

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

25th May 2016

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

15/2531/OUT

Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees

Outline application with some matters reserved for a residential development of up to 65 no houses and associated access.

Expiry Date 6th May 2016

SUMMARY

The application is a former agricultural field which appears to have been used for spoil from the development of Ingleby given the presence of mounds on the site. Centrally within the site lies an access track and pumping station. A public footpath and bridleway also run through the side adjacent to the eastern boundary. White Hose Farm and the residential properties of Bala Close, Marchlyn Crescent, Harlech Court, Nolton Close and Newgale Close surround the application site, while the River Tees lies to the west.

Planning permission is sought in outline for a residential development of up to 65 no houses and associated means of access, with all other matters being reserved for a future submission. Access into the site is proposed from Blair Avenue running through the area which currently provides the bridleway.

A total of 135 objections have been received to the application with the main objections raising concerns in relation to the loss of a piece of the green wedge; loss of an area used for recreational purposes; that Ingleby has insufficient infrastructure; and the impact on traffic and the highway network.

Given that the Local Authority is unable to demonstrate a five year housing land supply the proposed development and its contribution towards the Borough 5yr housing land supply weighs in favour of the proposed development. As outlined within the report the scheme is not considered to have any significant impacts on the visual amenity of the area or highway safety, while matters regarding the final design and impacts on the neighbouring residents would have to be considered at the reserved matters stage. The proposed development will also have some other associated benefits in providing additional housing and helping to contribute towards the aim of delivering a country park along the Tees corridor.

RECOMMENDATION

That planning application 15/2531/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

Approved Plans:

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

Plan Reference Number	Date on Plan
14005/L01 B	13 October 2015
740/LA2A	11 January 2016

Reason: To define the consent.

Time limit for submission of the reserved matters:

02 **Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.**

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

Time limit for commencement:

03 **The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.**

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

Reserved matters:

04 **Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.**

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

Dwelling numbers:

05 **The total number of dwellings authorised by this permission shall not exceed 65**

Reason: To ensure a satisfactory form of development.

Conformity with the submitted masterplan

06 **The details of the reserved matters shall broadly follow the principles and parameters set out in the site landscape structure plan (drawing 740/LA2A submitted with the planning application).**

Reason: To ensure that the Reserved Matters for the appearance, layout and scale of the buildings and landscaping to be submitted are in accordance with the landscaping principles and to enable the Local Planning Authority to satisfactorily control the development.

Entrance to Tees Heritage Park

07 **Notwithstanding the submitted information, no development shall commence until a detailed scheme for pedestrian entrance to the Tees Heritage Park has been submitted and agreed in writing with the Local Planning Authority. Such a scheme shall allow for a suitable pedestrian route and appropriate connections to the existing route; route signage; entrance features; and, a specific timetable (including any phasing) for the agreed works. The agreed scheme shall be implemented in full accordance with those agreed details.**

Reason: To ensure satisfactory provision is made to pedestrian routes and entrance features in the interests of the visual amenity of the area and recreation value of the Tees Heritage Park.

Buffer landscaping:

- 08 Notwithstanding the submitted information, no development shall commence until a detailed scheme for mounding, landscaping and tree/shrub planting to form buffer planting on the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out prior to the commencement of the development 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 prior attained size and species unless the Local Planning Authority gives written consent to any variation.**

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

Ecological mitigation

- 09 All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal for land to the southeast of white house farm prepared by Naturally Wild (December 2014) and shall be implemented in full in accordance with the advice and recommendations contained within the document.**

Reason: To conserve protected species and their habitat

Method Statement for Invasive species

- 10 No development shall commence until a detailed method statement for removing or the long-term management / control of Giant Hogweed has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Giant Hogweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development of the relevant phase shall be carried out only in accordance with the approved method statement.**

Reason: To prevent the spread of Giant Hogweed which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109.

Tree Assessment:

- 11 Notwithstanding the submitted information, all trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS5837:2005 Trees in Relation to Construction. The assessment should include for the following information:**

- a) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.**
- b) A tree schedule as detailed in Ref. 4.2.6 BS5837:2005;**

- c) *A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.*
- d) *Details of any ground level changes or excavations within 5 metres of the Root Protection Area (Para 5.2.2. of BS5837) of any tree to be retained including those on adjacent land.*
- e) *A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.*
- f) *Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007*

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

Scheme for the protection of trees

- 12 *No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.*

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

Drainage

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

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

Construction Management Plan;

- 14 *No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate; wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction; a Site Waste Management Plan; details of the routing of associated HGVs; measures to protect existing footpaths and verges; and a means of communication with local residents.*

Reason: In the interests of the occupiers of adjacent and nearby premises

Construction activity;

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

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

Unexpected land contamination

- 16 ***If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.***

Reason: Unexpected contamination may exist at the site which may pose a risk to human health and controlled waters

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 for open space purposes

Commuted Lump sum of £120,000 for open space purposes/maintenance

Commuted Lump sum of £180,000 towards off site affordable housing

BACKGROUND

1. There is no planning history which relates directly to this application site. However, the White House Farm site immediate to the north does have some related planning history which surrounding the redevelopment of this former farm complex.
2. Planning permission was granted for the conversion of the farm buildings to provide 3 no. separate dwellings (ref; 08/0244/FUL) and for the erection of a single dwelling as a result of the demolition of the existing farm house (ref; 08/0245/FUL). A revised scheme of the single dwelling house was then approved (ref; 11/1094/VARY). In 2012 a further application sought the demolition of the farm buildings and construction of 4 no. three bedroom dwellings albeit on the basis of (12/1881/FUL).

SITE AND SURROUNDINGS

3. At present the application is a former agricultural field which appears to have been used for contained spoil from the development of Ingleby given the presence of mounds on the site. Centrally within the site lies an access track and pumping station. A public footpath and bridleway also run through the side adjacent to the eastern boundary.
4. White House Farm and the residential properties of Bala Close lie to the immediate north and are separated from the site by the existing bridleway. To the east lies the residential the rear garden of the properties forming Marchlyn Crescent and Harlech Court.

5. To the south east lies Blair Avenue and a groups of trees, while on the southern boundary of the site lies the residential properties of Nolton Close and Newgale Close. To the west the land forms former agricultural fields which falls away steeply towards the River Tees.

PROPOSAL

6. Planning permission is sought in outline for a residential development of up to 65 no houses and associated means of access, with all other matters being reserved for a future submission. Access into the site is proposed from Blair Avenue running through the area which currently provides the bridleway.
7. At officers request the applicants have also submitted a development principles plan, indicating key areas/requirements for any proposed development and a landscape and visual impact assessment.

CONSULTATIONS

8. As part of the consultation process the following consultee responses have been received in response to the application.

Local Ward Councillor Sally Ann Watson – Residents are objecting about further housing Ingleby has very little natural green space left for residents to enjoy, has huge car usage poor road infrastructure and lack of facilities. It would be lovely if the land could be park/wildlife area.

Local Ward Councillors Ken Dixon & Ross Patterson – Strongly object and support views of residents opposing the scheme. The land has been used to dump surplus soil from developments, hence the unique mounds dotted all over the land. It is used has always been used as a green wedge area for recreational purposes.

This site was put forward for 30 homes by officers under the 5 and 15 year supply of housing consultation process, a process that has yet to be completed and this application appears to be prejudging this process. In addition the number of dwellings has increased to 65 which is outside the current SBC policy for development and should therefore be refused.

The land has been untouched for a very long period and as such has evolved into an habitat for wildlife and is well used by walkers and residents. Ingleby Barwick has insufficient open space and does not meet the quality standards for Parks and Gardens Natural Green space and Amenity Green space. Increasing provision of these types of open space within our urban area is very important. In addition the Northumbrian Water pumping station has high pressure pipe lines as well as large sewerage pipes which would make it totally unsuitable for any type of development on this land.

The roads are already at saturation point and Ingleby Barwick already has over stretched services including schools doctors and dentists.

Simon

Local Ward Councillor David Harrington – I have major concerns about access to/from this development. Speed has been a factor on this road in the past (along with the surrounding area), hence the traffic calming measures deployed in the wider Round Hill area following a tragic accident in 2011. As a minimum I would expect to see a protected right-turn to this development and Officer may wish to consider a roundabout at the entrance that would further reinforce traffic speeds along with improved pedestrian crossing facilities. There is also high pressured water main exists on this land.

What implications does this proposal have on the Tees Heritage Park? I have yet to see any positives that this development could bring to our over stretched community. This development

will add further pressure on already strained highway infrastructure plus other local facilities including Doctors/Other Medical Services, schooling including pre-school facilities etc.

Local Ward Councillor Kevin Faulks – strongly objects to this application on the grounds of loss of open green space as the land is presently used by many walkers/. Whilst this is one of the proposed sites to be considered for development the applicant proposes 65 houses when recommending consideration for 30 houses. This is over development of a piece of land that would best left as it is. Traffic would also be an issue along with the lack of school places, doctors, dentist which although are not considered under planning law do affect residents of Ingleby Barwick

Highways Transport and Environment – Subject to the comments below Highways, Transport & Environment has no objections to the outline planning application with some matters reserved for a residential development of up to 65 no houses and associated access.

The proposed site access would take the form of a simple priority T junction, as shown on drawing ref JN0992-Dwg-0001(A) and this is it is considered acceptable for the scale of development. In order to facilitate pedestrian and cycle movements at the site access a raised table should also be included. The provision of the site access junction and raised table would be secured through a s278 Agreement.

A Transport Statement (TS) has been submitted in support of the application and this has demonstrated that an additional 47 trips in the morning peak / 49 trips in the evening peak hour on Roundhill 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 development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

The development is well served by public transport options with the nearest bus stops being located on Blair Avenue which provide access to services towards Thornaby, Stockton, Middlesbrough and Yarm.

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

A public right of way (PRoW) runs through the site which is part of a defined corridor through the estate which connects to the central area of the estate, and other footpath and cycleways throughout the settlement. There should be clear separation between the bridleway and PRoW, and the proposed new vehicular access whilst still maintaining the desire line to the exiting footpath / cycle network. The submitted information does not yet demonstrate the entrance details and how this can be achieved and will need to be resolved as part of any Reserved Matters application.

There is no public open space provision within the proposed development. However, the plans indicate that a large area of land to the west of the development site that may be transferred to the Council. The developer may also wish to transfer areas of open space within the development to the Council for long term management and maintenance, and should the open space be transferred to the Council a contribution, secured through a s106 Agreement, will be required towards the future maintenance of the area. Based on the current information available the contribution for the area to the west of the development site has been estimated at £115,000. It should be noted that, as no details of the open space are available at this stage, this figure may be subject to change. The proposed soft landscaping information provided is

generally acceptable however these details would be fully considered as part of any Reserved Matters application.

An Energy Statement is required identifying how the predicted CO2 emissions of the development will be reduced by at least 10%, through the use of onsite renewable energy equipment and/or design efficiencies, over and above what is required to comply with Part L (2013) building regulations. This information should be secured by condition.

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

The Environment Agency – No comments received

Environmental Health Unit – have some concerns and would recommend the following conditions be considered - Construction/ Demolition Noise and Unexpected Land Contamination

Tees Archaeology – No objections

Private Sector Housing – No comments

Children, Education and Social Care – A further 65 homes in Ingleby Barwick would require education contributions for both primary & secondary due to the schools this development impacts on existing school provision. The adopted formula within the Planning obligations should be used to contribute towards this provision.

The Primary School yield would equate to a requirement for an additional 17 places with the required contribution equating to £155,740 less discount (65 homes x £2,396 (0.26 x £9,215)). The Secondary school yield equates to 13 places with the required contribution being £194,090 less discount (65 homes x £2,986 (£14,928 x 0.20)).

Northumbrian Water Limited – In making our response we have assessed the impact of the proposed development on our assets and assess the capacity within our network to accommodate and treat the anticipated flows arising from the development. It is considered that insufficient detail is provided with regards to the management of foul and surface water to be able to assess our capacity to treat the flows from the development and therefore request a condition be imposed.

Northern Gas Networks – No objections

Spatial Plans – Advise that the Council is not able to demonstrate a five year supply of deliverable housing sites with a 20% buffer added and therefore Paragraph 47 of the NPPF applies. This stresses the importance the Government attaches to boosting significantly the supply of housing and paragraph 49 of the NPPF sets out that where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

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

Core Strategy Policy 10 (3) (ii) seeks to maintain the separation of settlements and protect and enhance the openness and amenity value of green wedges within the conurbation. However, following the recent High Court judgement and in view of the fact that the application site lies outside the 'green fingers' which are how green wedges are represented on the key diagram the green wedge policy cannot be applied to the site. However, this does not prevent an assessment of the application in the context of its impact on landscape and character.

The proposal will need to be considered in a landscape and visual context and its relationship to the Tees Heritage Park and be satisfied that the proposal demonstrably mitigates the impact of built development on the setting of Tees Heritage Park, softening the transition from the river corridor to that part of Ingleby Barwick and demonstrates how the site will be linked to Tees Heritage Park in the context of public access.

The Regeneration and Environment Local Plan Publication Draft identifies the site for up to 30 dwellings and required a landscape buffer to the west of the site; the re-alignment of the bridleway to ensure that the route is attractive and integrated with other access routes in and around the development; and, provision of an access corridor to link the site to the Tees Heritage Park. However those policies within the emerging plan can only be given limited weight at this time.

Ingleby Barwick Town Council – Object to the proposed development due to general lack of infrastructure and in particular the impacts on; highway infrastructure and already congested road network; current problems with both primary and secondary school places; and, inadequate local doctors and dental surgeries

Natural England – consider that the proposal is unlikely to affect any statutorily protected sites or landscapes and advise that their standing advice is used to assess the impacts on protected species. Also welcome the provision of enhanced green infrastructure (GI) provision which can form a variety of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

The Ramblers Association – recognise that this is an outline application with some matters reserved, but wish make the developer aware that they are happy to assist developer in how they treat public rights of way and incorporate them into their plans

Friends of Tees Heritage Park – The land proposed for housing in this application was originally within the boundary for the Tees Heritage Park and believe that it should be retained as such. The draft Regeneration and Environment Local Plan was published earlier this year and included specific policy proposals for the Heritage Park. We are extremely concerned that portions of land within the Heritage Park, as previously defined, should be "eaten away" by individual applications.

The Tees Heritage Park is included in the Council's adopted Core Strategy Document, Policy (CS10) Environment Protection and Enhancement policy. Only two sites in the whole of Stockton are specifically referred to – one of them the Tees Heritage Park. The Tees Heritage Park is also specifically referred to in the objectives for the Western and Eastern Areas and is clearly shown on the Core Strategy Strategic Diagram. We believe the Council should endeavour to protect all open spaces within the original Park boundary aspirations.

We note that the application also includes reference to the lands between the housing and the Tees, to be transferred to the Council as part of the Tees Heritage Park and acknowledge that this could link with the land to the south, already subject to agreements and lead to authorized public access to a substantial area, currently in private ownership. We do appreciate the wider community benefits this could bring but in our opinion this could have been achieved in time without the need to lose some of the land for development.

The proposed access is on land, which currently provides a substantial natural, pedestrian entry to the Heritage Park, the indicative layout, would take pedestrians along a road and into the housing before exiting into the Park and destroy the opportunity for a significant entry point to the Park. Concerns are also raised with regards to the scale of the housing and that the current of dwellings exceeds the Council's draft Local Plan a figure of 30 houses.

PUBLICITY

9. Neighbours were notified by letter and wider publicity have been given via a site notice and press advert. A total of 135 objections have been received in response to the application and those comments received are set out below (in summary) with the list of objectors detailed within the appendices;

Objection comments:

- Contrary to the Council's Green Infrastructure plan and Policy H26
- Number of houses has double from requirement of H26
- No buffer zone between the existing homes and new homes as required by H26
- Contravenes Policy EN7 'Special Landscape Areas'
- Policy H26 is not positively prepared, justified, effective, sound or legally compliant.
- Loss of greenfield site/green wedge/green belt/open space which is well used by the public
- Land is a national heritage site
- Erosion of Tees Heritage Park/Contrary to its aims
- Exacerbate existing traffic problems
- Impact on pedestrian safety
- Draft local plan allocation only indicates 30 houses where as 65 are proposed
- Shortage of school places
- Lack of facilities - doctors/dentists/leisure facilities
- No need for additional housing
- Ingleby Barwick is already over-developed
- Northumbrian Water pumping station/water main
- Loss of privacy and natural daylight
- Loss of house price/property value
- Other brownfield sites available
- Impact on wildlife
- Issues with drainage
- Will lead to Anti-social behaviour
- What happens to original concept of villages
- Insufficient consultation has been carried out
- Proposed house types are out of keeping
- Removal of bunded embankment protecting the surrounding area from effluent
- Create precedent
- Construction noise, dirt and dust
- Loss of views
- No elderly housing provision i.e. bungalows
- Loss of privacy and reduction in natural light
- Purchased house on knowledge that there would be no further development to the rear
- Number of flaws within the application
- Loss of Hedgerows

PLANNING POLICY

10. 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

11. 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

12. 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.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

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 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.

7. Initiatives to improve the quality of the environment in key areas where this may contribute
ii) Tees Heritage Park.

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.

Saved Policy EN7 of the adopted Stockton on Tees Local Plan

Development which harms the landscape value of the following special landscape area will not be permitted:-

- (a.) Leven valley
- (b.) Tees valley
- (c.) Wynyard park

Saved Policy EN30 of the adopted Stockton on Tees Local Plan

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

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

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

Saved Policy REC8 of the adopted Stockton on Tees Local Plan

Land along the Tees and Leven valleys will be designated as a country park

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations in relation to this application are its compliance with National and Local Planning Policies and the impacts of the development on the landscape and visual impacts; levels of amenity; highway safety; protected species; crime and disorder and archaeology.

Principle of development;

14. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. This is identified as having three distinct strands which are 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 that the 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. At present the Council is only able to demonstrate a 4.5 years housing land supply with the 20% buffer added. The provision of housing to address the shortfall in the 5 year housing land supply therefore carries significant weight in favour to this proposal.
15. As this application is in outline the final details of the scheme in terms of its layout, external appearance and type of dwellings and landscaping would be a matter for future consideration and approval. Those drawings provided are therefore indicative and are not considered as part of this outline application.
16. With regards to the Borough's own planning policies, the site is in part identified as a special landscape area under saved policy EN7 of the adopted local plan and is also partly covered by policy REC8 which seeks to create a country park along the corridors of the River Tees and Leven. In terms of the Core Strategy and its policies the site has no specific allocation under although the land indicated to be transferred to the Council is indicated as being part of the Tees Heritage Park. Those key planning policy matters are discussed in greater detail below;

Green wedge

17. Many of the objections received state that the site forms part of the green wedge and should be protected. Although site is partly covered by what was the green wedge, this policy has been superseded by policy CS10 of the Core Strategy and those initial boundaries have also fallen away. As established within the recent High Court challenge, the key diagram of the Core Strategy with its 'green fingers' current provide 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. In this instance the green finger lies at best adjacent to the River Tees.
18. 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 Eaglescliffe. The proposed development in its current form would sit between two areas of housing to the north and south and would be seen from the surrounding environment against the context of the existing housing. The proposed development would also provide an area of landscaping to the western boundary offering some screening and would also ensure that there would remain an area free from development to the west of the site. Combined with the degree of separation on the Eaglescliffe side of the River Tees it is considered that this would ensure that there would remain a significant degree of separation and the two settlements (Ingleby Barwick and Eaglescliffe) would maintain their individual identities and would be no worse than the existing situation elsewhere within the immediate area.

Emerging Policy and Policy H26

19. Many of the objectors raised concerns with regards to the existing position of the and Regeneration and Environment Local Plan (RELP) which is currently at a publication draft stage and contrary to some concerns raised, has been subject to public consultation.

20. Although the application site is indicated as a potential housing allocation, it is not established planning policy and any representation on its potential allocation are still being considered therefore the policy, whilst it may give an indication that the site is suitable for future housing, in the current planning policy context its status as a publication draft allocation would carry limited weight.
21. The acceptability of the site for housing is therefore considered against the saved policies of the development plan and those policies contained within the NPPF.

Tees Heritage Park

22. As identified with policy CS10(7(ii)) support is offered to the principle of the Tees Heritage Park and the benefits it would offer through improving the quality of the environment in key areas. At present the only indication of where the boundaries of the Tees Heritage Park would lie would be formed by the Strategic diagram of the Core Strategy with the final detail being formed within a future development plan document. The position is therefore similar to that of the Green Wedges which was established in the High Court i.e that until the final details are formed by the Regeneration and Environment Local Plan, the strategic diagram must be relied upon. In this regard it would appear that much of the site lies outside of those indicative boundaries, of the Tees Heritage Park although the land indicated to be transferred to the Council falls within the indicated area of the Tees Heritage Park.
23. This also appears to be consistent with the emerging RELP with allocates the site for development and that the boundaries of the Tees Heritage Park (from the planning perspective) would form the western boundary of the application site, where an area of landscaping and mounding is indicated to be provided. Despite the concerns raised by Friends of the Tees Heritage Park, it is not considered that the impacts of this development on the Tees Heritage Park would cause such significant harm to those wider strategic aims that it would form any sound basis for a refusal of the planning application.

Recreational Value of the site:

24. Whilst it is noted that many objections refer to the land being open space and well used by the public. The land has no designation as open space under the either the adopted local plan, Core Strategy or emerging RELP. The land is within private ownership and with the exception of the public rights of way running through the site has no permissive use for open space/recreational purposes.

Benefits of the proposal:

25. Following on from the above allocation the fact that the applicant is proposing to offer land immediately to the west of the site to the Council this land would form a significant piece of open space which is available to the wider community to use which would provide some social and environmental benefits. To would help to fulfil the requirements of saved policy REC8 of the adopted Local meeting the aim of delivering a country park along the River Tees. Such an aim is also considered consistent with the wider aims of delivering the Tees Heritage Park, in that making the land publically accessible would provide legitimate access to the River Tees corridor.
26. As indicated above the fact that the proposal will contribute towards the five year housing land supply is a significant benefit which weighs in its favour. In addition the proposal will offer economic benefits through investment and job creation particularly during the construction phase, as well as social benefits through increased housing provision and choice.

Viability and Planning Obligations

27. As part of the application, the applicant has submitted a viability appraisal which demonstrates that the submitted scheme has limited viability and therefore cannot afford to provide a full

package of section 106 monies given its relatively small scale, costs of providing infrastructure and the costs of relocating a water main.

28. The Council's Valuation officers have assessed the viability appraisal and it is considered that the associated values and costs are reasonable and that the degree of developer profit is also consistent with many recent appeal decisions. Further, the NPPF 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. Taking these considerations into account it is therefore accepted that the development can only afford to contribute a maximum of approximately £400,000 (not including any value of any land for the transfer of open space).
29. The applicant has offered to transfer an area of land totalling approximately 5 hectares to the west (at a value of approximately £100,000) of the development site for the provision of a 'country park'. This land has not only the potential to contribute (in part) towards delivering a saved Local Plan policy (REC8) but also with the wider aims of the Tees Heritage Park.
30. In addition the land immediately to the south is due to come to the Council as part of the Betty Close Farm approval, both of which would provide a larger country park area and have the potential to link with the park offered as part of the Mount Leven retirement village (subject to a foot bridge being provided across the River Leven between the two sites). The land to the west of the site is therefore seen to have some strategic importance in providing public access along the River Tees and is seen as a high priority. Consequently and given the Council's budget position monies are required for the delivery/maintenance of the open space (approximately £120,000) to ensure that the site can function for Open Space purposes. Given the potential strategic importance of the land the associated monies to maintain the land is also considered to be a priority.
31. In terms of the remaining available monies, consideration has been given to other infrastructure requirements such as education provision and affordable housing. However, with regards to affordable housing given the limited remaining finance it is unlikely that any significant provision could be provided on site and therefore the preferred is that this be provided as an off-site contribution instead. Following discussion it is confirmed that the Corporate priority in this instance would be for a contribution towards off-site affordable housing provision. In general terms this provision is considered to be entirely consistent with Core Strategy Policy CS11(2) sets out that the priorities for planning contributions would fall to highways and transport infrastructure; affordable housing; and, open space, sport and recreation facilities.

Landscape and visual impact;

32. In considering the visual impacts of the proposed development it is noted that the proposed development site is surrounded by existing residential development to the north, south and east. With the existing western boundary being formed by a hedgerow with open agricultural fields leading down to the River Tees. It is also noted that the site is afforded some protection under saved policy EN7 which seeks to protect the landscape value of the Leven valley.
33. However, as outlined by the Council's Landscape Architects, the area is heavily influenced by existing settlements which create a sense of enclosure to this part of the River Tees valley. Whilst this proposal would in part form a new western edge to Ingleby Barwick, it would infill the current fragmented line of housing and opportunities to screen the new housing should be taken to ensure that new developments can be accommodated in the landscape. It is considered that the submitted landscape and visual impact study satisfactorily demonstrates that views of the proposed development are limited by existing topography, and vegetation on and around the site. A proposed mound of between 1.2m and 1.8m in height is also proposed along the western boundary with additional planting on it, which will provide mitigation

screening of the development at maturity. In the shorter term there may be some views of the proposed new development, particularly of the upper storey and rooflines of new properties, however this would be viewed against the existing backdrop of residential development and therefore the change in the view from the baseline will be minimal and not have a significant visual impact and therefore the proposal is not considered to be contrary to policy CS3(8) or saved policy EN7.

34. Whilst the final details of the scheme would form part of a future reserved matters application, the indicative housing layout demonstrates that a scheme can be provided which will be in keeping with the character of the wider residential area. The revised site landscape structure plan (drawing 740/LA2A) provide key principles with regards to access points, landscaping and areas of built development and a condition is recommended to ensure that the development proceeds in accordance with this drawing. The final details regarding the landscaping will form part of a future any reserved matters application although approval of the final details of the landscaping mound are secured by condition given this lies outside the application site.

Amenity;

35. With regards to amenity the distance from the rear elevations of the surrounding properties at nearer the surrounding residential properties will be between 8 and 45 metres from the site boundary. Notwithstanding this, 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 illustrative drawings all suggest that a housing development can be accommodated without there being any adverse impacts on the amenity (including privacy and loss of light) of the neighbouring residential dwellings and at the reserved matters stage it would be ensured that any housing provided acceptable separation distances and be in accordance with the adopted council guidance.
36. 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. Whilst not a specific indicator of acceptability of a scheme the site area and number of houses equates to a density of approximately 16 dwellings per hectare.
37. 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.

Highway Safety;

38. The Highways, Transport & Environment Manager has considered the proposal and the submitted transport assessment. The proposed site access is taken from a simple priority T junction and it is considered that, for the scale of development, this would be acceptable, although the current connection for the cycleway, across Roundhill Avenue which provides access to the Tees Heritage Park would need to be re-provided as a part of the works to form the new junction. In addition any diverted PRoW must also be located along the southern edge of the proposed site access road and there would be a requirement to install a raised table at the junction of Roundhill Avenue to facilitate a connection to the existing footway/cycle on the eastern side of Roundhill Avenue.
39. The submitted information indicates that all traffic accessing the site would do so via Roundhill Avenue and vehicular trip generation from the site is considered to be limited and unlikely to have a significantly adverse impact on the highway network and is not considered to be severe within the context of NPPF. The development is also located within walking distance of bus stops on Blair Avenue which provide access to services towards Thornaby, Stockton, Middlesbrough and Yarm. While the Tees Heritage Park Trail connects to the wider cycle network.

40. As part of the future reserved matters application the development would need to be in accordance with the relevant adopted guidance and planning conditions can be imposed to secure final details regarding related highway requirements. In view of the above and despite objections received, the proposal is considered to be acceptable from the highway safety perspective.

Protected Species;

41. The application is accompanied by an ecological appraisal and which assesses the impact of the proposed development on protected species. It is accepted that as the application site is not located on or adjacent to any known statutory or non-statutory protected sites (such as SSSI's, SPA's or SAC's) there is considered to be no impacts arising from this development on those sites. In addition the nearest nature conservation site is Barwick Pond Local Nature Reserve LNR which is approximately 650 m to the east of the site and given this distance and the intervening roads and housing it is not considered the scheme will adversely affect this site.

42. In terms of the potential impacts on protected species, the submitted report identifies that the site is considered to have limited or low value to species such as birds, badgers, reptiles and bats and officers have no evidence which would contradict this statement. Although there are no ponds on the site, the report does identify that there are two ponds to the north-west (within 125 m) which support Great Crested Newt breeding and they are known to be present in the surrounding area. Consequently, given the high value terrestrial habitat located within the application site the report considers that there is a risk to Great Crested Newts. Also identified within the report that there is a single giant hogweed plant on the site.

43. Using the standard advice from Natural England the population is considered to be small (maximum counts of Newts are less than 10) and as a result of the loss of habitat, there is considered to be a medium impact. A broad mitigation strategy is outlined within the supporting report which indicates that a European Protected Species Licence will be applied for prior to development commencing; that exclusion fencing and bucket traps will be provided with any captured Newts being returned to terrestrial habitat surrounding the ponds to the northwest; and, through habitation creation/enhancement within the terrestrial habitat surrounding the pond. Such an approach is considered to be consistent with Natural England's standing advice on Great Crested Newts and guidance contained within the NPPF (para 118) and a planning condition can be imposed to secure such mitigation measures and those relating to giant hogweed management/eradication.

Crime and Anti-social behaviour

44. 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. Whilst objectors may consider that the proposal would give rise to anti-social behaviour there is no evidence before the Local Planning Authority which would indicate that the proposal would give rise to crime or anti-social behaviour as it would be no different to any other residential development within the area. In the event that any instances arise then this would be a matter for the appropriate authorities, such as the Police and not the planning system.

Features of Archaeological Interest

45. With regards to features of Archaeological Interest, Tees Archaeology have raised no objections to the proposed development and consequently it is not considered that the proposal will have an adverse impact on any archaeological remains.

Residual Matters;

46. In terms of consultation those immediately adjacent to the site have been consulted and wider publicity has been given to the proposal through a press advert and site notice. It is therefore considered that adequate consultation has been carried out as part of the application process.

47. Whilst comments are noted with regards to a high pressure water main being within the site the applicant has made provision for diverting this water main and this would need to be carried out in consultation with Northumbrian Water. It is noted that Northumbrian Water have made no objections to the proposal although have requested that a condition be imposed to secure final details for surface and foul water drainage.
48. Whilst objections are made regarding a loss of property value and views are noted, these are not material planning considerations and are not taken into account in the determination of this application.

CONCLUSION

49. In view of the above and given that the Local Authority is unable to demonstrate a five year housing land supply the proposed development and its contribution towards the Borough 5 year housing land supply weighs in favour of the proposed development. The site is identified within the emerging Regeneration and Environment local plan (RELP) as a potential housing allocation and although little weight can currently be given to this document, it does indicate that the site is suitable for a residential development. As outlined within the report the scheme is not considered to have any significant impacts on the visual amenity of the area or highway safety, while matters regarding the final design and impacts on the neighbouring residents would have to be considered at the reserved matters stage.
50. In view of all these considerations and despite the objections from the local residents it is considered that the associated benefits of the proposed development in providing additional housing and achieving the aim for helping to deliver a country park along the Tees corridor would offer some significant economic, social and environmental benefits would outweigh any resultant harm. As a consequence the proposed development is recommended for approval subject to those conditions and heads of terms identified within the report above.

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 (£120,000) along with a contribution of £180,000 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. These are considered and addressed within the report although in this instance are not considered to have any significant impacts.

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 Documents

SPD1 – Sustainable Design Guide
SPD2 – Open Space, Recreation and Landscaping
SPD3 – Parking Provision for Developments
SPD6 – Planning Obligations
SPD8 – Affordable Housing