

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**1<sup>st</sup> FEBRUARY 2017**

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

**16/0389/OUT**

**Land West Of Fleet Bridge Road, Chesham Grove, Norton**

**Outline application for the erection of up to 60 dwellings with all matters reserved.**

**Expiry Date**

**SUMMARY**

The application site is a broadly triangular shaped plot which is located on the southern eastern fringes of Norton. The A19 and the associated embankment lie immediately to the east while the northern, western and southern boundaries are formed by residential properties of Chesham Road and Grove (north), Dovedale Close and Dovedale Road (west/south west) and Ramsey view, Beaumont View and Avon Road (south). The site measure approximately 2 hectares (5 acres) in area and there are some significant level changes within the general area.

Outline planning permission is sought for a development of up to 60 dwellings with all matters reserved. It is expected that access will be taken from Chesham Road but that potential access could also come from Ramsey View and Beaumont View.

A total of 19 objections have been received with the main objections focussing on flooding; loss of open space; impact on residential; and poor access arrangements.

With regards to the proposal the Council is only able to demonstrate a 4.5 years housing land supply with the 20% buffer added and therefore the provision of housing to address the shortfall in the 5 year housing land weighs in favour of the scheme. The site lies within the development limits and currently has no specific land designations, although the site was previously identified as green wedge under the adopted 1997 Local Plan the key diagram of the Core Strategy shows that the site is outside of the green wedge, with that protection applying to the site on the opposite side of the A19. Although identified within the open space audit semi-natural green space and as Urban Open Space under emerging Local Plan these can be given little weight at this time and consequently there is no formal designation of the site as open space.

In terms of visual impacts, the proposed development site is surrounding by existing residential development to the north, south and west. Although the associated footpath and cycle would allow for views across the wider development any new residential development will be seen within the context of a wider residential environment.

The Environment Agency have now removed their objection to the proposal and the Council's flood risk management team are satisfied that an acceptable surface water drainage solution can be achieved although a planning condition would be required to secure these final details.

As this application seeks only outline planning consent with all matters reserved the final details will be subject to a future application although it is considered that a form of residential

development can be accommodated on the site without significantly affecting the character of the area residential amenity or highway safety.

### **RECOMMENDATION**

That planning application 16/0389/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with Heads of Terms below;

#### **Approved Plan:**

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

Plan Reference Number	Date on Plan
SBC0001	15 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.

#### **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 60

Reason: To ensure a satisfactory form of development.

#### **Tree Assessment:**

06 Notwithstanding the submitted information, all trees on site and within 10m of its external boundary shall be indicated on a Site Survey Plan which shall inform the reserved matters application. 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:**

- 07 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.

**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

**10% Renewable energy requirement:**

- 09 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.

**Surface Water Drainage scheme:**

- 10 The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- 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. Details of adoption responsibilities;
- V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

**Mitigation measures for Surface Water Drainage:**

11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk (FR) & Drainage Assessment (DA) 8951/TW/001/06 dated December 2015 (revised Jan 17), and the following mitigation measures detailed within the FR & DA.

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm. This will be achieved by limiting surface water runoff from the site to 7l/sec
- Maintaining maintenance in the north eastern area of the site shown on Appendix I of the Stockton on Tees report 'Local Flood Risk Management Strategy' and on Environment Agency flood mapping to the north east of the site. Development in this location should also be limited to site access and garden/open green areas and proposed site levels in this location should be kept to that of the existing ground or below again to ensure the stored storm water is not displaced.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

**Travel Plan**

12 Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services

- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

**Affordable housing**

- 13 Development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall deliver 15% of affordable housing provision unless supported by relevant viability evidence or [some allowance for alternative affordable housing offer]

The affordable housing shall be provided in accordance with the approved scheme(s), which shall include:

- i. the numbers, type, tenure, mix and location on the site of the affordable housing provision to be made within the relevant phase;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or to ensure that the affordable housing is affordable to both first and subsequent occupants; ; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.

Reason; To ensure that affordable housing provision is provided as part of the development in accordance with the requirements of policy CS8(5).

**Noise disturbance from adjacent road traffic**

- 16 *Prior to the commencement of development, a noise report and mitigation scheme for the protection of the proposed dwellings from noise from the adjacent trunk road (A19) shall be submitted to and be approved in writing by the local planning authority. All works which form a part of such a scheme shall be completed before any of the permitted dwellings are occupied.*

*Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.*

**Construction Management Plan;**

- 15 *No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:*

- (i) *the site construction access(es)*
- (ii) *the parking of vehicles of site operatives and visitors;*

- (iii) *loading and unloading of plant and materials;*
- (iv) *storage of plant and materials used in constructing the development;*
- (v) *the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,*
- (vi) *measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;*
- (vii) *measures to control and monitor the emission of dust and dirt during construction;*
- (viii) *a Site Waste Management Plan;*
- (ix) *details of the routing of associated HGVs;*
- (x) *measures to protect existing footpaths and verges; and a means of communication with local residents.*

*The approved Construction Management Plan shall be adhered to throughout the construction period.*

*Reason: In the interests of highway safety and visual amenity.*

**Construction activity:**

- 16 *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.*

**Land contamination:**

- 17 *No development shall be permitted to start until a staged approach to the investigation, carried out by a qualified environmental consultant, is recommended. This would normally include the following steps: -*

*Phase 1 desk study and site reconnaissance including conceptual site model, which may lead to,*

*Phase 2 staged intrusive site investigation and characterisation, which may lead to,*

*Phase 3 risk management (which may involve remediation and validation).*

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

**Unexpected land contamination**

- 18 *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 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**

**The applicant will be required to enter into a section 106 agreement to cover the following aspects;**

- **Contribution towards primary and secondary education in line with Council's adopted formula**
- **Provision of open space on site or alternatively an commuted lump sum of up to £80,000 for off-site provision**

### **SITE AND SURROUNDINGS**

1. The application site is a broadly triangular shaped plot which is located on the southern eastern fringes of Norton. The A19 and the associated embankment lie immediately to the east while a public cycleway/footpath runs to the Portrack Lane area in the south and Billingham to the north and east forms the eastern boundary of the site. In total the site measure approximately 2 hectares (5 acres) in area.
2. The north, western and southern boundaries are formed by residential properties of Chesham Road and Grove (north), Dovedale Close and Dovedale Road (west/south west). Ramsey view, Beaumont View and Avon Road (south).
3. Levels within the general area also vary greatly, with the land sloping down in a north-south direction from Chesham Grove before beginning to rise again towards the southern part of the site. From east to west the level change is also significant with the properties of Dovedale Close and Road being significantly higher, and a number of trees are situated along this slope. The central part of the site is generally flat and free of significant vegetation before the reaching the A19 embankment which also rises steeply, further tree planting is located on this embankment.

### **PROPOSAL**

4. Outline planning permission is sought for a development of up to 60 dwellings with all matters reserved. It is expected that access will be taken from Chesham Road but that potential access could also come from Ramsey View and Beaumont View.
5. Although at this stage the final details of any residential development are unknown, the planning statement outlines that any development will respect the topography of the site and that the dwelling numbers are derived from a density range of 30 dwellings per hectare.
6. The supporting statement also outlines that although the precise mix of proposed dwellings would be dealt with at the Reserved Matters stage, the site lends to a range and types of houses given the existing mix of social housing, market housing, care homes/sheltered accommodation, private flats and bungalows within the nearby area.

### **CONSULTATIONS**

7. The following Consultations were notified and any comments received are set out below:-

**Environment Agency** - Having assessed the submitted information withdraw their objection as the applicant has identified that due to the construction of the A19 there are now physical barriers between the site and the Billingham Beck therefore reducing the likelihood of flooding. Consequently this site would now flood under different circumstances and that the risk of flooding from fluvial and/or tidal sources has been significantly reduced. The greatest risk is

now from surface water flooding it is no longer within the Environment Agency's remit to object as this falls under the remit of the Lead Local Flood Authority.

However, it is considered that the FRA is inadequate and that further assessment of the flood risk to the site is necessary and only then can appropriate mitigation be proposed. Those issues which remain include;

- The impact of this development, specifically ground raising, to existing properties in the area. The topography suggests that water may pond here. There is very little consideration given for what the impacts of ground raising could be and although it is intended to prevent flooding to the new properties on the site, any excess flood water will be displaced elsewhere. There is no consideration for where this excess flood water may flow to and increased risk to those properties off the site has not been ruled out. The risk to properties off the site must not be forgotten.
- The applicant must not rely on maintenance to be undertaken to the ditched area or highway drainage to the east of the site as a form of mitigation against flooding (as is suggested in paragraphs 6.1.5 (page 13) and 7.7 (page 18) of this FRA) as this is not within their control and cannot be guaranteed. The development must be safe from flooding for the lifetime of the development, which will presumably be 100 years.
- Although the risk of flooding from the sewerage/drainage network has been deemed to be low (paragraph 6.3.2, page 15) there has been no consideration given for what the increased pressures of this development could have on the risk of the drainage system failing and what would happen if this were to occur. This needs to be considered with NWL.

The applicant must propose a development with mitigation methods that satisfy the Lead Local Flood Authority.

**SBC Highways Transport and Environment** - Highways Transport & Environment do not support this application for 60 dwellings on landscape and visual grounds. However, it is considered that a development of lower density and significantly reduced numbers could be accommodated within the constraints of the site.

Based on the number of houses being proposed, 60, it is unlikely that there will be sufficient numbers of bedroom spaces that will require the developer to provide on-site play or allotment provision. However a sum estimated to be in the region of £80,000 would be sought to provide suitable off-site provision within the local area.

The applicant has submitted a Transport Statement (TS) in support of the application demonstrating that the scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and is not considered to be severe within the context of NPPF.

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

As details of the proposed renewable energy equipment is yet to be submitted this policy requirement should be secured by condition.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

**Northern Gas Networks** - There are specific building proximity distances for individual Pipelines dependant on predefined risk levels and the type of development. If your proposal includes the construction of buildings it is essential you contact Neil Hampshire, telephone 0113 2768272, to verify the actual distances for the apparatus shown.

**SBC Children, Education and Social Care** - The proposed site is located near to Norton Primary Academy and North Shore Academy for secondary and although neither are full at the moment the development should allow for education provision using the normal formula base calculation.

**Natural England** – No comments to make on this application. However, the lack of comment from Natural England 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. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment and Local Planning Authorities should obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**Councillors Bob Cook and Eileen Johnson** – Object to the outline planning application for houses to be built on land at Chesham Road, Norton as this is overdevelopment and the road links do not have the capacity to carry more vehicles from this site.

**Environmental Health Unit** – A brief screening noise assessment was undertaken at the site to assess the levels of noise produced from traffic along the A19, the levels fall within category B of NEC (noise exposure categories for dwellings) of the PPG. This indicates that noise should be taken into account when determining the planning application, where appropriate conditions should be imposed in order to ensure an adequate level of protection against noise. A noise assessment will need to be undertaken but I am satisfied that appropriate mitigation such as acoustic double glazing and mechanical ventilation to front bedrooms and living rooms may be required. Conditions to cover the following aspects will be required

- Construction/ Demolition Noise
- Noise disturbance from adjacent road traffic
- Land contamination

**Spatial Planning and Regeneration** - As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise.

The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states that at the heart of the NPPF is the presumption in favour of sustainable development while paragraphs 47 and 49 support the growth and delivery of housing. The Council currently has a supply of deliverable housing land of 4.50 years with a 20% buffer added and therefore the policies in the development plan that deal with housing supply are considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The application site is west of the green wedge identified in the Core Strategy which states that the separation between settlements and quality will be maintained through the protection and enhancement of biodiversity geodiversity and landscape. The site is identified within the Councils Open Space Audit as a Natural/Semi-natural Greenspace with Point 3 of Core Strategy Policy CS6 identifying that 'The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. There is no area in the Borough where all types of space meet the standard; therefore development on open space is not acceptable unless the loss is mitigated adequately.'

**Northumbrian Water Limited** – Although the applicant has already approached Northumbrian Water to agree allowable discharge rates & points into the public sewerage network for foul & surface water. The applicant is yet to present evidence that all other options for the disposal of surface water have been explored, therefore a condition is requested for a surface water.

**The Ramblers Association** - Should the Council be minded to approve this application, we ask that all precautions are taken to preserve safe and continuous access to the national cycle route to the east of the site at all times.

**Tees Archaeology** - There are no known sites of archaeological interest within the development area or within its immediate proximity. The overall archaeological potential is likely to be low and therefore there are no objections to the proposal

**Land Contamination Officer** - The Land Quality Information register has indicated that there are certain features on the site [or within 250metres of the site], which may have significance on any proposed development. A condition is therefore recommended to require the developer to assess the significance of these features and provide any necessary remediation and validation reports.

## **PUBLICITY**

8. Neighbours were notified and 19no. objection comments have been received these are set out below:-

### Objections

- Flooding has occurred in recent years and will likely re-occur more frequently in the future
- Proposed site is on waste land, which used to be a tip and regularly floods – building on it will worsen this situation
- Any flooding would affect the only access road available and residents, public services and emergency services would have no entry to this development, putting lives at risk
- Site contains variety of trees and shrubs
- One exit out onto the dual carriage way on Billingham Road and is very busy at rush hours
- Proposed road access is inadequate for additional traffic
- Insufficient parking which exacerbates inadequacies of the access road
- Implications on services and utilities including drains
- Over development of the area
- Impact on wildlife
- Loss of privacy and daylight
- Increase in noise
- Large number of brownfield sites which should be built on
- Loss of view
- Loss of open space/valuable piece of land to cyclists and walker
- Lack of clarity over what is to be built
- Loss of property value
- Implications of construction on proposed dwellings ie piling foundations
- Will compensation be given for the disturbance to the neighbouring properties

### Objectors

1. Mr Geoff Bullock - Chesham Road Norton
2. C House - 18 Sudbury Road Norton
3. Mrs Barbara McNeil 15 Avon Road Norton Stockton-on-Tees TS20 2TT
4. Peter Parkinson 6 Dovedale Close Norton Stockton-on-Tees TS20 2TL
5. Mrs Jacqueline Tyerman 46 Dovedale Road Norton Stockton-on-Tees TS20 2TH
6. Mr And Mrs J Darnbrook 18 Dovedale Close Norton Stockton-on-Tees TS20 2TL
7. Mrs J Gilbert 16 Dovedale Close Norton Stockton-on-Tees TS20 2TL x2

8. Jillian Todd 4 Amble View Norton Stockton-on-Tees TS20 2TN
9. Margaret Harrison 8 Dovedale Close Norton Stockton-on-Tees TS20 2TL
10. Mr Keith Joseph 15 St Nicholas Gardens Yarm TS15 9SJ
11. Mr and Mrs Parry 40 Chesham Road Norton Stockton-on-Tees TS20 2SF
12. Derek Walker 48 Chesham Road Norton Stockton-on-Tees TS20 2SF
13. Margaret and Michael Brack 46 Chesham Road Norton Stockton-on-Tees TS20 2SF
14. B Taylor 42 Chesham Road Norton Stockton-on-Tees TS20 2SF
15. Mr And Mrs Golden 33 Dovedale Close Norton Stockton-on-Tees TS20 2TL
16. Mr And Mrs Chetham 30 Dovedale Close Norton Stockton-on-Tees TS20 2TL
17. Mrs Lesley Hughes 21 Dovedale Close Norton Stockton-on-Tees TS20 2TL
18. Mr David Chambers 8 Amble View Norton Stockton-on-Tees TS20 2TN
19. Owner/Occupier 6 Amble View Norton Stockton-on-Tees TS20 2TN

## **PLANNING POLICY**

9. 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**

10. 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**

11. 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 6 (CS6) – Community Facilities**

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

3. The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document.

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

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

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

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

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

### **Core Strategy Policy 11 (CS11) - Planning Obligations**

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

2. When seeking contributions, the priorities for the Borough are the provision of:

\_ highways and transport infrastructure;

\_ affordable housing;

\_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

### **Saved Policy HO3 of the adopted Stockton on Tees Local Plan**

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

(i) The land is not specifically allocated for another use; and

(ii) The land is not underneath electricity lines; and

(iii) It does not result in the loss of a site which is used for recreational purposes; and

(iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and

(v) It does not result in an unacceptable loss of amenity to adjacent land users; and

(vi) Satisfactory arrangements can be made for access and parking.

### **Stockton on Tees emerging Local Plan Policy SD5**

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the built and natural environment through a variety methods including:

a. Ensuring that development proposals adhere with the sustainable design principles identified within SD8.

b. Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and RAMSAR) and other existing resources alongside the provision of new resources

c. Protecting and enhancing ecological and green infrastructure networks and assets.

d. Maintaining strategic gaps between individual settlements to retain their physical identity.

e. Preserving the intrinsic value of the countryside, outside the limits to development, by supporting development of an appropriate scale where it does not harm the character and appearance of the countryside, and provides development requiring such a location as identified within SD3 and SD4.

- f. Directing development within the countryside, outside the limits to development, towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it can be demonstrated that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
  - g. Supporting the conversion and re-use of buildings in the countryside, outside the limits to development, where it provides development requiring such a location as identified within SD3 and SD4, and meets the following criteria:
    - a. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
    - b. Any alterations or extensions are limited in scale;
    - c. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
    - d. Any associated outbuildings/structures are of an appropriate design and scale.
  - h. Protecting and enhancing the network of green wedges within the conurbation through the preservation of their open nature and the physical separation between built up areas to ensure local identity and landscape character are preserved.
  - i. Preventing development which has an unacceptable impact on the character and distinctiveness of the Borough's landscape
  - j. Protecting and enhancing valued urban and rural landscapes and areas of tranquillity
  - k. Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as leisure and recreation destination, improve the natural environment and landscape character, enhance cultural and historic assets, and, promote understanding and community involvement.
  - l. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water or noise pollution or land instability. Wherever possible proposals should seek to improve the ground, air and water quality.
  - m. Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.
2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
- a. Directing development in accordance with SD3 and SD4.
  - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
  - c. Directing new development towards areas of low flood risk (Flood Zone 1)
  - d. Working with developers and partners to ensure the flood risk is reduced.
  - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles
  - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
  - g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
  - h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.
3. Conserve and enhance the historic environment through a variety of methods including:
- a. Celebrating, promoting and enabling access to the historic environment
  - b. Ensuring the health of the historic environment is regularly monitored
  - c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk
  - d. Supporting proposals which positively respond to and enhance heritage assets.
  - e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.
4. Priorities for interventions to enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as

being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.

### **Stockton on Tees emerging Local Plan Policy ENV6**

1. Through partnership working the Council will protect, enhance, extend and create green infrastructure in appropriate locations within, and adjoining the Borough, in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.
2. The Council require green infrastructure to be integrated into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area and enhance the wider green infrastructure network.
3. The Council will protect and enhance open space throughout the Borough in accordance with identified standards. New developments are required to deliver open space in accordance with and to maintain these standards.
4. The loss of open space will be resisted unless:
  - a. it has been demonstrated to be surplus to requirements; or
  - b. it has no recreational, nature conservation or amenity value; or
  - c. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - d. the proposal is for another sports or recreational provision, the needs for which clearly outweigh the loss; or
  - e. the proposal is ancillary to the use of the open space
5. Ecological networks will be protected, enhanced and extended. A principal aim of this will be to link sites of ecological importance by avoiding or repairing the fragmentation and isolation of natural habitats. Priority sections of the Borough's Ecological Network are:
  - River Tees Corridor
  - Teesmouth
  - Lustrum Beck Corridor
  - Stainsby Beck Corridor
  - Billingham Beck Corridor
  - River Leven Corridor

### **MATERIAL PLANNING CONSIDERATIONS**

12. The main planning considerations of this application are its compliance with Planning Policy and the impacts of the development on the character of the area amenity of future/neighbouring occupiers, access and highway safety, flood risk and protected species.

#### **Principle of development;**

13. 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. Currently the Council is only able to demonstrate a 4.5 years housing land supply with the 20% buffer added and therefore the provision of housing to address the shortfall in the 5 year housing land weighs in favour of the scheme.
14. With regards to the Borough's own planning policies the site lies within the development limits and currently has no specific land designations, although the site was previously identified as green wedge under the adopted 1997 Local Plan this policy has been superseded by policy CS10 of the Core Strategy and those initial boundaries have fallen away. As established in a

recent high court challenge, the key diagram of the Core Strategy delineates where current policy protections lie and this the current diagram clearly shows that the site is outside of the green wedge, with that protection applying to the site on the opposite side of the A19.

15. It is noted that the site features within the open space audit and is identified as semi-natural green space however, it has no specific policy designation and although Core Strategy policy CS6(3) seeks to protect the quantity and quality of open space, sport and recreation facilities throughout the Borough, it does not define these areas. Further, the emerging Local Plan indicates that the site has a draft allocation for Urban Open Space under emerging Policy ENV6, which seeks to protect and enhance the boroughs green spaces and infrastructure, resisting the loss of open space unless it can be demonstrated that it is surplus to requirements; no recreational, nature conservation or amenity value; it would be replaced by equivalent or better provision in terms of quantity and quality; is for another sports or recreational provision; or, is ancillary to the use of the open space.
16. In considering the above, there are two significant issues to account for. The first is similar to that of the green wedge, in that there is no formal designation of the site as open space within either the 1997 Local Plan or the Core Strategy and its strategic diagram. Secondly, the land is within private ownership and it is only due to the fact that the land is not protected by fencing that the public has access to it. Whilst recognising that the site features within the open space audit and that the Core Strategy offer general protection for open space, the lack of specific designation and the fact that the emerging Local Plan has little weight at this current juncture in time means that there is no firm basis on which to justify and defend a refusal of the application.
17. In terms of the overall sustainability of the site, it is noted that it is located approximately 750m from Norton High Street where a range of services, facilities and employment opportunities are provided to meet day to day needs. Frequent bus services are also available within the immediate area linking the site to Stockton and Middlesbrough as well as Newcastle through the X10 service. The site is therefore considered to be a sustainable location for housing provision.

**Benefits of the proposal;**

18. As detailed 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, again these weigh in favour of the proposal.

**Viability and Planning Obligations**

19. As part of the application, the applicant has submitted a viability appraisal with regards to affordable housing provision which suggest that due to abnormal build cost the affordable housing requirement could not be met. However the Council's valuer's have considered this document and have advised that at this stage and based on the information provided within it that document, it appears that the development would be able to contribute toward the required infrastructure requirements whilst remaining viable.
20. Following further discussions, the applicants have since agreed to enter into a planning obligation for the standard education formula and provision of open space while a planning condition will secure a requirement for provision of affordable housing. As a result the proposal is considered to provide an appropriate level of infrastructure to mitigate the impacts of the development.

**Visual impact;**

21. 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 west and is limited from wider views from passing traffic on either the local or strategic highway network. The associated footpath and cycle would allow for views across the wider development and any new residential development will be seen within the context of a wider residential environment. However, any future scheme would need to ensure that there is an appropriate interface and degree of spacing to help provide sufficient spacing and landscaping to create an attractive corridor, although this would have to be fully considered at the reserved matters stage.
22. The surrounding properties consist of a mix of property styles and types including a three storey apartment development adjacent to A139/A19 at Mill Meadow Court. The more common dwelling type are semi-detached two storey dwellings, although detached and semi-detached bungalows also feature along with some detached two storey dwellings. Whilst the comments of the Council's Landscape Architects with regards to the overall scale of any future properties are noted, these aspects would form part of a future reserved matters application and consideration to the associated visual impacts would be a matter for future consideration. However, it is not considered necessary to restrict the scale of the development at this stage as the assessment of the external appearance and scale of any future properties would be a matter for future consideration.
23. Whilst it is noted that the site may offer some recreational and amenity value, as discussed earlier in this report it is within private ownership and currently has no formal open space designation. The applicant has also confirmed that they will be willing to provide either the required open space on site or provide a planning obligation to support open space to the south of the development site.
24. Matters relating to hard and soft landscaping, means of enclosure and landscape maintenance will be for the reserved matters stage and therefore conditions on these aspects are not necessary at this stage. Planning conditions are however recommended to address matters relating to a tree survey and tree protection measures.

**Amenity;**

25. With regards to amenity of the neighbouring properties and noting the comments of objectors who raise concerns about the loss of daylight, privacy and being overbearing. However, a number of the existing neighbouring properties are set at a significantly higher level and a degree of space is available on the site to achieve the required separation distances. The final details regarding the site layout and the relationships between the existing and proposed dwellings would also be a matter for consideration as part of any future reserved matters application and it would be ensured that any housing provided achieves acceptable separation distances and in accordance with the adopted council guidance at that time.
26. The Council's Environmental Health Officers have also undertaken sound testing within the immediate area of the site. Following the results of those tests, they have confirmed that they are satisfied that any future dwellings can be sufficiently protected from noise from the A19. In accordance with their comments a condition is recommended for a noise report.
27. Whilst not a specific indicator of acceptability of a scheme the site area and number of houses equates to a density of approximately 30 dwellings per hectare although the final layout and design will determine the final extent and numbers of the proposal, with 60 dwellings being the maximum. Given the close proximity to Norton High Street a proportion of site may be suitable for a flatted development.

28. 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;**

29. The Highways, Transport & Environment Manager has considered the submitted Transport Statement (TS) in support of the application and it is noted that this document states that the primary will be taken from Chesham Grove. An assessment of the junction from the A139 Billingham Road via Colchester Road has been undertaken and the results show that with the proposed 60 additional dwellings the junction would still operate at less than 25% of its theoretical capacity and would continue to operate satisfactorily. Despite the objections received which relate to traffic on the existing network, the vehicular trips generated by the proposal are considered to be limited and would not have a significantly adverse impact on the highway network.
30. Whilst the final details over the sites layout and design would be a matter for future consideration any future proposal will be expected to meet with the Council's adopted highway design and parking standards guidance and these would also be considered at the reserved matters stage.
31. Given the constrained nature of the site, any construction works could have an adverse impact on the surrounding residential streets. In order to minimise any resultant impact it is considered reasonable that a construction management plan is required and this is recommended accordingly.

**Flood Risk;**

32. The proposed development falls within both Flood Zone 1 and Flood Zone 2 and both the Environment Agency and the Council Flood Risk section have considered and assessed the submitted information. Detailed discussions have been taking place between the applicants and the Environment Agency who have now withdrawn their initial objections to the proposed development, given that physical barriers between the site and the Billingham Beck reduce the likelihood of flooding and the risk of flooding from fluvial and/or tidal sources has been significantly reduced. It is however advised that the greatest risk is now from surface water flooding which is no longer within the Environment Agency's remit as it falls under the remit of the Lead Local Flood Authority.
33. With regards to surface water runoff and management, it is noted that there is a high risk of surface water flooding on the Eastern boundary of the site, with a larger area to the east of the site affected by medium to low level risk of surface water flooding. Within the latest flood risk assessment, a number of mitigation measures have been highlighted to ensure the proposed development is protected against surface water flooding and flood risk management are satisfied that a solution can be achieved. However, at this stage the applicant has not provided sufficient information regarding the management and disposal surface water runoff from the proposed development site, therefore the flood risk team are unable to fully assess the risks of flooding to the site and it is recommended that planning conditions be imposed to secure these details.
34. In view of the above and in the absence of any objections on grounds of surface water drainage the proposed development is not considered to pose any significant threat or risk of increase to surface water flooding.

**Impact on protected species;**

35. Natural England has stated that they have no comments to make on the application with regards to statutory designated nature conservation sites or landscapes. Whilst a number of objectors have made reference to the use of the site by Bats no firm evidence has been

provided. Consideration has also been given to Natural England's standing advice, to assess the sites potential for protected species. With regards to Bats, as the site has housing to the west, the A19 trunk road to the east and a lit cycleway/footpath adjacent to it, the area is relatively urbanised and disturbed by as by both people, traffic and artificial light. Further, the trees on the site are considered to be relatively young with few complex growth patterns or cracks/cavities to support roots. Overall the site is considered to have limited ecological value and would be unlikely to support bat roots or other protected species.

**Residual Issues;**

- 36. Although the concerns of local residents with regards to methods of construction i.e. piling foundations are noted the method of construction would be a matter for building regulations and any impacts on the surrounding properties would be a civil issue. It is also not the role of the planning system to compensate residents for disturbance; the impacts of the proposal are considered to be acceptable from the planning perspective.
- 37. Matters relating to a loss of view or property value are not material planning considerations and cannot be taken into account when determining this application.

**CONCLUSION**

- 38. In view of the above and as the Council is only able to demonstrate a 4.5 years housing land supply (with a 20% buffer added) the provision of housing to address the shortfall in the 5 year housing land weighs in favour of the scheme. The site lies within the development limits and currently has no specific land designations, although the site was previously identified as green wedge under the adopted 1997 Local Plan the key diagram of the Core Strategy shows that the site is outside of the green wedge, with that protection applying to the site on the opposite side of the A19. Although identified within the open space audit semi-natural green space and as Urban Open Space under emerging Local Plan these can be given little weight at this time and consequently there is no formal designation of the site as open space. The site is also considered to be within a sustainable location.
- 39. As this application seeks only outline planning consent with all matters the final details will be subject to a future application although it is considered that a form of residential development can be accommodated on the site without significantly affecting the character of the area residential amenity or highway safety.
- 40. In view of the above, the proposal is considered to be acceptable in planning terms and is recommended for approval subject to the applicant entering into a section 106 agreement and subject to those conditions and set out within this report.

**WARD AND WARD COUNCILLOR(S)**

WARD	Norton South
Ward Councillor(s)	Councillor R. Cook
Ward Councillor(s)	Councillor Eileen Johnson

**IMPLICATIONS**

**Financial Implications:**

The proposed development will potentially contribute towards education and open space 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

Core Strategy – 2010

Emerging Local Plan (consultation draft) November 2016

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing