

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

28 SEPTEMBER 2016

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

16/0323/OUT

Lowfield Farm Low Lane, High Leven

Outline application for some matters reserved for residential development comprising of 40no dwellings (Custom build and Self Build) to include new access and alteration/relocation of junction.

SUMMARY

The application site is situated to the north of Low Lane and south of Ingleby Barwick, with Maltby cricket club to the east and the grade II listed Little Maltby Farm to the west. At present the site consists of a series of agricultural fields with associated hedgerows and tree planting to its boundaries. To the west and north lie two large housing sites which were granted on appeal by the Secretary of State, these relate to developments for 350 houses and the Ingleby Manor free school development (ref; 12/2517/OUT & 13/3077/VARY) and the more recent approval of 550 dwellings and provision of a local centre (ref; 13/3107/OUT).

Outline planning consent is sought for a self and custom build residential development of up to 40 dwellings. All matters are reserved for future consideration except for the means of access. As part of the proposed development, the existing junction of Low Lane and High Lane would be realigned.

With regard to publicity, a total of twelve objections have been received which include; impact on existing traffic problems; insufficient infrastructure in Ingleby Barwick; that the realigned junction will affect highway safety; loss of greenfield site and impact on flooding. A total of five letters of support have also be received which include support for a different housing approach; improve highway safety; and, offer economic benefits to small businesses and tradesmen.

With regard to the material planning considerations, the Local Authority is unable to demonstrate a five year housing land supply and as a result of opportunities for self and custom build housing being strongly encouraged by government (to provide an alternative housing product), both the nature of the proposal and its contribution towards housing delivery therefore weigh in favour of the proposed development.

In terms of the green wedge, part of the site lies within the green wedge as identified on the Core Strategy diagram. The key test therefore is whether the proposed development would harmfully undermine the existing degree of separation between Ingleby Barwick and Thornaby and whether it would adversely affect the openness and amenity value of the site. The site would sit on the southern edge of an already consented area of residential development and its purpose as green wedge is further undermined by the fact that Low Lane forms the limits to development, beyond which is the open countryside where a significant degree of separation exists to the outlying villages of Hilton and Maltby and consequently it is not considered to have any significant impacts on the visual amenity of the locality that would justify a refusal of the proposal.

The proposal is also only an outline application and the final details regarding the layout, scale, external appearance and any associated landscaping would be considered at the reserved matters stage. However, it is considered that sufficient space exists to accommodate a development of this scale and the associated infrastructure and to ensure that sufficient amenity is provided for existing neighbouring and the proposed residents.

The Highways, Transport and Environment team have assessed the application and the associated trip generation is considered to be relatively limited. In the opinion of the Highways, Transport and Environment team, given the recent and on-going highways improvements within the Ingleby Barwick area they are satisfied that there is sufficient capacity to accommodate this proposal without further mitigation to the surrounding highway network. However, highway re-alignment/reconfigured works will be required to High Lane/Low Lane junction in order to achieve the proposed access and protected right turn, which is also considered to be acceptable.

In weighing up all these considerations including the objections from local residents it is considered that the associated benefits of the proposed development would outweigh any resultant harm from the development proposals and consequently the scheme is recommended for approval subject to those conditions and Heads of Terms within the report below.

RECOMMENDATION

That planning application 16/0323/OUT be approved subject to the following conditions and informative and subject to 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
S205 PL001	8 February 2016
TSC315/01	9 February 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.

- Reserved matters;**
03 **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.

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.

Dwelling numbers;

05 The total number of dwellings authorised by this permission shall not exceed 40.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

Ecological mitigation;

06 All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal for 'Land at Lowfields Farm, Ingleby Barwick' prepared by Naturally Wild (June 2015) 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

Design Guide;

07 Notwithstanding the submitted details, prior to the submission of details relating to the reserved matters, a 'design guide' document shall be submitted to the local planning authority for its approval. The Design Guidance document shall indicate:

- The position of the individual plots
- The maximum development zone for each plot
- Phasing of infrastructure and services
- Finished floor levels
- A detailed design code to include; palette of wall and roof materials; range of fenestration and door types; types of means of enclosure; and, a palette of hard surfacing materials
- Key principles of all soft landscaping including any public areas i.e. SuDs pond.

Thereafter, the development shall be carried out in accordance with the approved design guide document.

Reason: To allow the detailed proposals to be considered against an approved Design Guidance document and to enable the Local Planning Authority to satisfactorily control the development.

Site and floor levels;

08 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

Tree assessment, protection and retention;

09 Notwithstanding the submitted information and prior to the commencement of development, a tree survey and assessment shall be submitted to and be approved in writing by the Local Planning Authority. The survey/assessment shall include for the following information:

- a) A scaled plan and tree schedule 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 schedule of all works to be carried out identifying those trees to be removed, those trees which need works to be carried out and those trees to be retained. (including any specification for any ground level changes within 5 metres of the Root Protection Area).
- c) Details of all domestic service routes where tree routes are encountered service runs shall be designed to be in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Nov 2007).
- d) A scheme of tree protection measures for all trees identified to be retained in accordance with the requirements of BS 5837:2012.

Thereafter, the hereby approved development shall be carried out in full accordance with the agreed details, with all tree protection measures being 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 assess the existing trees on site and ensure that those trees that the Local Planning Authority considers to have an important visual amenity are appropriately maintained and protected.

Surface Water drainage:

10 Prior to the 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;

- 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.

Construction Management Plan:

11 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:

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

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

Unexpected land contamination:

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

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

10% Renewable energy requirement:

- 14 No development shall take place until details of how the hereby approved development 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.

Play area/open space:

- 15 Prior to commencement of the development hereby approved, a detailed scheme for the provision of a children play area and open space provision shall be submitted to and be approved in writing by the Local Planning Authority. Such a scheme shall include the location of the play area/open space; provision of soft landscaping; position, type and design of any play equipment; and, details for how the play area/open space will be managed, maintained and made available for public use in perpetuity. Thereafter the development shall be carried out in accordance with the approved scheme and the open space shall remain open to the public at all times.

Reason: To enable the Local Planning Authority to satisfactorily control the development.

Prevention/minimisation of ball strike:

- 16 Prior to the commencement of development, a risk assessment carried out by a suitably qualified person or company shall be submitted to and approved by the Local Planning Authority (following consultation with Sport England). The risk assessment shall identify suitable measures to minimise the risk of ball strike to persons or property associated with the residential development. The approved

measures shall be completed and brought into use prior to the occupation of any dwelling identified within the assessment as being at risk.

Reason: To ensure that the risk of ball strike is minimised so that the use of the cricket ground is not prejudiced.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

HEADS OF TERMS

- Highway infrastructure improvements for a junction realignment works for Low Lane (A1044)/High Lane and closure of existing cricket club access
- Contribution towards primary and secondary education in line with Council's adopted formula
- Employment and Training - best endeavours for 10% local employment and materials
- Offsite contribution of £369,576 towards affordable housing provision

BACKGROUND

1. Although there is no known planning history for this application site, its northern boundary lies adjacent to two large housing sites which were won on appeal. These relate to the 350 houses and the Ingleby Manor free school development (ref; 12/2517/OUT) and the more recent approval of 550 dwellings and provision of a local centre (ref; 13/3107/OUT) both of which were granted on appeal by the Secretary of State for Department of Communities and Local Government (DCLG)

SITE AND SURROUNDINGS

2. The application site is situated to the north of Low Lane and south of Ingleby Barwick. The site encompasses a series of agricultural fields with associated hedge rows and tree planting to its boundaries.
3. Maltby cricket club lies to the east, while the grade II listed Little Maltby Farm lies to the west. A series of residential properties and a dental surgery lie to the immediate south. With other isolated or small groups of residential properties located along Low Lane. To the south east is also a car showroom.

PROPOSAL

4. Outline planning consent is sought for a self and custom build residential development of up to 40 dwellings. All matters are reserved for future consideration except for the means of access. As part of the proposed development, the existing junction of Low Lane and High Lane would also be realigned to a single access as opposed to the existing triangular arrangement.

CONSULTATIONS

5. The following Consultation responses have been received and shown below (in summary);

Councillor Sally Ann Watson – has previously objected to all the developments on this area of land for reasons of traffic issues, lack of community facilities such as schools, doctors, dentists etc... and overdevelopment of land which is full of wildlife. The above reasons are still

relevant for the residents of Ingleby Barwick and Maltby and there is no reason to change view on this application.

In addition there are potentially serious outcomes for Maltby residents regarding Highways issues and potential problems for blue light services. Low lane is already a busy road and it's not going to get any easier after the current round of houses and the school have been built. The problems that will occur are just not worth it for 40 self- build homes.

Housing Services – The Strategic Housing Market Assessment (SHMA) 2012 identifies an annual affordable housing need in the borough of 560 units. Core strategy Policy 8 (CS8) aims to achieve 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.

In terms of this application it is noted from the planning statement that the applicant is proposing the inclusion of starter homes. Housing Service would ask the following to be taking into consideration;

- Until additional guidance/policy direction is provided by Government, we are unable to accept the inclusion of Starter Homes in lieu of affordable housing.
- The existing requirement of a target range of 15 – 20% affordable housing should be sought.

Tees Archaeology – The applicant has provided the results of an archaeological field evaluation in the form of a geomagnetic survey which has been carried out to a very high specification. Some anomalies have been revealed which are consistent with agriculture including field drains, plough furrows and former field boundaries or other modern features such as water and gas mains. In this case there are no features that are suggestive of archaeological activity and there is an inferred low archaeological potential and have no objection or further comments to make.

Northern Gas Networks - No objections

Highways Transport and Environment – No objections to the proposed outline application for residential development comprising of 40no dwellings.

Whilst the principle of development is acceptable in Landscape and Visual terms, should the application proceed to Reserved Matters the final layout must take into account the requirement for landscape buffers, to minimise the sites impact upon the green wedge.

Should the application proceed to Reserved Matters the final layout shall be designed to adoptable standards in accordance with the Design Guide and this would require changes to the submitted scheme.

The proposed site access would take the form of a Protected Right Turn (PRT) junction, as shown on drawing ref TSC315/01 and this is considered acceptable for the scale of development. To form the PRT it will be necessary to amend the current configuration of the existing High Lane / Low Lane junction and to close the existing access to the cricket club which will be served via the proposed internal road layout. The works to alter the existing junction and form the PRT will be subject to detailed design and will be secured via a s278 Agreement.

A Highway Statement (HS) has been submitted in support of the application and this has demonstrated the site will result in an additional 21 trips in the morning peak / 23 trips in the evening peak hour on Low Lane. This scale of trip generation would be unlikely to have a

significantly adverse impact on the highway network, in the context of NPPF, and therefore no objection is raised on highway capacity grounds.

A Flood Risk Assessment has been submitted in support of the application, which identifies a number of surface water management options including SuDS techniques, however, this does not provide sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

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

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

Environmental Health Unit – Have no objections subject to conditions to cover the following aspects;

- Construction/ Demolition Noise
- Noise disturbance from adjacent road traffic
- Noise disturbance from adjacent premises- Teesside Industrial Estate
- Demolition and Dust Emissions

Natural England – No comments on this application, however, this does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Northumbrian Water Limited – Advise that as the applicant does not intend to connect to the public sewerage network for foul or surface water, have no issues to raise with the development. If this were to change it is requested that the local planning authority re consult us. For information purposes, a raw water main crosses the site and may be affected by the proposed development.

Sport England – Residential development and cricket grounds can make for poor neighbours, with damage to property from cricket balls leading to insurance liabilities that cricket clubs find difficult to meet. As such introducing new housing to the perimeter of a cricket ground can prejudice its use. In light of the above concern, Sport England has engaged with the ECB as part of its consideration of this consultation.

Having assessed the proposal it is considered that with suitable mitigation (secured through condition) the development need not prejudice the use of the cricket pitch. Given the above and subject to the imposition of a planning condition, Sport England does not wish to raise an objection to this application. However, if the Council decides not to attach the condition, Sport England would wish to raise an objection to this application.

PUBLICITY

6. Neighbours were notified and widely publicity given to the application through a site notice and press advertisement. A total of 12 objections were received and 5 letters of support, those matters raised are shown below (in summary);

Objections:

- Too many houses and school being built on Low Lane, worsening existing traffic problems
- The infrastructure and services at Ingleby Barwick are all under pressure

- Potential to create a rat run through Maltby
- Contrary to Core Strategy Policies CS8 and CS10
- There are currently 3 exit/entrance roads from Low Lane onto High Lane and the plans appear to close the safest
- Proposed junction would result in large vehicles making a sharp left hand turn encroaching onto the opposite side of the road into oncoming traffic
- The closure of the road would also have an impact on emergency vehicles causing delays
- Transporter will not be able to gain safe access to the garage
- Only way to make junction safe is to install traffic lights and a pedestrian crossing at one of the junctions
- Loss of a greenfield site/green wedge
- Loss of further open space
- Loss of views to Cleveland Hills
- Loss of light/privacy
- Stockton Council should be trying to encourage developers to use Brown Land and not keep giving them precious Green spaces.
- Will increase the risk of flooding

Objectors:

1. Mr Christopher Davies - Rose Cottage, High Lane, Maltby
2. Mr Stephen Smith & Mrs Angela Smith - White House, High Lane, Maltby
3. Mrs Yvonne McBride and Mr Kevin McBride, Fairhaven, High Lane, Maltby
4. Mr Paul Connaughton - 1 Oxhill Farm Maltby
5. Mr George Hamlyn - 10 Oxhill Farm Maltby
6. Mrs Christine Nicholson - 21 Regency Park Ingleby Barwick
7. Mrs Helen Chilvers - 21 Thorington Gardens Ingleby Barwick
8. Mrs Lynne Langstaff - 29 Thorington Gardens Ingleby Barwick
9. Ms Sue Kiddle - 27 Thorington Gardens Ingleby Barwick
10. Mr Chris Taylor - 31 Priorwood Gardens Ingleby Barwick
11. Ms Susannah Petersen - 33 Priorwood Gardens Ingleby Barwick
12. Mr Richard Clements - 20 Regency Park Ingleby Barwick

Support comments:

- Will bring unique housing to the area
- Will offer something different from the large national builders
- New junction on Low Lane will improve safety of the junction
- Will benefit local small businesses and tradesmen
- Potential for 'eco' homes which will be a major benefit to the environment as a showcase
- Highway safety not an issue – no evidence to support these claims
- Little/no visual impact with existing buildings obscuring the view
- Government is pushing the idea of custom build housing

Supporters:

1. Miss Claire Kirk - Shandon Park, Marton
2. Mr Kenneth Hills - 16 Broadlands Ingleby Barwick
3. Mrs Anji Aisbitt - 20 Lockerbie Walk Thornaby
4. Mr Michael Parkington - The Barn Low Gatherley
5. Mr Martin Robinson - 62 Hillbrook Crescent Ingleby Barwick

PLANNING POLICY

7. 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

8. 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

9. 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

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.

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.

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 EN28 of the adopted Stockton on Tees Local Plan

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

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.

MATERIAL PLANNING CONSIDERATIONS

10. The main planning considerations relate to its compliance with planning policies and the impacts of the development on visual amenity; setting of a listed building; residential amenity; highway safety; flood risk; features of archaeological interest; protected species and crime and disorder.

Principle of development;

11. 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 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. At present the Council is only able to demonstrate a 4.5 years housing land supply with the 20% buffer added.
12. In considering the appeal decisions both locally and nationally it is apparent that the lack of a five year housing supply is a significant material planning consideration which weighs heavily in favour of such proposals. The provision of housing to address the shortfall in the 5 year housing land supply is no different and therefore carries significant weight in favour of this proposal.

13. In terms of self and custom build housing, the government have recently made a number of announcements strongly encouraging and promoting self and custom build housing as an alternative housing product. Further, from the 1st April this year local authorities are now required to keep a register of aspiring self and custom house builders when planning for future housing and land use. The principle of providing self and custom build housing is therefore being encouraged by government as an alternative form of housing. Given the lack of a 5 year housing supply such provision is considered to be acceptable in principle and would carry some additional weight in its favour.

Green wedge:

14. With regard to the Borough's own planning policies, the application site lies within the defined limits to development and has no specific allocation within either the saved policies of the Local Plan or the Core Strategy, except for the fact that part of the site lies within the indicated Green Wedge on the Core Strategy's Strategic diagram. Whilst any precise boundaries are yet to be formulated within any adopted local plan, the strategic diagram at this stage provides the degree of protection and interpretation of Core Strategy policy CS10(3) with the associated impacts being a matter of fact and degree in each case and for interpretation by the decision maker.
15. Nevertheless and regardless of whether the whole site is in or out of the green wedge, the key questions and tests are whether the proposed development would harmfully undermine the existing degree of separation between settlements (in this case between Ingleby Barwick and Thornaby) and adversely affect the openness and amenity value of the site.
16. In considering its role in maintaining the separation of settlements and maintaining and protecting the amenity value and openness of the area, it is noted that is site would sit on the southern edge of an already consented area of residential development. It therefore serves no purpose in separating the settlement of Ingleby and Thornaby. Its purpose as Green Wedge is perhaps further undermined by the fact that Low Lane forms the limits to development, beyond which is the open countryside where a significant degree of separation exists to the outlying villages of Hilton and Maltby. Any loss of the green wedge therefore needs to be considered in this context, with the resultant harm being weighed against the benefits of providing further housing to address the current shortfall in the 5 year housing land supply.

Affordable housing:

17. Policy CS8(5) also requires that a target range of 15-20% affordable housing be provided and whilst the preference is that this is provided on site. However, government have recently introduced the concept of starter homes being included as an alternative affordable housing option, which has been offered by the developer.
18. In the absence of any firm guidance on the 'starter homes' concept from government and in view of both the established planning policy position and concerns that self/custom build housing will not meet the genuine needs of those who require affordable housing. Given both the nature of the scheme and that those who require affordable housing are very unlikely to be in a position to be able to construction their own homes, it is considered more appropriate to seek an off-site contribution towards affordable housing. The applicants have agreed to an affordable housing contribution and this has been calculated in accordance with the Council's adopted guidance which equates to an offsite contribution £369,576.

Infrastructure requirements

19. Several of the objectors raise concerns in relation to the impact of the development on school provision, particularly given existing shortfalls in school spaces. Typically on new housing schemes a contribution towards primary and secondary school provision is sought in line with the Council's adopted Planning Obligations SPD. In this instance the proposal would generate

10 primary school places and 8 secondary school places, and a contribution is sought in line with the Council SPD. This would take into account the degree of school capacity if and when the development occurs with the maximum contribution that would be payable would equate to approximately £215,000

20. Although the proposed indicative plan does not indicate the provision of any formal open space play areas, the applicant has land ownership which extends beyond the redline boundary of the application site (delineated by the blue line). Given that the site is located away from existing areas of play facilities, it is considered appropriate for a small play area for young children to be provided on or adjacent to the site. In order to secure this provision and details of any maintenance arrangements a planning condition is recommended as part of any approval.
21. Given the proximity of the site to Maltby Cricket Club, the provision of housing has meant that a consultation with Sport England was necessary. In their consultation response they have highlighted that residential development and cricket grounds can make for poor neighbours given the potential for cricket balls damaging property and leading to insurance liabilities that cricket clubs may struggle to meet. Having assessed the proposal Sport England have advised that appropriate mitigation can be provided which would not prejudice the use of the cricket pitch. Sport England does not object on the basis that a condition is secured to prevent ball strike and this is detailed within the recommended conditions which are set out in this report.

Benefits of the proposal:

22. As indicated above the fact that the proposal will contribute towards the five year housing land supply and the will offer additional choice through its nature as a self/custom build option both offer significant social and economic benefits which weigh in its favour. In addition there are likely to be further economic benefits through investment and job creation particularly during the construction phase.

Visual Impacts;

23. As outlined in the report above, part of the site lies within the green wedge which is identified on the Core Strategy diagram. Within the strategic diagram of the Core Strategy the green wedge currently follows Thornaby Road, and sweeps around the corner following Low Lane and therefore incorporates the existing cricket field and a number of existing residential properties with associated gardens. Whilst it is noted that many of the objections raise concerns in relation to the loss of a greenfield site and the green wedge site, the appropriate tests in considering the visual impacts of the scheme are on 'openness' and preventing the coalescence of settlements.
24. Whilst presently the land to the north of the site consists of open fields, two recent appeal decisions have allowed residential development of c.1000 dwellings within this area, while another appeal decision for a further 200 dwellings is still under consideration north-east of the site (see fig 1 below). In addition at present there is also a large hedge which fronts onto Low Lane which restricts views into the site and land beyond.

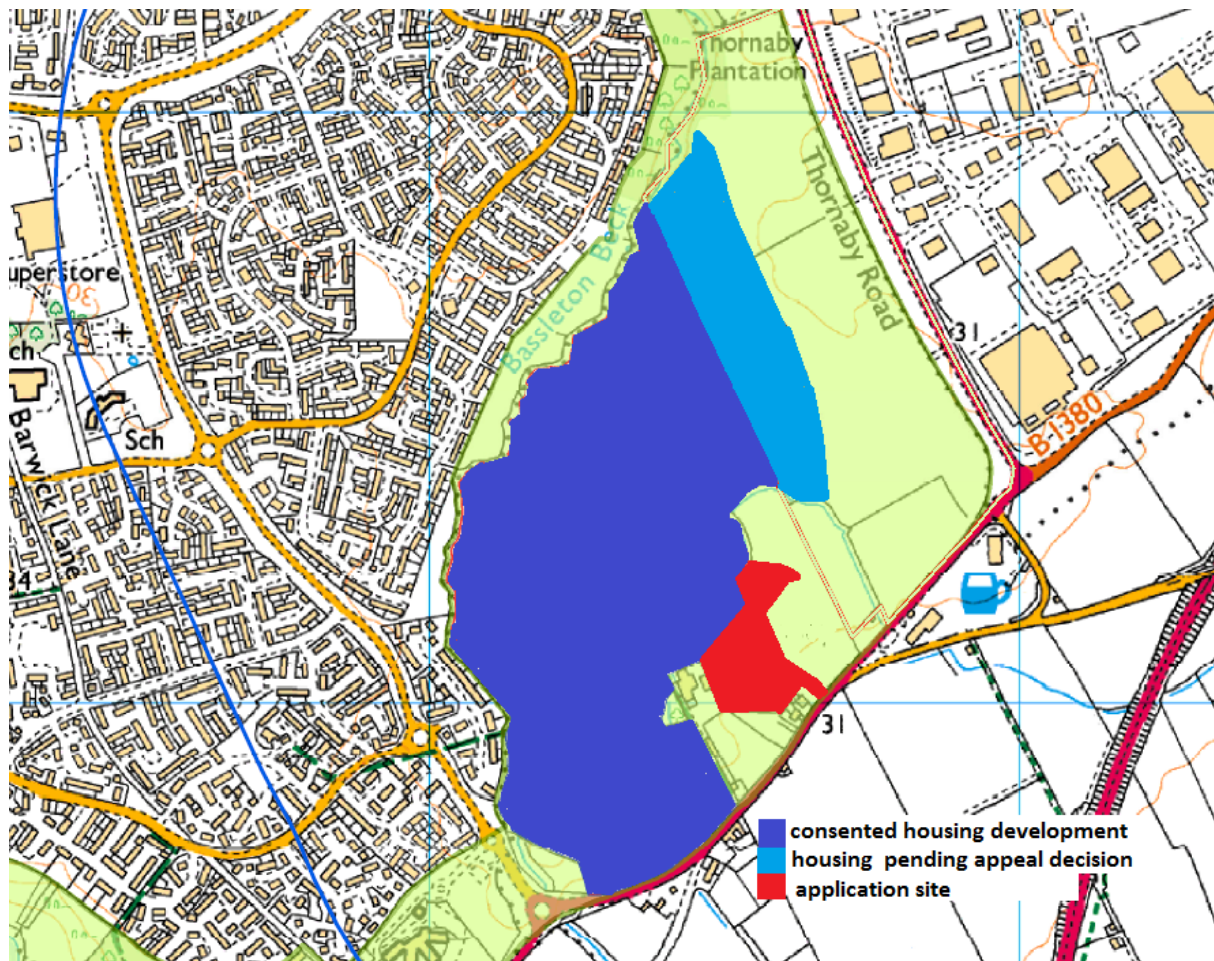


Fig 1: Context diagram showing application site and surrounding developments

25. In assessing the visual impact of the green wedge it is noted that Landscape Architects comment that the green wedge designation along this south-east edge of Ingleby Barwick is considered to be of lower importance than elsewhere around the settlement as it is not necessary to prevent the coalescence of settlements, or to retain openness given that the villages of Maltby and Hilton are a significant distance away and separated by a number of agricultural fields.
26. In addition the views to the north of Low Lane are already interrupted by existing residential development at the edge of Ingleby Barwick and given the degree of consented development, upon completion this proposal will be viewed against a residential backdrop. Although the submitted information gives no indication of any soft landscaping to mitigate the visual impacts of the development, such details can be resolved as part of any Reserved Matters application and overall it is considered that the proposed development would not have any significant or adverse visual impacts given the extent of housing development immediately adjacent to its northern boundary.
27. The proposal is also only an outline application and the final details regarding the layout, scale, external appearance of the development and any associated landscaping will be considered at the reserved matters stage. Although it is considered that sufficient space exists to accommodate a development of this scale and the associated infrastructure.

Setting of listed building;

28. Little Maltby Farmhouse which is grade II listed lies approximately 35 metres to the west of the application site, albeit some original converted curtilage buildings (which form a new dwelling)

are closer at c.20 metres. In addition a garage block dating to 2005 (with rooms in the roof space) also lies along the eastern boundary. However, any associated impacts should be considered in the context of recent housing developments being allowed on the western and northern boundaries of the listed property.

29. Therefore, whilst this proposal will introduce housing along the farmhouse's eastern boundary it is considered that acceptable distances and an appropriate planting scheme could be provided which would minimise the associated impacts and ensure that there are no significant adverse impacts on the setting of Little Maltby Farmhouse to justify a refusal of the application on this basis.

Amenity;

30. With regards to amenity, the distances from the surrounding and neighbouring residential properties to the boundaries of the site are in excess of 21 metres with the exception of the guest accommodation above the garage at Little Maltby Farm. The final details regarding site layout and the external relationships with existing properties would be a matter for consideration at the reserved matters stage, although the submitted illustrative drawings do suggest that in planning terms a housing development for up to 40 dwellings can be accommodated without there being any adverse impacts on the surrounding resident's amenity.
31. 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 15 dwellings per hectare.
32. Whilst the Environmental Health Units comments of noise disturbance in relation to Teesside Industrial Estate are noted, there will be a distance of over 400m metres between the two sites and it is not considered that the proposed development will have any adverse impacts on these businesses or their operations. Equally, in respect of the commercial activities within the industrial estate affecting the proposed residential dwellings the degree of separation will limit the level of noise disturbance and it is not considered to have any adverse impact on levels of residential amenity. Furthermore, similar controls were not imposed on the housing approvals to the north and it is considered that such a condition would not be justified in this instance.
33. 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;

34. The Highways, Transport and Environment team have assessed the application and based comments on the information supplied and indicative drawings. It is noted that all traffic would access the site via Low Lane and that the associated trip generation is relatively limited. In the opinion of the Highways, Transport and Environment team, given the recent and on-going highways improvements within the Ingleby Barwick they are satisfied that there is sufficient capacity to accommodate this proposal without further mitigation to the surrounding highway network.
35. With regards to the proposed access arrangements a protected right turn is to be provided with the existing High Lane/Low Lane junction being reconfigured alongside the existing access to the cricket club being closed. Despite those objections received, the protected right turn is considered to be an acceptable solution for the scale of development proposed and would not have any adverse impacts on highway safety. However, such works would need to be secured through a S.278 agreement and such works can be secured through a Section 106 agreement.

36. As this is only an outline planning application, the final details of the proposal would need to be formalised and submitted for consideration. Matters relating to the road design and car parking provision would be considered at the reserved matters stage and cannot therefore be taken into consideration as part of this application.

Flood Risk;

37. The application site is located within Flood Zone 1 and there are no identified risks to the site from surface water flooding. However, the Highway Transport and Environment team advise that any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.
38. Although the submitted Flood Risk Assessment identifies a number of surface water management options including SuDS techniques, insufficient details are provided at this stage and consequently a planning condition is recommended to secure such requirements.

Features of an archaeological interest;

39. As part of the application an archaeological field evaluation has been submitted which Tees Archaeology have considered. They are of the opinion that this has been carried out to a very high specification and those anomalies which have been identified are consistent with agriculture or relate to modern features such as water and gas mains. Consequently they have no objection to the proposal and the scheme is not considered to have an adverse impact on features of an archaeological interest.

Protected species;

40. The application is accompanied by an ecological appraisal which assesses the impact of the proposed development on protected species. Natural England has advised that as the site is not 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.
41. In terms of the potential impacts of the proposed development on protected species, the submitted report identifies that there would be limited ecological value. The report does identify that there may be some potential impacts on birds and a number of ecological recommendations have been provided which includes the retention of hedgerows and no vegetation removal during the bird nesting season. Such an approach is considered to be consistent with the standard advice from Natural England and officers have no evidence which would contradict this ecological appraisal and statement. The proposal is therefore considered to be in accordance with the NPPF (para 118) and a planning condition can be imposed to secure such mitigation measures.

Crime and Anti-social behaviour

42. 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. 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. At reserved matters stage opportunities for designing out crime to meet secured by design principles can be considered. Although ultimately in the event that any instances arise, this would be a matter for the appropriate authorities, such as the Police and not the planning system

Residual Issues;

43. It is noted that the Design and Access Statement outlines a series of energy efficient measures which are comparable with former Code 6 under Code for Sustainable Homes and that such an approach is welcomed from an Environment Policy perspective. However, any requirement to

achieve the equivalent of code 6 would exceed the adopted policy standard and more importantly in March 2015 a government ministerial statement withdrew the code for sustainable homes and therefore it should no longer be required it as a planning condition for new approvals as such matter are to be covered under building regulations. A condition requiring a minimum of 10% renewable energy generation is however recommended.

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

CONCLUSION

45. As 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. In addition the proposal will also provide the opportunity for self and custom build housing which is being strongly encouraged by government to assist in the delivery of an alternative housing model/product.
46. As outlined within the report the scheme is not considered to undermine the role and purpose of the green wedge in this instance nor is it 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.
47. 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 would offer some significant economic and social benefits which would outweigh any resultant harm from the development proposals. As a consequence the proposed development is recommended for approval subject to those conditions and Heads of Terms identified within the report above.

Director of Economic Growth and Development Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications:

The proposed development will contribute towards securing infrastructure to make the proposal acceptable. This will include highway improvements, education provision and an offsite affordable housing contribution. 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

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

SPD4 – Conservation and Historic Environment Folder

SPD6 – Planning Obligations