



## Appeal Decision

Inquiry opened on 22 March 2016

Site visit made on 23 March 2016

**by Paul K Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 06 December 2016**

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**Appeal Ref: APP/H0738/W/15/3134512**

**Land adjacent to Thornaby Road, Ingleby Barwick, Stockton-on-Tees**

**TS8 0BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr & Mrs I & DJ Snowdon against Stockton-on-Tees Borough Council.
  - The application Ref 15/0931/OUT, is dated 16 April 2015.
  - The development proposed is residential development of up to 200 homes including provision of means of access and open space.
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### Preliminary matters

1. The application was submitted in outline with appearance, landscaping, layout and scale reserved for future consideration. Indicative drawings accompanied the application showing a potential arrangement of dwellings, landscaping and links to Ingleby Barwick and an adjacent site at Little Maltby Farm. I have considered the appeal on this basis.
2. On the 24 May 2016, the Secretary of State issued his decision to approve development of up to 550 homes on an adjacent site at Little Maltby Farm, Low Lane, Ingleby Barwick TS17 0QR (ref APP/H0738/A/2214781). I have taken this into account.
3. On 28 September 2016, Stockton-on-Tees Borough Council resolved to grant outline planning permission for a development of 40 custom and self-build dwellings on a site at Lowfield Farm, Low Lane, south of the appeal site (ref 16/0323/OUT). I have taken this into account.

### Decision

4. The appeal is allowed and outline planning permission is granted for residential development of up to 200 homes including provision of means of access and open space on land adjacent to Thornaby Road, Ingleby Barwick, Stockton-on-Tees TS8 0BW in accordance with the application ref 15/0931/OUT, dated 16 April 2015 and the conditions in the attached schedule.

### Main issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.
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## **The site and surroundings**

6. The site consists of just under 32 hectares (ha) of flat farmland south east of the settlement of Ingleby Barwick west of Stockton-on-Tees. Ingleby Barwick is a late 20<sup>th</sup> century planned residential development. The south eastern edge of the existing settlement is defined by the wooded Bassleton Beck valley. A wider area of land south of the valley is being developed with a school and 350 houses, referred to in this decision as the Low Lane development. Between that scheme and the appeal site is another development site approved for up to 550 homes and a local centre including land set aside for a primary school, at Little Maltby Farm (also known as the Ingleby Manor site or the Tiviot Way development). Another application for 550 houses on the same site is being considered by the Council under reference 15/0497/OUT. More recently, as referred to above, a scheme for 40 dwellings has been granted permission approximately south south west of the appeal site at Lowfield farm accessed from Low Lane.
7. The appeal scheme includes a new road access from the A1044 Thornaby Road which runs along the eastern boundary. On the other side of Thornaby Road lies the Teesside Industrial Estate. An area of recreation and park land, incorporating sustainable drainage measures, is proposed between Thornaby Road and the proposed new dwellings. This would include screening planting and landscaping in a strip between from about 169 to 302 metres (m) wide. The illustrative drawings show a layout of mixed housing interspersed with gardens and recreational space. An area of allotments is proposed at the southern end of the scheme.

## **Reasons**

### *Planning policy*

8. The development plan includes the saved policies of the Stockton-on-Tees Local Plan of 1997 (LP) and policies of the Stockton-on-Tees Borough Local Development Framework Core Strategy (CS) adopted on 24 March 2010. Emerging replacement plan policies have been drafted in the Regeneration and Environment Local Plan (RELP) of 2015, but this has not yet been examined in public and attracts only limited weight. However the evidence base for the RELP is of assistance, in particular the Green Wedge Review of December 2014.
9. LP policies EN13 (development in the countryside) and HO3 (development within the limits to development) are agreed to be largely superseded by the CS and of little weight so far as this proposal is concerned. The site is designated on the 1997 Proposals Map as 'Green Wedge'. The 1997 LP describes green wedges as follows: *'these open spaces maintain the separation of communities within the built-up area, and improve its appearance. They contain wildlife habitats and could accommodate outdoor sport and recreation uses.... An important contribution to amenity within settlements is made by open spaces represented by river and beck valleys, school playing fields and sports grounds, spaces in housing areas and squares, and precincts in town centres...Such spaces should generally be protected from development unless this would achieve a genuine enhancement of the site to the benefit of residents of the Borough. Over time the aim will be to improve the effectiveness of such areas by appropriate landscaping, planting and wider access to the public..... The uses considered appropriate within green wedges are those that ensure their open aspect is retained and require only limited*

*built development, e.g sport and recreation, stables, farming and market gardening*'.

10. Policy EN14 of the LP concerning green wedges has been replaced by policies CS1 and CS10. CS10 stipulates amongst other things at (3) that 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 green wedges within the conurbation, including the Bassleton Beck Valley between Ingleby Barwick and Thornaby. The extent of the green wedge shown on the 1997 LP proposals map became irrelevant when the supporting policy EN14 was replaced.
11. The supporting text to CS10 notes that the 2008 Tees Valley Green Infrastructure Strategy provides the wider context; the 2011 Stockton-on-Tees Green Infrastructure Strategy builds on this and identifies Bassleton Beck and Thornaby Wood as lying in 'Green Corridor I'. The text also says that a review of green wedges, and criteria based policies for local and regionally designated sites, will be addressed in an Environment Development Plan Document. In the meantime, the strategic diagram of the Core Strategy provides the only indication of where policy protection applies and this is supported by the Tiviot Way judgment. Its general extent is also reflected in the conclusions of the 2014 Green Wedge Review, part of the RELP evidence base, which indicates at page 32 a 'finger' of land representing the minimum extent of green wedge required to maintain separation between Ingleby Barwick and Teesside Industrial Estate. Having regard to current policy, the parties agree that the proposed appeal site does not lie within any currently designated Green Wedge. No firm definition of the Green Wedge in this location has yet been decided.
12. Emerging RELP strategic policy SP3 advises that development within the limits to development will be acceptable, in principle, subject to compliance with other relevant national and local policies. A more restrictive approach to development will be applied on land outside of the limits to development in accordance with the protection afforded to strategic gaps and green wedges. The Council will support development in the countryside (land outside limits to development and green wedge) providing it is of an appropriate scale and does not harm the character and appearance of the countryside; where it provides accommodation of various kinds listed in the policy; the appeal scheme does not fall within any of the categories.
13. The Council acknowledges that it falls short of a 5 year housing supply as required by paragraph 47 of the National Planning Policy Framework (NPPF) of 2012<sup>1</sup>. Paragraph 49 says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Where policies are out of date, paragraph 14 of the NPPF says that permission 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 taken as a whole.

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<sup>1</sup> Estimated to be about 4.5 years

### *Character and appearance*

14. The deep Bassleton Beck valley currently forms a strong defining edge to the south eastern side of Ingleby Barwick. Trees within it hide houses in Thorington Gardens and Chalfield Close from view and in the opposite direction, provide the foreground to views towards the Cleveland Hills. The open nature of the fields west of Thornaby Road and mature tree planting largely concealing the industrial estate give an impression that the area is more rural than urban, seen from the north end of Thornaby Road. However, the B1380 Low Lane running across the southern boundary of the site is a busy link road along which are several large buildings including a car dealership. Seen from here, the industrial estate is not so well screened and is more prominent; the agricultural fields abut an urban environment and do not have the sense of openness obvious in wider countryside south of Low Lane. If new development can be effectively screened and the visual relief of open green space retained, then the perception of a gap between settlements and of countryside to the south would not be compromised. An effective green wedge would be retained.
15. The site falls within the Yarm Rural Fringe Landscape Character Area (LCA), key characteristics of which include a flat to rolling arable landscape; large fields with few hedgerows; wooded river valleys cutting through the arable landscape; and transport corridors including the A19 and A67 creating visual and noise detractors. The appeal scheme, together with the Low Lane and Little Maltby farm developments, constitute some of the pressures that the assessment anticipates from development around the outskirts of settlements. The northern boundary of this LCA follows the edge of the urban areas of Yarm and Ingleby Barwick along the line of the Bassleton beck, which is one of the wooded river valleys. The Little Maltby Farm and Lowfield Farm schemes, when complete, will infill the area between Low Lane and the southern edge of Ingleby Barwick. The addition of the appeal proposal would not seriously further intrude into the LCA in this location. The visual impact would be limited in this broadly flat landscape and would be assisted by effective screening which would also reinforce the green wedge that separates Ingleby Barwick from the Industrial Estate. The separating function of the Bassleton Beck valley would also remain very much in evidence north of the appeal site and new planting is proposed to link with the woodland in the valley. As a result, I consider that the addition of the appeal scheme on its eastern edge would have a negligible impact on the character of the area.
16. The Council attaches significant weight to the visual impact of the artificially lit access road crossing the remaining green wedge from a point on Thornaby Road opposite William Crossthwaite Avenue; and the urbanising effect of recreational use including sports pitches, mounds and footpaths. The impact of the access road could be significantly minimised at the detail design stage by sensitive treatment of the carriageway and surrounding landscaping. The Council itself emphasises the value of recreational activity in the Green Wedge, as demonstrated in the defining text of the LP and the Green Wedge Review, which states that *'the green wedges perform a critical role in preventing the coalescence of communities as well as providing opportunities for the development and enhancement of green infrastructure and recreational opportunities near to where people live'*.
17. I therefore attach little weight to the appearance of recreational publicly accessible open land, as opposed to agricultural land, in performing the

function of a green wedge in separation of settlements. Moreover, the RELP indicates the Council's direction of travel on this point, saying that '*within the green wedge numerous uses may be considered appropriate including farming, horticulture, recreation (including equestrian activity), tourism and forestry provided that any physical development associated with these uses is of a design and scale appropriate to their setting and does not negatively impact upon openness and amenity. It will also be important to ensure that any proposals within the green wedge do not negatively impact upon the other green infrastructure benefits provided by the green wedge.....The countryside is defined as land beyond the limits to development and green wedge...*'

18. A critical matter in dispute is the difference in the western 'boundary' of the green wedge between the illustrative extent of Green Wedge in the Core Strategy Strategic Diagram and the interim extent of Green Wedge in the 2012 RELP Issues and Options document; amounting to about 25m at most. The appeal proposal takes advantage of the full extent of the CS strategic diagram, scaling up the illustrative plan. The lines on the plans in question are indicative and vague and do not follow any identifiable features on the ground. In addition, the lines coincide for some distance on the southern edge before diverging. The layout of development, being confined to a long and thin plan shape, will in my view inevitably include back gardens on the eastern boundary with the green wedge. Until the green wedge boundary is firmly defined in policy, it is a matter of judgment whether development of the appeal site in the manner anticipated would erode the green wedge to the extent that coalescence would occur; and in my view, for the reasons given, it would not. New landscaping and planting on the intervening land would effectively hide the built development and would not detract from its purpose of separation. Trees and shrubs impact on a sense of openness, in principle, but would be arranged in such a way as make it obvious that the open landscape continued behind new planting. The design reflects the scalloped edges considered desirable in the Green Wedge Review.
19. I conclude that the extent to which the green wedge is intruded upon would not erode it to such an extent as to be tantamount to the undesirable coalescence of existing built up areas. The character of the area would not be unacceptably affected. In those circumstances, there would be no conflict with policy CS10 or emerging policy SP3.

### **Other matters**

#### *Obligations and undertakings*

20. A S106 Unilateral Undertaking (UU) has been submitted with the object of ensuring the following benefits:
- A contribution towards the provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road/Ingleby Way/Stockwell Avenue roundabout;
  - Provision of a roundabout (by means of a S278 Agreement) at the junction of William Crossthwaite Avenue and Thornaby Road;
  - Provision of a footway access to the A1044 Thornaby Road;
  - Provision of a footway access to the A1044 Low Lane which would provide access to schools;

- Provision of affordable housing;
  - Provision of a scheme for open space and its future management, including the arrangements for transfer to a Management Company or the Council or another person or organisation;
  - A contribution to primary school education, in the event that the Little Maltby Farm scheme fails to be granted planning permission or fails to commence;
  - In the event that the Little Maltby Farm scheme is granted planning permission and commences, to dedicate to the Council a parcel of land of 0.8 ha along the shared boundary for the purposes of a primary school to be built there and on the Little Maltby Farm site;
  - Not to occupy any dwellings until a secondary education contribution has been paid;
  - Provision of a footway/cycleway access and bridge crossing through Bassleton Beck woods;
  - The provision of a bus stop on Thornaby Road;
  - A contribution towards improvements to the pedestrian link/cycleway between the site and Chalfield Close and Beckfields Avenue; and
  - Provision of a £100 Travel Plan incentive per dwelling in the form of a sustainable travel voucher, as part of a resident's welcome pack.
21. An alternative UU is submitted with the same objectives but omitting all the contributions made to education provision. With regard to primary schools, there is a shortage of spaces in Ingleby Barwick and as the adjacent Maltby Farm site has received planning permission, there is a reasonable expectation that the land set aside there will be developed with a school. In these circumstances, the development could reasonably avoid making a financial contribution but 0.8 ha of land needs to be allocated as anticipated in the UU.
22. It is common ground that a secondary education contribution is not required in respect of this site unless the free school proposed at Low Lane is not provided. The buildings are under construction and I note that the Ingleby Manor Free School and Sixth Form currently occupies temporary premises on the Teesside Industrial Estate. There is therefore a reasonable prospect that the school will occupy the new premises. A mechanism exists whereby a significant discount to the contribution can be applied depending on the number of places available and the demand at the time the contribution falls due. However, bearing in mind the current availability of spaces, item 3 of Schedule 3 is unnecessary to make the development acceptable.
23. The definition of the 'Open Space Scheme' includes the 'long term management' of the Open Space. Long term management must include future upkeep, which would involve identifying the objectives, tasks, timing and frequency of operation for all the features of the open space and crucially, how it is to be funded. The Open Space is a substantial area of around 24 ha (more if space within the area of housing is included) which would be available to the public and not just those living in the appeal scheme. Regular maintenance such as grass cutting, tree work, play area upkeep, clearing litter and many other activities are necessary if a public space is to be used as it is intended.

The appellants are offering the open space as an important public benefit of the scheme and there is no intention to use it as farmland. Maintenance would involve significant cost which would otherwise fall to the public purse, something that the Council indicated it is not prepared to undertake. On the basis that the long term ongoing costs would form part of the management of the Open Space, I attach significant weight to this aspect of the UU.

24. The proposed bus stop would be erected on Thornaby Road on a section where according to the Transport Assessment, there are currently no bus services. A route diversion would be necessary, but no negotiations have been held with Arriva, the local operator, to establish whether they are willing to incorporate it into a route or on what terms a service could be provided. Moreover, existing bus stops on Thornaby Road and Beckfields Avenue are beyond a distance of 400m from many of the houses in the scheme (and a maximum of around 850m). 400m is generally accepted to represent a reasonable walking distance from a bus stop as part of a primary mode bus journey (although this distance should not be regarded as a strict limit). The proposed additional bus stop would bring more than half the dwellings within 400m of a bus stop.
25. The UU, in itself, provides no assurance that the scheme would be well served by buses, but the development of Little Maltby Farm is very likely to lead to through services with more stops and there is a reasonable prospect that that scheme will be built. The S106 Agreement for that scheme includes a 3 year bus service funded by the developer, which is more likely to be used and be viable if it also serves the appeal scheme, which is to be linked.
26. Finally, it was apparent at the site visit that the proposed bridge across the Bassleton Beck in the proposed location would involve a substantial structure likely to be over 75m long and of significant height above the steep sided and wooded valley. It needs to be of substantial size to be used by cyclists and people in wheelchairs. It would also be partly erected on land outside the appellant's control. There are no current means of easily crossing the valley and beck at this point. The bridge is an essential feature of the scheme, as future occupiers would otherwise have to travel a much greater distance to Ingleby Barwick and the local service centre in Beckfields. Whilst there is clearly scope for a structure of this size and an opportunity to provide an interesting design that would enhance the area generally, it needs to be provided at the start of the development and open for use very significantly earlier than the 100 dwelling (halfway) occupation stage. By that time, there could be several hundred people in residence, without easy pedestrian access to community facilities.
27. The most recent correspondence received after the close of the Inquiry indicates that the Council is now seeking a commitment to the procurement route and advance payment for design costs for the bridge. However the Council agreed in the Statement of Common Ground that a foot and cycle bridge could be provided over the beck by means of a Grampian condition, and I do not disagree. This matter would not count against the grant of planning permission but conditions would be needed to ensure its provision and early availability.
28. All the other objectives of the UU are fairly and reasonably related in scale and kind to the development, and are necessary to make the development acceptable in planning terms. The UU complies in those respects with

Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the advice in paragraph 204 of the NPPF. I conclude that the UU attracts considerable weight but the failure to assure a pedestrian/cycle route across Bassleton Beck until more than half the scheme is occupied scores poorly in sustainability terms. In considering this matter, however, it is clear that development of Little Maltby Farm would provide alternative routes to Beckfields and additional permeability giving easier access to schools as well as the potential for additional bus services.

*Points made by objectors*

29. Local objectors point out that rural views from the rear of houses in Thorington Gardens and Chalfield Close would be adversely affected by the scheme, but the nearest dwellings would be about 80m away across the wooded Bassleton Beck valley which would remain in the immediate foreground. It is likely that the Cleveland Hills will remain visible over the trees and roofs of the new development. There would not be an unacceptable impact on anyone's outlook, taking into account the development at Little Maltby Farm. The introduction of built form into a countryside view will always represent a change; whilst this is a material consideration, it does not weigh heavily against this scheme. There is no right to a view in planning law.
30. I have taken account of all the other matters raised, including the points made by local residents on increasing pressure on services such as doctors and schools; but there is no evidence that the additional population likely to occupy the appeal scheme could not be accommodated by the existing providers or would impose an unacceptable burden, having regard to other developments taking place.

**Conclusion**

31. The site location is sustainable in principle in social and environmental terms and has reasonable access to facilities. The failure to ensure a bus service counts against the scheme as it stands. However, the only issue is the distance to the existing bus stops which would not be more than 850m and within 500m for many future occupiers. On balance, facilities in Ingleby Barwick would not be beyond reasonable walking distance if the bridge is constructed; and for those wishing to travel further afield by bus, the additional few minutes walk to an existing stop is not a persuasive reason to withhold planning permission.
32. The social and economic benefits of the new housing would be very significant indeed and would make an important contribution to the Borough's housing supply. The scheme would include a useful and much needed contribution to the stock of affordable housing in Stockton-on-Tees.
33. The remaining area of 'green gap' would be sufficient to prevent coalescence with the Teesside Industrial Estate. The development of the adjacent Little Maltby Farm and Lowfield Farm schemes would avoid an obviously isolated and illogical scheme in planning terms. The proposed development includes road and pedestrian connectivity to the Little Maltby Farm site. There is no designated green wedge defined in current policy, but the Strategic Diagram and Green Wedge Review confirm that Little Maltby Farm and the appeal site lie outside any future minimum designation. The site forms part of a wide area south of Ingleby Barwick as far as Low Lane that is being comprehensively redeveloped to provide much needed housing and other facilities.



34. Policy CS10(3) is a policy for the supply of housing because it seeks to restrict the area available. As set out above, it must be considered to be out of date. With appropriate conditions, the adverse impacts fall well short of significantly and demonstrably outweighing the benefits that the scheme would bring. The scheme complies with development plan policies read as a whole. Planning permission should be granted.

### **Conditions**

35. The usual outline conditions controlling the submission of reserved matters are imposed. In the interests of the avoidance of doubt and in the interests of proper planning, the relevant application drawings are specified. A condition requiring details of phasing is necessary to ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase. No conditions are imposed relating to the open space as this is the subject of the Open Space Scheme covered by the S106 UU; as is affordable housing. In the interests of the character of the area and the need to ensure acceptable screening, landscaping proposals need to be approved. The number of dwellings shall not exceed 200, in order to avoid overdevelopment that would appear out of keeping. A condition requires details of an Open Space Strategy (as opposed to the open space covered by the UU) for areas of open space within the housing area. Conditions to ensure energy efficiency, a sustainable drainage system and to deal with any contamination are necessary because of development plan policies and to avoid flooding. A Construction Method Statement is required and hours of construction are limited to avoid undue disturbance to nearby residents. The Travel Plan is to be brought into being to encourage sustainable means of travel for future residents. The potential for noise pollution from nearby traffic needs to be covered by a condition. The construction of the bridge is covered by a condition.

36. For all the above reasons, the appeal should be allowed.

*Paul Jackson*

INSPECTOR

### Schedule of 17 conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) 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.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby approved shall be constructed in general accordance with the following approved plans;

13044 P08 16 April 2015

13044 PO3D 16 April 2015

2018/SK001/001 Rev A 16 April 2015

Design and Access Statement (MWE Architects; Rev A)

- 5) No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The Phasing Programme must identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), access points, associated community facilities and residential areas. Development shall be carried out in accordance with the approved Phasing Programme.
- 6) A detailed scheme for landscaping and tree and shrub planting to form a buffer planting screen around the development shall be submitted to and approved in writing by the local planning authority before the commencement of any phase of the development. Such a scheme shall specify stock types, stock sizes and species, planting densities; inter relationship of planting, layout contouring, drainage and surfacing of all open space areas. The works shall be carried out prior to the commencement of any phase of the development and any trees or plants removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar prior attained size and species unless the local planning authority gives written consent to any variation.
- 7) The total number of dwellings constructed shall not exceed 200.
- 8) No development shall take place until an Open Space Strategy for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The strategy shall identify the extent, location and design of public open space within the development. Development shall be carried out in accordance with the approved Open Space Strategy.
- 9) No development shall take place until details of how the housing in that particular phase of the development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other 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.
- 10) No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.
- 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:
  - i. Construction access;

- ii. 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 to public viewing, where appropriate;
  - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
  - vii. A Site Waste Management Plan;
  - viii. Details of the routing of associated HGVs;
  - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.
- 12) Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.
- 13) Prior to the commencement of the development, or in such extended time as may be agreed in writing, details shall be submitted to and approved in writing by the local planning authority for the implementation, maintenance and management of the sustainable drainage scheme (SuDS). The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Information required includes the following:
- I. Detailed design of the surface water management system
  - II. A build program and timetable for the provision of the critical surface water drainage infrastructure
  - III. A management plan detailing how surface water runoff from the site will be managed during construction Phase
  - IV. The arrangements for the future maintenance and management of the SuDS elements 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.
- 14) 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 prior to occupation of any dwelling in that phase.
- 15) No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

- 16) 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; and
  - (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.

- 17) No development shall take place until details of the pedestrian/cycle bridge across the Bassleton Beck in the location shown on drawing 13044 PO3D have been submitted to the local planning authority and approved in writing. No dwelling shall be occupied until the bridge across the Bassleton Beck has been provided in accordance with the approved details.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Victoria Hutton	Of Counsel instructed by Julie Butcher, Principal Solicitor, Stockton-on-Tees Borough Council
She called	
Peter Shovlin DipLA CMLI	Stockton on Tees Borough Council
Simon Grundy BSc (Hons) MTP MRTPI	Stockton on Tees Borough Council

### FOR THE APPELLANT:

Richard Kimblin	Queens Counsel Instructed by Prism Planning
He called	
Colin Goodrum BSc (Hons) DipLA FLI	LDA Design
Steve Barker BSc(Hons) MRTPI DMS	Prism Planning

### INTERESTED PERSONS:

Susan Petersen	Local resident
Graham Walker	Local resident
Janet Turner	Local resident

## **DOCUMENTS**

- 1 Appeal Court Judgment ref [2016] EWCA Civ 168 (Hopkins Homes) dated 17 March 2016, provided by the appellant
- 2 Extract from masterplan drawing P03D with superimposed distance measurements, supplied by the Council
- 3 Statement from Susan Petersen
- 4 Statement from Graham Walker
- 5 Suggested open space condition, provided by the appellant
- 6 High Court Decision ref [2014] EWHC 654 (Admin) (Timmins) dated 11 March 2014 submitted by the appellant
- 7 Suggested condition relating to bus service provision, provided by the appellant