefits outweigh the significant environmental and visual harm to the surrounding area. In view of the fact that an appeal on the grounds of non-determination has been made by the applicant, at this present moment it is considered that the Local Planning Authority would be minded to refuse the application for the reason(s) specified above.

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

WARD AND WARD COUNCILLORS

**Ward Ingleby Barwick East
Ward Councillor(s) Councillor Kevin Faulks, Gillian Corr & Sally Ann Watson**

IMPLICATIONS

Financial Implications:

The Local Authority is likely to incur costs in defending the appeal and there remains the potential for an award of costs against the Local Authority should it fail to substantiate a reason for refusal or in the event it acts with unreasonable behaviour.

Environmental Implications:

As detailed 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.

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 1997

Stockton on Tees Core Strategy 2010

Emerging Regeneration and Environment Local Plan – Publication February 2015

Supplementary Planning Documents:

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing