

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

13 April 2016

**REPORT OF DIRECTOR OF ECONOMIC
GROWTH AND DEVELOPMENT SERVICES**

15/2431/FUL

**Land North of Myton Park Primary School, Blair Avenue, Ingleby Barwick
Development of 40.no Apartments with associated communal facilities.**

Expiry Date: 16 April 2016

SUMMARY

The application site is located close to the centre of Ingleby Barwick and is at present fenced adjacent to Blair Avenue. It lies between an on-going housing development (north) two school to the south, the Roseville Nursing Home (east) and an additional area of open space/tree planting with residential properties beyond (west). Previously the site has been granted planning approval for a scheme for 48 no. retirement Apartments with associated communal facilities (ref; 11/0113/FUL).

Planning approval is sought for a residential development for 40no. Apartments and the associated access/parking area and communal gardens. The proposed apartments are to be split between two, two-storey blocks and will consist of 16no. 1 bed Apartments and 24no. two bed Apartments. The design of the proposed buildings are modern and contemporary with a central parking court and associated landscaping being provided throughout the site.

A total of 17 objection comments have been received with the main objections including a loss of open/green space which will harm the visual appearance of the area; that it will increase traffic and exacerbate existing problems; the impact on wildlife and that more housing and flats are not wanted in Ingleby Barwick.

The site is considered to be within a sustainable location and is one which could accommodate a higher density of development. The proposed offer of transferring land to the immediate west is considered to offer wider benefits to the community of Ingleby Barwick whilst the overall design of the proposal is considered to be visually acceptable and will provide for sufficient space to accommodate landscaping to soften the proposal. The proposal is also not considered to pose any significant harm to the amenity of the neighbouring occupiers or highway safety and is therefore recommended for approval.

RECOMMENDATION

That planning application 15/2431/FUL be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

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

Plan Reference Number	Date on Plan
14006/L01	30 September 2015
14006 P102 A	11 December 2015
14006 P103 B	11 December 2015
14006 P100 D	11 December 2015
14006 P105 B	11 December 2015
14006 P115 B	11 December 2015
14006 P110 B	11 December 2015

Reason: To define the consent.

Materials:

- 02 **Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s). All windows shall be recessed from the face of the building by a minimum of 100mm or an alternative amount to be first agreed in writing with the Local Planning Authority. The agreed details shall be retained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To enable the Local Planning Authority to control details of the proposed development and in the interests of the visual amenities of the area.

Obscure glazing and opening restrictions:

- 03 **Notwithstanding the submitted plans all windows within the northern elevation of the hereby approved apartment buildings shall be obscurely glazed to a minimum glazing obscurity of level 4 and all opening windows shall be fitted with a maximum 100mm opening restriction. Such measures shall be in place prior to the occupation of the hereby approved development.**

Reason: in the interest of the privacy and amenity of neighbouring occupiers.

Means of enclosure:

- 04 **All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first agreed with the Local Planning Authority before the development is occupied. Such means of enclosure as agreed shall be erected before the development hereby approved is first occupied and shall be retained for the life of the development.**

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

Site and floor levels:

- 05 **Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.**

Reason: To define the consent

Soft landscaping works:

- 06 **A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the**

occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

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

Landscape Maintenance:

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

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

Hard landscape details:

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

Reason: In the interests of visual amenity.

10% Renewable energy requirement

- 09 No development shall take place until details of how the apartment buildings will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other alternative measures such as a fabric first approach, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

Construction activity:

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

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

External lighting:

- 11 Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority**

and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area

Cycle parking;

- 12 Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.**

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

Unexpected land contamination;

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.**

Reason: To ensure proper restoration of the site.

Surface Water drainage;

- 14 Notwithstanding the submitted information and prior to commencement of development a scheme for the discharge of surface water drainage and management shall be submitted up and be approved in writing the Local Planning Authority. Such a scheme shall make provision for the discharge rates from the site shall be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus 30% climate change should also be provided. The development shall be completed in accordance with the approved scheme.**

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

Surface water construction phasing and maintenance

- 15 No works shall commence until a development management & construction phasing plan has been provided to and approved by the Local Planning Authority, for the installation of the surface water infrastructure, the plan should include the following**
- i. Detailed design of the surface water management system**
 - ii. A build program and timetable for the provision of the critical surface water drainage infrastructure**
 - iii. A management plan detailing how surface water runoff from the site will be managed during construction Phase**

- iv. ***The arrangements for the future maintenance and management of the surface water system, including:***
- a. ***identification of those areas to be adopted and***
 - b. ***arrangements to secure the future operation of the system throughout its lifetime***

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure surface water runoff is controlled and maintained appropriately to ensure that the scheme does not increase flood risk.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

HEADS OF TERMS

Transfer of land to the west of the site to form public open space

Commuted lump sum of £25,000 for open space maintenance

Commuted lump sum of £60,000 towards off site affordable housing provision

BACKGROUND

1. The application site has a rather complex planning history which is borne out of the sites association with wider forms of development. Whilst originally forming part of the Ingleby Barwick development site, it was identified with the 1991 Masterplan as forming part of a 'local open space system' although neither it, nor the 2002 Masterplan has any status as part of the development plan. In addition part of this area (the 'Roseville Nursing Home' site) has now been developed,
2. In February 2004 outline planning permission was granted for the development of 0.5 hectares of land which now forms part of the 'Roseville Nursing Home' site for a community centre and children's day nursery with associated car parking was approved under reference No.03/2212/OUT.
3. This application site then formed part of a wider site for development when outline planning permission was sought for a mixed use development (ref;.05/0870/P). Better known as 'the Eco Park' it comprised of a children's day nursery, community centre, retail, pub/restaurant, industrial starter units, health and fitness centre and office uses with an area of public open space also being proposed at the western edge of the site. The development was withdrawn following concerns over the scale of the development as well as associated traffic concerns. A revised outline application followed (ref; 06/0823/OUT), which removed the industrial and other commercial/retail uses whilst also increasing the amount of open space provision, application was refused at planning committee due to the impacts on highway safety; failure to justify an out of centre location; the adverse impact on residential amenity; and, failure to provide a flood risk assessment.
4. A further application on the site which now forms the Roseville nursing home site (ref; 06/3752/OUT) sought a mixed use development comprising 50 no. place children's nursery, 75 no. bed old peoples home and a Primary Care Trust building which was allowed on appeal.

Two reserved matters applications 07/0492/REM and 07/1136/REM (for the erection of a children's day nursery, community centre, associated car parking and access road were then allowed on appeal. A further application for a 75no. bedroom residential nursing home and private medical centre (ref; 08/2977/FUL) was then granted planning approval. Development then proceeded on site but not in accordance with the approved scheme and a series of further planning applications have been submitted to regularise matters these include references 10/1778/FUL; 12/0807/FUL and 13/0534/VARY.

5. Most relevant to this application is a scheme for 48 no. retirement Apartments with associated communal facilities (ref;11/0113/FUL). This application was refused due to the land forming part of an open space system within Ingleby Barwick. However, this proposal was allowed on appeal with the Planning Inspector considering that as the site was not specifically allocated for open space and was not available for public use it was consistent with development plan policies and would protect the provision of open space and safeguard the urban environment within the Borough.
6. To the immediate north of the site, lies an area of land which will future phase of housing within Ingleby Barwick and completing the village 6 'The Rings' development. This site has been granted reserved matters approval for 477 dwellings (ref; 14/3035/REM).

SITE AND SURROUNDINGS

7. The application site is located close to the centre of Ingleby Barwick and is at present fenced adjacent to Blair Avenue. The site contains a raised mound within it which is currently overgrown and laid to grass/scrub and measures approximately 0.7 hectares.
8. To the north lies the outgoing development site of 'The Rings' and a future phase of housing will be built in this area. To the east lies the Roseville Nursing Home site, to the west remains a further area of grassed mound with trees and the residential properties of Snowdon Grove and Rowen Close beyond that. Immediately to the South lies Blair Avenue with All Saints Secondary School and the Myton Park Primary School and associated car park directly opposite.
9. The group of trees to the west are covered by a Tree Preservation Order (TPO) No. 00.8.5.758 (which was confirmed on the 27 May 2011), a relatively mature hedge also runs along the northern boundary.

PROPOSAL

10. This application seeks planning approval for a residential development for 40no. Apartments and the associated access/parking area and communal gardens. The proposed apartments are to be split between two, two-storey blocks and will consist of 16no. 1 bed Apartments and 24no. two bed Apartments. They will be laid out on the site in a north-south orientation with the main aspects of each apartment facing either east or west. The proposed buildings will measure approximately 51m (l) x 16m (w) and reach a maximum height of 7.5 metres. The design of the proposed buildings are modern and contemporary with large elements of glazing and balconies featuring a timber sliding panel for shading purposes. The access is taken directly from Blair Avenue with a central parking area also being provided to serve both apartment blocks.
11. Since the original submission revised details have been submitted which have allowed for a greater amount of landscaping within the central area of the site, provision of walkways to the front of each building and a pedestrian link to the west of the site, to allow for any future connection to the wider pedestrian network. As part of the application and through negotiation around the s.106 agreement the landowner has also submitted a viability appraisal.

CONSULTATIONS

12. The following Consultations responses have been received and are set out below (in summary):-

Councillor Ken Dixon – Strongly opposes the application as the land was always considered to be green wedge. The owner applied for planning permission for over 55's accommodation based on a specific need and was allowed on appeal. The flats would be built opposite a Primary School and a Secondary School who would be responsible for any type of incident/accident at this location. The Primary schools in Ingleby Barwick are full to capacity as are the secondary school with about 600 pupils being bussed to alternative schools daily. Blair Avenue is one of the busiest roads on the estate and additional traffic caused by this application would be detrimental to the health and safety of our children, the environment and the existing congestion

Highways Transport and Environment – The Highways, Transport & Environment Manager has no objection to the proposed Development of 40.no apartments with associated communal facilities.

The development site benefits from a previous planning approval for the construction of 48 no. retirement apartments with associated communal facilities (11/0113/FUL) and therefore the principle of development at this location has already been established.

A Transport Statement (TS) has been submitted in support of the application and this has demonstrated that an additional 26 trips in the morning and evening peak hour on Blair 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.

The proposed site access arrangements are considered acceptable. If approved, the site access would need to be constructed in accordance with the Council's Design Guide and Specification and this would be secured through a Highways Act Section 278 Agreement.

A Construction Management Plan should be secured by planning condition to minimise the impact of any construction works on the public highway.

The palette of paving materials, as shown in the Design and Access Statement is considered acceptable in principle and a variety of hard landscaping materials should be used to visually break up the car park.

The communal garden space is considered acceptable in principle, subject to detailed design, but it is considered to be a space for passive use.

New tree planting should be designed to accommodate future canopy and root growth, in respect of the buildings, car park and the existing and proposed footpaths.

The planning statement mentions opening up the small wooded open space to the west of the site (for use by the public as informal recreation, which would be supported, and the site should be linked with the public open space (POS) provided as part of the Rings development situated just to the north of this site. An offsite contribution could be sought to provide footpath linkages and an agreement reached for title transfer to Stockton Borough Council.

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.

The applicant must provide a preliminary drainage layout drawing highlighting the existing green/blue corridors and stating the existing greenfield runoff rates. The point of discharge for the surface water runoff from the development must be clearly identified along with the agreed discharge rates. The total impermeable surface area of the developed site must be provided along with the estimated storage volumes required. This information should be secured by condition.

Environmental Health Unit – No objections in principle subject to conditions covering construction/ demolition noise and operation times.

Head of Housing – the Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties. Core strategy Policy 8 (CS8) requires a target range of 15 - 20% affordable housing on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Offsite provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

We note from the Planning Statement that the applicant is proposing off site provision of affordable housing. The proposal is considered acceptable in this instance. Having considered responses from Registered Provider's regarding their purchase prices for apartments in the locality it is considered that a reasonable price for a 1 bed apartment would be £53,400 and £59,200 for a 2 bed apartment.

Making a calculation in line with SPD equates to;
£85,156 (average Borough two bedroom flat price) - £59,200 (RP's purchase cost) = £25,957
£25,957 x 6 (155 affordable housing requirement) = £155,736

Natural England - no comments to make on this application

Northumbrian Water Limited – consider that the application does not provide sufficient detail with regards to the management of foul and surface water from the development to assess the capacity to treat the flows from the development and recommend that a condition for the disposal of foul and surface water from the development be imposed.

Northern Gas Networks – have no gas mains in the area, however, there may be gas pipes owned by other transporters present in the area.

Adult Strategy – It is noted that the scheme is being developed with a commitment towards supporting off-site affordable housing provision at a location of the Council's choosing. However, we do not believe the scheme provides a clear indication as to how the scheme will directly address a proven local need.

Spatial Plans Manager – the site is within the development limits for Ingleby and it is considered that in view of the planning history of the site, that the principle of the site being developed for residential purposes has already been accepted. The case officer will need to be satisfied that the proposal would provide 'a good standard of amenity for all existing and future occupants. The proposal will contribute to the supply of housing which is consistent with NPPF although the applicant will need to provide robust evidence to justify off site affordable housing provision in order to be consistent with Policy CS8.6. The early approval was linked to a requirement for development of the site to include making the adjacent area of open space publically accessible the emerging Regeneration and Environment Local Plan includes this requirement and the case officer will need to ensure that this commitment is carried forward with the current proposal.

Tees Archaeology – No objections

Private Sector Housing – No comments

PUBLICITY

13. Neighbours were notified and the application has been publicised through a site notice and press advertisement. A total of 17 objection comments have been received, these are set out below (in summary):-

Objections

- Loss of open/green space which will harm the visual appearance of the area
- Will create additional traffic and exacerbate existing problems – particularly with the leisure centre proposed opposite
- Roads, infrastructure and amenities cannot support further development
- Will increase in traffic flow around two schools creating child safety concerns
- There is congestion around the schools at peak times caused by parents dropping off and picking up their children
- Consideration should be given to improving the highway network and pedestrian crossing facilities/speed reduction measures
- The applicant has previously destroying the woodland which was there
- This land was an important recreational area and wildlife habitat before it was destroyed
- Ingleby Barwick is over developed
- Flats generally sit empty or to let and externally are not as well maintained as houses
- More housing and flats are not wanted
- Residents of the apartments should be subject to sex offender register screening
- Antisocial behaviour problems exist around the shops which could deter people from buying the apartments
- Scheme will create increased pollution
- Developments continue to erode wildlife and fauna and affect the ecology of the area

Objectors

1. Mrs Alexandra McNinch - 6 Rhinog Grove Ingleby Barwick
2. Mrs Nicola Cowell - 99 Marchlyn Crescent Ingleby Barwick
3. Mrs Tracy Chapman - 101 Marchlyn Crescent Ingleby Barwick
4. Mr Ian Wanless - 7 Snowdon Grove Ingleby Barwick
5. Mr Glen Urban - 3 Newgale Close Ingleby Barwick
6. William MacGregor - 10 Rowen Close Ingleby Barwick
7. Mrs Margaret Noble - 7 Broomlee Close Ingleby Barwick
8. Mr Daniel Badger - 28 Brecon Crescent Ingleby Barwick
9. Mr Jian Ding - 15 Snowdon Grove Ingleby Barwick
10. Mr & Mrs Young - 115 Marchlyn Crescent Ingleby Barwick
11. Stephanie Mann - 18 Snowdon Grove Ingleby Barwick
12. Mr Laidler - 5 Sugar Loaf Close Ingleby Barwick
13. Lyn and Richard Mackey - 21 Garmon Close Ingleby Barwick
14. Helen Latif - 113 Marchlyn Crescent Ingleby Barwick
15. Tracy Taylor - 9 Sugar Loaf Close Ingleby Barwick
16. Matt Wilcock - 12 Rowen Close Ingleby Barwick
17. Mr S York - 35 Cradoc Grove Ingleby Barwick

PLANNING POLICY

14. 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.
15. 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

16. 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

17. 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

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.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

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

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.

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.

Core Strategy Policy 11 (CS11) - Planning Obligations

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

2. 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.

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.

MATERIAL PLANNING CONSIDERATIONS

18. The main planning considerations of this application are compliance with planning policies and the impacts of the development on the appearance of the area; amenity, access and highway safety; flood risk; protected species and crime and anti-social behaviour.

Principle of development;

19. The National Planning Policy Framework (NPPF) sets out the Governments objectives for the planning system and in particular those for achieving sustainable development, 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 of the NPPF 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.
20. With specific regard to the delivery of housing, 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 provision of housing to address the shortfall in the 5 year housing land supply therefore carries significant weight in favour to this proposal. In addition the proposal would offer social and economic benefits which would weigh in favour of the proposed development as a result of increased housing, inward investment and job creation during the construction phase.
21. With regards to the Borough's own planning policies, the site has no specific allocation under the adopted local plan, although it is recognised that it lies both within the limits to development and towards the centre of Ingleby Barwick. Core Strategy Policy CS8(3) indicates that higher density development will not be appropriate in Ingleby Barwick. However, in examining the reasoning for such a stance this is focused around the capacity of the road network and achieving satisfactory mitigation measures. In view of the planned infrastructure requirements for Ingleby, this becomes a matter for highway impact (discussed later in the report), rather than a principle issue relating to land use.
22. Policy H30 (Blair Avenue) of the emerging Regeneration and Environment Local Plan (RELP) identifies the site as a housing commitment for up to 48 retirement Apartments with the inclusion of making the adjacent area of open space (to the west), publically accessible. Although the proposed development is not for retirement housing, the emerging policy position is as a result of the previous planning approval which was granted on appeal. There is no justification for insisting that any future scheme is for retirement living and this application must be considered on its own merits. In addition the land to the west is offered to the Council to make it publically accessible and consequently this aspect of the proposal would be consistent with the aims of this policy.

23. Whilst now dated, the Council also has Supplementary Planning Guidance on high density development (SPG4), which seeks to guide higher density development towards more sustainable areas with good levels of public transport and service provision. It sets out that high density development must be located within the limits to development; be on previously developed land or on land allocated for housing; be within 500m of a stop on a main bus route and be within a set distance of an identified retail centre. The site meets almost all of these requirements with the exception being that it is not on previously developed land or is identified as a housing allocation. However, the site has previously been considered appropriate for a high density development and is a housing commitment within the emerging RELP. Being approximately 350m from Ingleby Local Centre SPG4 indicated a density range of 50-60 dwellings per hectare (dph). Given the overall density of this scheme is 57 dph it is consistent with SPG4 and accordingly the site is considered to be appropriate for a high density development.
24. The Local Ward Councillor has made comments in relation to this site forming part of the Green Wedge and all the implications for school provision. Whilst noted the site does not form part of the Green Wedge and the earlier appeal considered the merits of retaining the whole site for open space purposes with the appeal being allowed. In terms of school places the adopted planning obligations SPD does not require flats to provide a contribution towards education facilities.
25. In view of the sustainable location of the site, the relatively recent appeal decision and identified housing commitment within the emerging RELP, the principle of a high density residential development is considered to be acceptable subject to those other material planning considerations outlined below;

Viability

26. As part of the application the applicant has submitted a viability appraisal which demonstrates that the scheme will make a loss, therefore the scheme cannot afford to provide full contributions towards affordable housing provision and afford to give over land to provide open space along with the maintenance sum.
27. Officers have considered the applications viability appraisal and the offer for off-site affordable housing provision. Whilst in normal circumstance on site affordable housing is the preferred approach, in this instance the proposed apartments does not include a lift and there was no interest in the site from an affordable housing provider and therefore the approach to provide an off-site affordable housing contribution is accepted in this instance. Whilst the affordable housing offer at £60,000 falls significantly below the level that would be required through the adopted policy approach (c. £155K), the viability assessment makes it clear that the scheme cannot afford to provide the full require planning obligations for the development.
28. The viability appraisal and its requirements for the degree of developer profit is considered to be consistent with those accepted in many recent appeal decisions across the country and is further supported through the statements within the NPPF which states that the planning system should not act as an impediment to growth (paragraph 19); that investments must not be over-burdened by the combined requirements of planning policy expectations (paragraph 21); and, that affordable housing can be provided off site where justified although sufficient flexibility must be applied to take account of changing market conditions over time.
29. In view of these circumstances, it is therefore considered that the level of contribution is acceptable and the issue which remains is how this is split. The options available are either the transfer of the land to the west and £85,000 towards off-site affordable housing or the transfer of land, £60,000 towards an off-site affordable housing and the £25,000 towards public footpath provision and the open spaces on-going maintenance of the land to the west.

30. Having considered these offers, from the planning perspective it is considered that the greatest benefit to the community of Ingleby Barwick is the latter option as it will not only offer both visual benefits (through removing any existing fencing and opening the site up) but offers wider communal and recreational benefits to the community which would sit well with a future area of public open space to the north (which forms part of the final phases of the Rings) and allow a 'green link' between housing and the existing schools and centre of Ingleby Barwick. Such an approach is therefore considered to enhance sustainable development contribute to place making and contribute towards the "proper planning" of Ingleby Barwick.

Visual Impacts;

31. Whilst the proposed development will result in the loss of some open space within the street scene, the land at present is fenced off and does not provide any significant contribution to its surroundings. To the west lies the Roseville nursing home site which consists of modern two storey buildings while the existing school buildings are to the south and a two storey development is considered to be appropriate within the locality.
32. The proposed apartment buildings are of a modern and contemporary design and it is considered that their scale and appearance will fit into the character of the surrounding area. The eastern and western elevations of each unit will provide an attractive high quality façade which would sit well with the more contemporary designs of Myton Park and All Saints school buildings and overall it is considered that the buildings will contribute positively to the street scene.
33. The Council's landscape officer has considered the revised plans and considered that sufficient space is provided to achieve satisfactory landscaping to the front of the buildings and adjacent to Blair Avenue. It is also stated that metal railing shown in the design and access statement is an acceptable boundary treatment, which should be used on the southern boundary and along the gaps on the northern boundary, with the remainder being formed by the existing hedge. It is considered that variety of hard landscaping should be used to visually break up the car park and the final details of all these aspects can be secured through a planning condition.

Impacts on Amenity;

34. To the immediate east of the site lies the Roseville Nursing home, the main eastern elevation of apartment block will be approximately 30 metres from the side elevations of the buildings within this site. The western apartment building is located in excess of 75m from the habitable room windows within the western elevation and a group of trees are also located between this elevation and the rear of these neighbouring properties. Consequently it is not considered that these residents will suffer from any significant loss of amenity as a result of this development.
35. Internally the distance between each apartment block measures 44 metres and it is considered that future residents of the development will benefit from satisfactory levels of amenity and privacy. The northern elevation of the buildings will be approximately 10m from the side elevation of properties to the north with a secondary lounge and bathroom windows looking onto these dwellings and their rear gardens. Whilst it is not considered that there would be any significant loss of privacy to these dwellings, a planning condition could be imposed to ensure that the residents benefit from acceptable levels of amenity and such details could be controlled via a planning condition. The proposed southern elevation of the apartment building will be approximately 50m from the school and it is not considered that the two uses will have any adverse impacts on one another.
36. The Environmental Health Unit has considered the impacts of the proposed development on neighbouring land users and has raised no objections subject to controls on the working hours during construction, a planning condition is recommended to control these aspects.

Access and Highway safety;

37. The Highways, Transport and Environment Manager has considered the impacts of the development and notes that planning approval has previously been granted for 48 no. retirement apartments with associated communal facilities (ref:11/0113/FUL). The proposed site access (a T junction from Blair Avenue) is considered to be acceptable and the parking provision shown on the submitted site plan (on drawing reference 14006 P100D rev D) complies with the Council's requirements with a total of 60 number spaces being provided (equating to 1.5 spaces per unit).
38. With regards to traffic impact a Transport Statement (TS) has been submitted in support of the application, given the previous planning approval it is considered that the additional trips to the network could be reduced by netting off against the trips associated with the previous planning approval. Regardless, the scale of trip generation, without considering the netting off would not be so significant that it would have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds. A planning condition could also be imposed with regards to the requirement for a construction management plan.

Flood Risk

39. The Highways, Transportation and Environment Manager has commented that proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. In this regard it is advised that the applicant has not provided sufficient information regarding the management of surface water runoff, whilst the required information is noted, it is considered that this can be adequately controlled and secured through the imposition of a condition.

Ecology and protected species;

40. It is noted that several objectors have questioned the impact of the proposed development on wildlife and fauna and the affect it will have on the general ecology of the area. Whilst such concerns are noted, the application site is located centrally within Ingleby Barwick and has a busy road immediately to the south. The site has a relatively large earth mound upon it which is generally covered in scrub. Consequently it is considered to have very limited ecological value to those species protected by law.

Crime and anti-social behaviour;

41. Under the provisions of Section 17 of the Crime and Disorder Act, the planning system and the Local Planning Authority must do all that it reasonably can to prevent, crime and disorder in its area. However, there is no evidence before the Local Planning Authority which would indicate that the proposal would give rise to crime or anti-social behaviour. Whilst an objector may consider that current antisocial behaviour problems, around the nearby Local Centre may deter people from buying the apartments this and would be a personal choice for any perspective purchaser, and would not have any bearing on the acceptability of this proposal.
42. Equally, the concerns with regards to those who may occupy the apartments are noted. However, there are no planning controls that can influence who may or may not reside within the proposed apartments and secondly there is absolutely no evidence to suggest that apartments attract a high proportion of persons with a criminal history. In the event that any persons with a criminal record (and who are also required to be monitored by authorities) choose to reside in the proposed premise this would be a matter for the appropriate authorities, such as the Police and not the planning system.

Residual Issues;

43. Whilst the objection comments with reference to the previous loss of woodland are noted, at the time the trees were not protected by a tree preservation order (TPO) and therefore the applicant was entitled to remove those trees. The land is within private ownership and there is no right for public access, part of the application is for the transfer of land to the Council to

enable an area of public open space to be created which is considered to be a benefit of the proposed development.

44. With regards to potential pollution, the Environmental Health Unit has not raised any significant concerns with regards to pollution of the environment. Nevertheless, they have requested a planning condition which is focused around controlling hours of construction activity and a planning condition is recommended accordingly.
45. Although the Council's Adult Strategy team have commented that there is no clear indication for how this proposal address a proven local need, the proposal is for open market housing for which there is no requirement to meet a proven need and as the Council cannot currently demonstrate a five year housing supply the provision of housing and the location is considered to be sustainable this weighs significantly in this applications favour.

CONCLUSION

46. In view of the above considerations the site is considered to be within a sustainable location and is one which could accommodate a higher density of development. The proposed offer of transferring land to the immediate west is considered to offer both visual benefits as well as some wider communal and recreational benefits to the community of Ingleby Barwick which weigh in its favour.
47. The scheme is considered to be visually acceptable and will provide for sufficient space to accommodate landscaping to soften the proposal. In addition the scheme is not considered to pose any significant harm to the amenity of the neighbouring occupiers or highway safety and is also considered to be acceptable in all other regards from the planning perspective.
48. In view of the above, it is considered that the proposed scheme is acceptable and subject to those conditions outlined within the above report and the applicant entering into a section 106 agreement for the transfer of the adjacent site and provision of commuted lump sums towards its maintenance and affordable housing provision.

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

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West
Ward Councillor(s) Councillor K Dixon
Ward Councillor(s) Councillor Ross Patterson
Ward Councillor(s) Councillor David Harrington

IMPLICATIONS

Financial Implications:

The proposed development will contribute towards securing an area of open space and its long term maintenance (£25,000) along with a contribution of £60,000 towards off site affordable housing provision. The development may also provide additional funding through the new homes bonus regime.

Environmental Implications:

The proposal relates to a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance are considered and addressed within the report. These are however considered to have a limited impact.

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

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy – 2010

Emerging Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Guidance Notes

High Density Development – Flats and Apartments

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing