

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**5 July 2017**

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

**17/0103/FUL**

**Land At Thorntree Farm And , Rear Of 93 Bassleton Lane, Thornaby  
Residential development comprising the erection of two houses and five bungalows plus  
associated garaging and parking.**

**Expiry Date 7 July 2017**

**SUMMARY**

This application seeks planning permission for the erection of 2, two-storey dwellings and 5 bungalows plus associated garaging and parking on land at Thorntree Farm and to the rear of 93 and 95 Bassleton Lane in Thornaby. The proposal also includes the demolition of the Thorntree Farm property. The application site is located within the defined limits to development and part of the site is also within a designated green wedge.

The majority of the site is within the established residential curtilage of 93 Bassleton Lane which is a large garden area enclosed with a high level brick wall. The remainder of the site forms part of Thorntree Farm and its associated parking.

A recent application 14/0787/REV was refused by Planning Committee and dismissed on appeal. The Inspector concluded the scale of harm of the development of this site would be limited given its existing lawful use and defined margins. However it was considered the design shortcomings and the harm that would result to the character and appearance of the immediate area weigh significantly against the proposal.

This scheme reduces the number of units by one and makes changes to the design of the bungalows by breaking up the roof heights and including design features such as chimneys and bay windows.

The Highways, Transport and Design team raises no objections stating the change to the landscape character from development of this site will be negligible and the boundary wall already currently impacts upon footpath users and the addition of development beyond the wall would result in little change from this baseline position where glimpsed views of bungalow roofs will be added to the view. No landscape and visual objections are therefore raised. However, conditions relating to landscaping, lighting and means of enclosure are recommended.

Further, there are no highway objections and the Environmental Health Unit request conditions relating to a scheme for demolition and construction hours. Northumbrian Water and Tess Archaeology have raised no objections subject to appropriate conditions.

Objections have been received from Ward Councillors, and Thornaby Town Council. While 19 letters of objection have been received to date, which are detailed within the main report but

include the impact on the green wedge, the impact on highway safety and network capacity and the demolition of Thorntree Farm. 2 letters of support have been received.

In weighting up the merits of the proposal including the previous appeal decisions the scheme is considered to accord with the general principles of the National Planning Policy Framework and accord with the principles of sustainable development. The imposition of the relevant planning conditions address the impacts of the development and the scheme as proposed is therefore not considered to have an unacceptable adverse impact on the character and appearance of the area or lead to an unacceptable loss of amenity for neighbouring land users. It is also considered that the scheme will not have an adverse impact on highway safety and is satisfactory in respect of other material planning considerations including drainage and ecology. The application is recommended for approval subject to conditions accordingly.

### **RECOMMENDATION**

***That planning application 17/0103/FUL be approved subject to the following conditions and informatives below;***

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

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>S289 PL 007 A</i></b>	<b><i>19 January 2017</i></b>
<b><i>S289 PL 006 B</i></b>	<b><i>20 January 2017</i></b>
<b><i>S289 PL 005</i></b>	<b><i>16 January 2017</i></b>
<b><i>S289 PL 002</i></b>	<b><i>16 January 2017</i></b>
<b><i>S289 PL 001</i></b>	<b><i>16 January 2017</i></b>
<b><i>S289 PL 003 A</i></b>	<b><i>13 March 2017</i></b>

***Reason: To define the consent.***

02. **Landscaping Hardworks**  
***No development shall commence until full details of proposed hard landscaping have been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details prior to the occupation of any part of the development.***

***Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.***

03. **Landscaping Softworks (Area within the existing walled boundary)**  
***No development shall commence until full details of the Soft Landscaping have been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in accordance with a scheme of agreed phases or prior to the occupation of any part of the development. Any trees or plants which within a period of five years from the***

***date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.***

***Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.***

**04. Disposal of foul and surface water**

***The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.***

***Reason; To achieve a satisfactory form of development.***

**05. Materials prior to above ground construction**

***Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.***

***Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.***

**06. Means of enclosure**

***No construction of any means of enclosure shall commence until a scheme showing the details of the means of enclosure has been submitted to and approved by the Local Planning Authority. The scheme setting out the means of enclosure shall be implemented before the hereby approved dwellings are occupied and retained in perpetuity.***

***Reason: In the interests of the visual amenities of the locality in accordance with Stockton-on-Tees Adopted Core Strategy Policy CS3.***

**07. Scheme for Illumination**

***Full details of the method of external illumination of buildings facades and external areas of the site shall be submitted and approved in writing by the Local Planning Authority prior to any such lighting being erected on site. Such a scheme shall include Siting; Angle of alignment; Light colour; and Luminance levels. The lighting shall be implemented prior to occupations of any dwelling and be maintained thereafter wholly in accordance with the agreed scheme.***

***Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, Highway Safety; and Protection of sensitive wildlife habitats.***

**08. Recording of a heritage asset through a programme of archaeological works**

***i) The demolition of Thorntree Farm and any associated buildings shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in***

**writing. The scheme shall include an assessment of significance and research questions including;**

- 1. The programme and methodology of site investigation and recording**
- 2. The programme for post investigation assessment**
- 3. Provision to be made for analysis of the site investigation and recording**
- 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
- 5. Provision to be made for archive deposition of the analysis and records of the site investigation**
- 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.**

**ii) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (i).**

**iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (i) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.**

**Reason; In the interests of protecting and recording any potential archaeological findings within the site.**

**09. Demolition and Dust Emissions**

**Prior to commencement of demolition works, a scheme should be provided to control dust emissions as a result of demolition works, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.**

**Reason: In the interest of the amenities of the area**

**10. Protected Species**

**The development hereby approved shall be completed solely in accordance with the 'Recommendations' (section 6) of the submitted Preliminary Ecological Appraisal undertaken by Naturally Wild (date received 16<sup>th</sup> March 2017) unless otherwise agreed in writing with the Local Planning Authority.**

**Reason; In order to avoid harm to protected species.**

**11. Removal of permitted development rights - extensions and alterations**

**Notwithstanding the provisions of Classes A, B, C, and E of Part 1, and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and amended by the by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, the buildings hereby approved shall not be extended or altered in any way, nor any means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

**Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based and to prevent any undue future impact on the character and appearance of the area and the amenity of adjacent**

*properties in accordance with Local Plan saved Policy HO3 of the Stockton on Tees Local Plan.*

**12. Removal of PD Rights - Fences within frontages**

*Notwithstanding the provisions of class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front elevation and the highway without the prior written approval of the Local Planning Authority.*

*Reason: To provide a high quality street scene and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.*

**13. Unexpected land contamination**

*In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.*

*Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement*

**14. Hours of operation on site**

*No demolition/construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.*

*Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.*

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

***Informative 1: Working Practices***

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

***Informative 2: Surface Water Drainage***

*Northumbrian Water Limited has advised that the applicant should develop a Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:*

- o **Soakaway**
- o **Watercourse and finally**
- o **Sewer.**

**If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.**

#### **Informative 3; Gas Apparatus**

**Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer contact them to discuss this. Contact details given are as follows; Sandra Collett, Network Records Assistant, 0845 6340508 (option 6)**

#### **Informative 4;**

**The applicant is advised that any trees outside of their ownership and within the ownership of Stockton Borough Council must not be felled or have maintenance works carried out on them without the prior consent of the Council's Tree and Woodland Officers.**

### **BACKGROUND**

#### 93 Bassleton Lane

1. **05/3470/FUL**; Planning permission was granted on 2nd February 2005 for the erection of single storey extension to side and rear and change of use of agricultural land to provide extension of garden curtilage. The approved plan detailed an elongated rear garden for both No's 93 and 95, with the main change relating to a parcel of land to the east of the main dwelling (5m x 9m), thereby widening the rear garden.

#### Thorntree Farm

2. **05/3447/REV**; Retrospective application for change of use from residential dwelling to B1 office and associated car parking was approved, subject to a temporary 2-year consent, on 03.03.2006. Following the lapse of this permission, it was not considered expedient to authorise any further enforcement action.
3. **07/3337/FUL**; An application for residential development of 5 no. bungalows with associated garaging/parking was refused on 22.01.2008 by the LPA on three grounds;

*1.The proposed development within an area designated as Green wedge in the adopted Stockton on Tees Local Plan would be contrary to the provisions of Policy EN14 of the adopted Local Plan which states that development will not be permitted which detracts from the open nature of the landscape so as to threaten, by itself or cumulatively, the local identity of the areas separated by the green wedge.*

*2.In the opinion of the Local Planning Authority the proposed development would be an intrusive form of development in the landscape of Bassleton Beck, harming the character of the surrounding area, contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.*

*3.In the opinion of the Local Planning Authority the proposed development by virtue of the lack of incurtilage parking and excessive drive length would result in vehicles parking and waiting on the highway to the detrimental of the highway safety along Bassleton Lane, contrary to policy GP1 of the adopted Local Plan*

4. The subsequent appeal was dismissed by the Planning Inspectorate (appeal reference APP/H0738/A/08/2069128/NWF, decision dated 27th June 2008). Within the appeal decision, the Inspector commented that "*the appeal site is garden curtilage to 93 Bassleton Lane, and can also be accessed via a field gate from the proposed access, off Bassleton Lane*". Notwithstanding this, the Inspector dismissed the appeal commenting that the development "*would be clearly visible above the existing 2 metre high boundary wall, when viewed from the outside the site. While the existing wall has introduced built development into this otherwise open area, it is only 2 metres in height and inside the garden is open, with no buildings*". The Inspector noted that the proposed bungalows "*would appear large and at odds with the open and rural character of the Bassleton Beck area which bounds the site on three sides...the proposal would seriously detract from the open nature of the landscape within the green wedge and the local identity and setting of the settlements that it separates*".

#### Recent site history

5. **13/0652/CPE**; A Certificate of Lawfulness was issued on 13th May 2013 as the applicant was able to demonstrate that the existing use of land to the south of 93 Bassleton Lane (to which the majority of the current application site relates) had been utilised and maintained as a residential garden area for a continuous 10 year period without the Local Planning Authority taking action.
6. **13/2942/FUL**; An application for Residential development comprising the erection of two houses and six bungalows plus associated garaging and parking (demolition of Thorntree Farm) was withdrawn on 15th January 2014 as concerns were raised with respect to the siting of plots 7 and 8 along the adjacent south east boundary in respect of existing trees on the other side of the boundary wall (the majority of which fall within the Council's ownership).
7. **14/0787/REV**; A revised application for residential development comprising the erection of two house and six bungalows plus associated garaging and parking (demolition of Thorntree Farm) was refused by Planning Committee on 7<sup>th</sup> May 2014 for the following reason;  
  
*"In the opinion of the Local Planning Authority the scale and mass of the proposed development would appear large and at odds with the open and rural character of the Bassleton Beck area which bounds the site on three sides and forms part of the Tees Heritage Park. The proposal would seriously detract from the open nature of the landscape within the green wedge and the local identity and setting of the settlements that it separates and is therefore contrary to the Stockton on Tees Adopted Core Strategy Policy 10 (3ii)."*
8. The subsequent appeal was dismissed by the Planning Inspectorate (appeal reference APP/HO738/W/14/2223808, decision dated 23 March 2015). Within the appeal decision the Inspector states that although the gardens to the rear of 93, 95 Bassleton Lane and Thorntree Farm are set within an area enclosed by a high brick wall, they are generally undeveloped and open. The wall that encloses the rear of the site does reduce its openness but the land is not closely related to development, other than the wall. It appears as a pocket of open land that is not intimately associated with the urban form of the settlement but it is also distinct from the amenity area within the green wedge. The rear section of land, which forms much of the proposed development site, does make a significant contribution to the openness of the green wedge...however... as it is enclosed and in private ownership it makes little contribution to general amenity.
9. The Inspector stated that the effective extension of the settlement would not be a positive feature but that the scale of harm to the green wedge would be limited given the sites existing lawful use. The development would have however resulted in harm to the openness of the green wedge...and would have failed to provide a satisfactory transition between the two areas. Concern was also raised that the housing proposed would be of very limited design quality. The design shortcomings and the harm that would result to the character and

appearance of the immediate area therefore weighed significantly against this proposal. The Inspector then concluded that the harm that would result to the character and appearance of this area would be sufficient to significantly and demonstrably outweigh the benefits and dismissed the appeal.

### **SITE AND SURROUNDINGS**

10. The application site relates to a parcel of land to the south and west of Thorntree Farm, 93 and 95 Bassleton Lane (the application site includes Thorntree Farm). The majority of the land falls within the established residential curtilage of 93 Bassleton Lane (as per the Certificate of Lawfulness) and consists of a large, enclosed garden area with sporadic tree planting within the site. This element of the site is enclosed by a brick wall that varies in height along the boundaries to the south, east and west, ranging from 1.79m (min.) to 2.17m (max.) in height.
11. Thorntree Farm itself is a large detached building which has been modified with a number of alterations and extensions. To the immediate west/south west of Thorntree Farm is a car parking area (gravel/hard standing) used by employees of the business and this also forms part of the current application site.
12. To the east of Thorntree Farm are No's 93 and 95 Bassleton Lane, which are also within the applicant's land ownership. No 91 Bassleton Lane is present to the north/front of No 93. These properties are served by a shared driveway, served from Bassleton Lane. To the north of Thorntree Farm is No 89. Residential properties are present to the north (along Bassleton Lane) and to the north west along Barkston Avenue and Axton Close. Beyond the eastern and southern perimeters of the site is woodland, consisting tree planting and soft landscaping. Beyond the western boundary is a footpath that extends into the Green Wedge.

### **PROPOSAL**

13. This application seeks planning permission for the erection of two houses and five bungalows plus associated garaging and parking on land at Thorntree Farm and to the rear of 93 Bassleton Lane.
14. The scheme includes the demolition of Thorntree Farm. The proposal consists of two, 2-storey, 4-bed dwellings (plots 1 and 2) on the site of the existing Thorntree Farm. The proposed dwellings would measure approximately 9.7m in length x 8.5m width x 7.4m in height with a dual pitched roof design. The frontage would feature a projecting pitched roof gable element and bay window, an integral garage and first floor windows. The proposal would feature windows and doors in the rear elevations.
15. Proposed plots 3,4,5 and 7 are 3-bed bungalows. This bungalow type would measure approximately 5.2m in height at the maximum (2.3m to eaves) x 10.8m in width x 12.7m in length. Plot 3 has a detached single garage with plots 4 and 5 sharing a double garage as are plots 6 and 7. Plot 6 is a larger, T shaped 3-bed bungalow, sited within the south east corner of the site. The submitted plans indicate a maximum roof height of approximately 4.8m (eaves approx. 2.3m) x 15.4m x 12m maximum. The property would be served by a detached double garage, shared with plot 7.
16. The proposed access would extend from Bassleton Lane past the western elevation of the two dwellings to serve 5 detached bungalows, which consist of 2 different bungalow types.

### **CONSULTATIONS**

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

Councillor Mick Moore

My objections are the same as to planning applications 13/2942/Ful 14/0787/REV



The site is part of the green wedge separating the communities of Thornaby and Ingleby Barwick and should remain so. The site is also within the Tees Heritage Park to permit these small unprecedented developments would be in contravention of SBC core policies.

SBC Local Plan - Point 2.50 Regeneration and Environment Local Development document states - The function of the Green Wedge is to prevent the coalescence of communities within the built up areas (thus maintaining their individual identities). This policy seeks to improve the appearance of Green Wedge by maintaining openness.

Planning application 17/0103/FUL is an unjustified incursion into the open aspect of this Green Wedge.

This development would be detrimental to this area and contrary to local plan policy EN14 which seeks to protect the open nature of the landscape within Green Wedge.

The area is identified as a wildlife corridor in the Tees Valley Biodiversity Action Plan any such development could affect this sensitive area.

The development will bring an increased amount of traffic on to Bassleton Lane/Bader Ave. it has been suggested that some 6.000 vehicles per day already use Bader Ave/ Bassleton Lane.

The Farm Building is of local historic interest it is one of the few remaining Farm Houses that help to tell the story of the development of Thornaby on Tees and as such should be placed on the Local List as a Local Historic Asset.

SBC Highways Transport and Design

The Highways Transport & Design Manager has no objections to the proposals

Highways Comments

All developments should be designed and constructed in accordance with SPD3: Parking Provision for Developments 2011 and the Design Guide and Specification (current edition).

The greatest impact of this proposal would be on Bader Avenue as all traffic would use this route. Concerns have been expressed previously about the number of properties that are accessed off Bader Avenue. However, a highway objection, in line with national planning policy guidance, can only be raised on transport grounds where there is reasonable evidence that the impacts of the development on the highway network would be severe.

Using trip rates derived from TRICS data the site can be expected to generate vehicular trips as detailed in the table below.

	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
	Arrivals	Departures	Arrivals	Departures
Vehicle Trip Rate	0.184	0.386	0.448	0.249
Vehicle Trips	1.288	2.702	3.136	1.743

The development is forecast to generate 3.9 trips in the morning peak and 4.8 trips in the evening peak hour on Bader Avenue. This scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds. It is unclear whether the applicant intends to offer the proposed road for adoption; should the applicant wish the road to be adopted it would need to be designed and constructed to adoptable standards in accordance with the Design Guide and Specification (current edition) and a Section 38 agreement would be required.

In accordance with SPD3: Parking Provision for Developments 2011, each 4-bedroom house provides 3 incurtilage car parking spaces, and each 3-bedroom dwelling provides 2 spaces.

Subject to the above there are no highway objections.

#### Landscape & Visual Comments

The submitted layout is similar to the previous submitted application, although it reduces the number of dwellings by one to allow for larger properties, and greater garden space to offset potential for shading following completion of a shading study for the site.

In line with previous comments the Urban Landscape Manager would have no landscape or visual objections to the proposals. It is acknowledged that this area of land is 'open' with respect to the fact that it is undeveloped; however, there is no public access to this area and views across the site are extremely limited, to one small gap in the surrounding planting. However, it is acknowledged that this development site was previously the subject of an appeal to the Planning Inspector (Ref APP/H0738/W/14/2223808) for a similar development. The previous appeal was dismissed by the Inspector.

At that appeal the Planning Inspector noted that the *'...green wedge, in this area, is generally characterised by its open character. It provides a wide linear area of amenity space that follows the valley associated with Bassleton Beck. It includes a network of paths and cycle routes and I understand that it makes up part of the Tees Heritage Park. There is generally a clear distinction between development associated with the settlements and this open land that separates them.'*

It is clear that the Planning Inspector has taken a different view to that of the Urban Landscape Manager who considers that the change to landscape character will be negligible. The existing wall forms a clear distinction between the developed area and the Tees Heritage Park, and the development does not breach that wall. The Planning Inspector himself acknowledged that the area within the wall *'...has a distinctly different character'* and that the *'...scale of harm to the green wedge would be limited given its existing lawful use and defined margins.'*

The Inspector notes in Paragraph 11 that *'...the land is not closely related to development, other than the wall. It appears as a pocket of open land that is not intimately associated with the urban form of the settlement but it is also distinct from the amenity area within the green wedge'*. Again, the Urban Landscape Manager disagrees, and considers that when viewed from the adjacent footpath users would perceive this area to be entirely garden space associated with the existing built form.

The Inspector also comments that the development site *'...significantly intrudes into the open area of the green wedge and it detracts from the visual amenity of those using the adjacent cycleway and footpaths.'* The boundary wall is already in place and currently impacts upon footpath users, the addition of development beyond the wall would result in little change from this baseline position where glimpsed views of bungalow roofs will be added to the view.



During the previous appeal the Planning Inspector noted that ‘...planting exists outside the site, adjacent to some areas of the wall. However, in other areas the wall is exposed to views from the adjacent rights of way’. This existing planting is naturalising on Council owned land and in time will mature to add to its current screening potential. Additional off site planting could improve the screening potential of the existing landscape so that the existing wall and proposed housing are better integrated into their surroundings.

Since the conclusion of this planning appeal, a further appeal has been held for an adjacent site, Land South of Cayton Drive (APP/H0738/W/15/3136587) where another Inspector has allowed an appeal for a housing development of up to 45 dwellings. This housing, at two storeys in height would be visible rising above the Thorntree Farm garden wall when viewed from locations on the adjacent rights of way.

#### Site Layout

Soft landscaping including hedgerow boundaries and occasional tree planting should be included within the layout to soften the development. Any tree planting must be located at sufficient distances from the proposed dwellings. Full details of species, sizes, density of planting etc. would be required, but this may be conditioned.

No details of street lighting have been included with the submitted documents. The design of lighting should be carefully considered to minimise the impact on the valley and Tees Heritage Park. Lighting columns located within the development are likely to be significantly taller than the surrounding bungalow buildings. Should the application be approved, a condition should be included to resolve this issue. The suggested condition wording is included below.

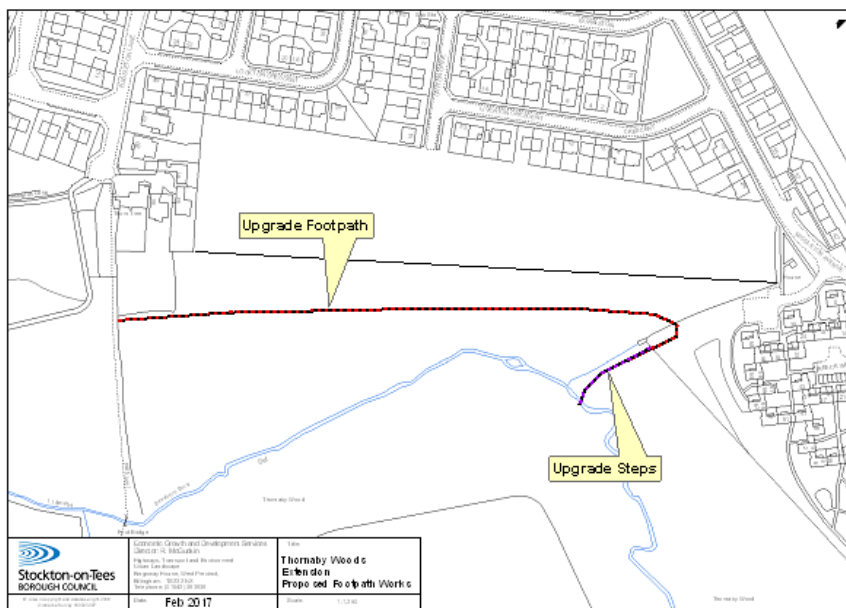
The application highlights that some tree planting on the eastern site boundary is located within the applicants land. Stockton Borough Council would have no objection to the removal of these trees, as their removal should not affect the viability of the larger plantation. No trees within the council owned land are to be removed or managed without the approval of the Council’s Tree Officer.

#### Open Space

There is no requirement for on-site open space, however, based on 5 no. 3 bedroom dwellings, and 2 no. 4 bedroom dwellings, the off-site contribution should be as follows;

	Standard Charge per Person	Total Charge for Development
Open Space	£458.71	£10,550.33
Open Space Maintenance	£510.84	£11,749.32
<b>Total</b>		<b>£22,299.65</b>

The site is immediately adjacent to the Bassleton Woods/Thornaby Woods extension, a popular recreational area, and part of the Tees Heritage Park. There is currently a need to upgrade a footpath to the east of the development site (highlighted on the plan below), which was originally a grass path, but due to the establishment of the tree canopy is now not fit for purpose. The cost to achieve this outcome would be £18,082.71. The calculated off-site contribution funds secured as part of this permission would be used to undertake this work.



On balance and taking into account the Planning Inspector's previous decision for development on this site and the second Inspectors decision for Land South of Cayton Drive, the Urban Landscape Manager predicts that the development proposal would represent a minimal change from the current baseline position.

Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- o Construction/ Demolition Noise
- o Demolition and Dust Emissions

Spatial Planning & Regeneration

As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The development plan for Stockton on Tees Borough is made up of policies from the adopted Core Strategy (2010) and saved policies from the Local Plan (1997) and Local Plan Alteration Number One (2006).

Policies of particular relevance to this application which are considered in detail in this response are:

'Core Strategy Policy CS10 Point 3: The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of'. Green wedges within the conurbation, including' Bassleton Beck Valley between Ingleby Barwick and Thornaby.

It should be noted that only the southern element of the application site is identified as being within the green wedge as represented on the Core Strategy strategic diagram. Therefore, only this element of the application should be considered against CS10(3). It will be appropriate to consider whether the proposal, as a whole, has any impacts on the landscape and character of the area.

As you will be aware, the NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development.

In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

#### Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

#### Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development.

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

**CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local

Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

#### How to Satisfy The Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

#### Tees Archaeology

Thank you for the consultation on this planning application.

Thorntree Farm is a historic building, probably dating from the 18th century and perhaps earlier. The building is currently rendered but its roofing material (clay pantile) and position of its chimneys suggest it was a hearth passage house of the 1700s. As far as I am aware no previous assessment has been made of the history and significance of the building.

Based on the evidence I have I do not think it would be likely that an objection could be sustained against the demolition of the building. Historic maps show that the building was once part of a larger complex, that extended to the east. The majority of this is now demolished meaning that it is a fragment only. In addition the building has been extended and re-glazed and presumably reordered internally.

In this case I would recommend that the building is a heritage asset of local importance. It would be appropriate for the developer to provide a record of the building before it is destroyed to advance our understanding of its significance before it is lost. The report and archive generated should be made publicly accessible. This is in line with the advice given in the National Planning Policy Framework (para. 141).

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

Recording of a heritage asset through a programme of historic building recording

A) No demolition shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

#### Natural England

Natural England has no comments to make on this application.

#### Thornaby Town Hall

Thornaby Town Council strongly objects to this application on the grounds that it conflicts with our policy of not developing green wedge and precious environment which should be robustly defended for current & future generations.

### **PUBLICITY**

18. Neighbours were notified and to date 19 objections and 2 letters of support have been received as detailed below;

#### Mrs E Skidmore

##### 25 Lockton Crescent Thornaby

I wish to object to the proposed building of two houses and five bungalows on land at Thorntree Farm, Thornaby.

As identified by the Appeal Inspector on his site visit when this application was last considered, the land in question encroaches into the Green Wedge and Tees Heritage Park. Due to the fact that nothing whatsoever has changed in respect of this application, this piece of land MUST be kept as a valuable buffer zone between Thornaby and Ingleby Barwick.

Furthermore, I object to the totally unnecessary demolition of one of a dwindling stock of locally historic farm dwellings.

#### Mr Michael Hutchinson

##### 19 Lockton Crescent Thornaby

We object to this proposed development on the grounds that the area has "Green Wedge" status and that it would be an over development of a quiet cul de sac and that it would be detrimental to the surrounding area.

This application is little different to two previous failed applications, both failures being backed up by the "Appeals Inspector".

#### Mr Gary Wilson

##### 26 White House Road Thornaby

I wish to object against this development on the grounds that it is important to maintain the gap between Thornaby and Ingleby Barwick and this would be building on green space. It would also involve the demolition of the Farm which is important in a historical context because it is one of the last buildings of its type in Thornaby and is part of our heritage. This farm has been subject to previous applications which were all refused and I would hope that the Planning Committee take the same stance.

Mrs Nuala Dalgarno  
59 Bader Avenue Thornaby

This application is no different to the previous applications that were rejected by SBC and refused on appeal, Ref Application 07/3337/FUL Appeal APP/H0738/A/08/2069128/NWF, and Application 14/0787/REV Appeal APP/H0738/W/142223808. This proposed development is also inside dedicated GREEN WEDGE conservation area. I would ask the Committee to again reject this application.

Matthew Morgan  
21, Liverton Crescent Thornaby

I am writing to register my objection to App No: 17/0103/FUL OBJECTION - Development of Thorntree Farm and Land to Rear of Bassleton Lane, Thornaby.

My objection is based on the grounds of:-

- Protection of valuable green belt land and Tees Heritage Park
- Protection of a wildlife corridor that is vital for the numerous animal species that use what is left of Bassleton Woods and the land running adjacent to Liverton Crescent and Cayton Drive.
- Protection of Historical Buildings
- Loss of Open Space
- Impact on Current Residents
- Non Requirement of development in this area
- Increased Traffic, Parking and Highway issues
- Disturbance created by development

Mr Paul Mosley  
Thorntree Farm Bassleton Lane  
I would like to support this application.

I think this is a fantastic private development within the confines of Mr Howsons private land offering high quality and much needed accommodation, surrounded by a high bricked wall providing privacy and seclusion.

For all the NIMBY's objecting to this application, I have a picture of Thorntree Farm (which I would be happy to show you), taken back in 1964 situated in wide open farmland, not another dwelling in site, now imagine if the then Council/Committee and Builders had the same opinions as you where would you be living now, why should you deny others of living in this area.

As one objector has stated in another application 'Bungalows would be a far better option in this area, less impact on the surrounding area and much required'.

Mr Mark Pemberton  
2 Barkston Avenue Thornaby

I think this application is a good idea. Building new bungalows is a step forward as there is only 2% being built throughout the country. The applicant is not building outside of his own boundaries, so I can't see there being a problem because everybody builds extensions on their own land.

Miss Caroline Tyerman  
23 Axton Close Thornaby

The green nature area between Bassleton Court and Ingleby Barwick has been considerably reduced to the point where I am certain the local wildlife has suffered. There is not much green belt left in this area of Thornaby and I feel it is the duty of local residents to try to protect this



precious green site. In addition to the loss of precious green belt, any new homes inevitably mean more cars. This estate has one route in and out, which feeds onto Thornaby Road via a roundabout. At peak times Thornaby Road is a block of stationary traffic and any survey undertaken will confirm the problems associated with building any further homes on an already over-developed area. The road systems simply cannot cope.

Allowing building on this green area could also set a precedent leading to the complete destruction of this green space, a space used by residents and wildlife. It is a habitat that needs protecting. Traffic and parking on Bassleton Court Estate is already a real problem with most homes having multiple cars and vans, this is a danger to elderly and children who have to cross roads full of parked cars and vans. More homes would exacerbate the problem further.

Please help the residents of Thornaby keep some of their green space and direct property developers to the many brownfield sites in the area, most of which have much safer and less congested road links.

Mr Ronald Brown

27 Liverton Crescent Thornaby

this is just another over development of land that is too small for the development of house's and being a retired Truck driver trying and trying to get a 44ton truck on to this would damage paths and roads leading on to the site plus the drains would not take this weight you have to think when these road where built truck weights where 32 tons and smaller. flooding is a concern as the more green is taking away there is nowhere for the rain to go wild life is suffering and I think if this goes ahead the field next to Liverton crescent will be next and who knows the Harold wilson field next??

Mr Robert Crallan

7 Charrington Avenue Thornaby

I strongly object to this development because it is green wedge and precious environment which should not be destroyed.

The housing minister said green wedge should not be built on unless it is absolutely necessary and this is very defiantly NOT necessary.

Mr K Skidmore

25 Lockton Crescent Thornaby

I object to the proposed development at Thorntree Farm. The development would be an intrusion into the 'Green Wedge' and 'Tees Heritage Park'. It is very important to maintain a distinctive gap between Thornaby and Ingleby Barwick. For this very reason it has been rejected before and nothing has changed.

I also object to the demolition of Thorntree farm. This farm building is one of the few survivors of this type of building once common in this area and is part of Thornaby's heritage. This contradicts the views of Tees Archaeology who are not an authority on the aesthetics of buildings.

Mr Ian Instone

3 Barkston Avenue Thornaby

We have made objections for each planning application made to develop this garden area of the old Thorntree Farmhouse to build multiple bungalows and houses. The reasons being increase of traffic, parking, access, mains services, size of planned development, impact on local roads, overdevelopment of a small privately owned area. Our objections from all previous applications still stand.

Mr Kaashif Latif

31 Lockton Crescent Thornaby

Me and My family Strongly object to the application of the building of two houses and five bungalows as it is unsuitable for the area and will affect the side of the green wedge and heritage park and the farm house should now be knocked to make way for the housing that is not needed in the area as will cause disruption to the area

H And C Palin

37 Lockton Crescent Thornaby

We strongly object to the knocking down of the old Thorntree Farm House, though not a listed site there are very few of these old but full of character buildings left. The two houses and five bungalows will not be affordable houses as required by government advice therefore not needed in Thornaby or surrounding areas which are already flooded with new sites being developed. This development will also encroach on the small amount of green belt land we have left in this area and also onto the local heritage area we now have in Thornaby. This application must be refused.

Mr Kenneth Gettings

91 Bassleton Lane Thornaby

We object to the proposed development for the following reasons;

- The detrimental effect of the proposed development on the character and appearance of the surrounding area.
- Over development of a quiet cul-de-sac resulting in detrimental effect on access to current residential properties within the cul-de-sac.
- Unnecessary backyard development.

There have been two previous applications to develop this site and two appeals. Application 07/3337/FUL, Appeal APP/H0738/A/08/2069128/NWF and Application 14/0787/REV, Appeal APP/H0738/W/14/2223808.

Both previous applications have been refused by the Planning Department and by two different Appeal Planning Inspectors.

I fail to see any significant differences with this latest application.

With reference to The Planning statement submitted on behalf of the applicant,

- Paragraph 5.2.11 appears to accept that the proposed development site has Green Wedge status.
- Paragraph 5.2.1 makes reference to recent court decisions in relation to Green Wedge protection. The report appears to suggest that because of these decisions this current application should not be dismissed for Green wedge reasons.

With reference to the Appeal Decision Notice relative to previous application 14/0787/REV,

- In Paragraph 19 the Planning Inspector states, "I have been referred to a number of other applications that have resulted in permission being granted for housing within parts of green wedges within the borough".
- In Paragraph 21, the Planning Inspector goes on to say, " I have regard to the reported findings but I must also consider this development on its own merits and balance the harm against the benefits, with paragraph 14 of the (National Planning Policy) Framework in mind.
- THE COMMENTS IN PARAGRAPH 21 OF THE PREVIOUS APPEAL DECISION MUST APPLY TO THIS LATEST APPLICATION.
- In Paragraph 28, the Planning Inspector states, " Even if I were to afford little or no weight to the proposed alignment of the Green Wedge boundary, I consider that the harm that would result to the character and appearance of this area would be sufficient to significantly and demonstrably outweigh the benefits that have been identified. I therefore dismiss the appeal.

There is little, if any differences in this latest proposed development and circumstances since the two previous failed applications. We re-iterate our objection to this latest proposed development and urge the Planning Department to respect the previous decisions of two different Appeal Planning Inspectors by refusing this application.

N W DEACON

31 Kintyre Drive Thornaby

I strongly object because of the damage this will do to the green wedge and Tees Heritage Park.

The proposed development will have a huge impact on the whole area, it is almost impossible to get a doctors appointment under tow to three weeks as it is now, with seven more dwellings in the area it will be very difficult. The problem with parking at school change over times in the Bader School area will be compounded.

This is not the first time that planning approval has been requested for this site it was rejected last time and I hope it is this time.

Mr Jonathan Skidmore

63 Marchlyn Crescent Ingleby Barwick

I wish to lodge my objection to this development.

This development would be an intrusion into the already threatened Green Wedge and Tees Heritage Park.

It is quite clear when looking at the site that the development would urbanise an area of open space which is characteristic of the open natural aspect of the Bassleton Beck valley.

Stockton Council must respect these designations and protect the area from development.

The proposal to demolish Thorntree Farm would result in the loss of one of the few historic buildings in the area. If the applicant is looking to create a dwelling then with a little motivation this fine building could be restored into a very comfortable house of far greater architectural and historic merit than the proposed replacement.

Mabel Etherington

33 Kintyre Drive Thornaby

I object to the proposed development at Thorntree Farm. It protrudes into the Green Wedge and Tees Heritage Park which is contrary to SBC's policy.

I also object to the demolition of the old farm house.

S E G Bradley

5 Brisbane Crescent Thornaby (summarised)

I wish to record my objection to this proposal which is not in accordance with the Local Plan documents and elements of the National Planning Framework. It is also disappointing that the proposal also calls for the demolition of Thorntree Farm which has been a feature of Thornaby for over 300 years. My objections are as follows;

1. Part of the site is in the Green Wedge and the Tees Heritage Park and is afforded protection under CS10.
2. The Tees Heritage Park and our Green Wedges have an important role to play in promoting a good image for the area. Permitting developers to continually nibble away at these boundaries strengthens the impression that we do not care for our environment.
3. The NPPF sets out planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

4. The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. (provides definitions)  
In my opinion, neither the immediate neighbours nor the wider local community will feel any economic benefit if this proposal goes ahead but many would feel the loss of a valued community asset which fulfils both a social and environmental role in their lives, particularly relevant when we have so much brownfield land available.
5. Quotes core planning principles of the NPPF.
6. I note the owner of Thorntree Farm supports his proposal to demolish the farm house by claiming difficulties with dampness. It is hard to imagine that past occupiers would have put up with this problem for 300 years.

J Deacon

31 Kintyre Drive Thornaby

I strongly object because of the impact it will have on this area, especially Kintyre Drive, which is used as a rat run to avoid queuing at the roundabout on Thornaby Road at peak and school change over time.

Also the proposed development would be an intrusion in the green wedge and Tees Heritage Park.

Mrs Kathleen Collier

33 Liverton Crescent Thornaby

I strongly object to the planning application submitted Mr T Howson for the development of 5 bungalows and 2 houses on the land at Thorntree farm and to the rear of 93 Bassleton lane. Planning applications have been rejected on previous occasions because of the GREEN BELT STATUS on this land.

Thorntree farm is a historic building dating from the 18th century, it is part of Thornaby Heritage and must be protected as such.

Stockton Borough Council must protect this historic building and reject this application.

## **PLANNING POLICY**

19. 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**

20. 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**

21. 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.

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

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;

ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;

iii) The priority accorded to the Core Area;

iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

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

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

\_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;

\_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

\_ In the Core Area, the focus will be on town houses and other high density properties.

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.

#### Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

- \_ River Tees Valley from Surtees Bridge, Stockton to Yarm;
- \_ Leven Valley between Yarm and Ingleby Barwick;
- \_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
- \_ Stainsby Beck Valley, Thornaby;
- \_ Billingham Beck Valley;
- \_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

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

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

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### **MATERIAL PLANNING CONSIDERATIONS**

22. The material planning considerations with respect to this application are the compliance of the proposal with national and local planning policy including the principle of housing development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users (and future occupiers of the dwellings), the impact on highway safety and any other material planning considerations.

#### **Principle of development**

23. Paragraph 14 of the NPPF states that at the heart of the NPPF is the presumption in favour of sustainable development Paragraph 49 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'. The Spatial Plans Officer has commented that the 'Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development. The site itself is considered to be sustainable in terms of its proximity to local transport services and facilities.

24. The site lies within the 'Limits of Development' as defined within the Stockton on Tees Local Plan where residential development would, under normal circumstances be supported.

However, part of the site is allocated as green wedge and the proposal would therefore be considered to be contrary to saved Local Plan Policy HO3(i) which removes general support for housing sites where land is allocated for another use.

25. Core Strategy Policy 8(2) (Housing Mix and Affordable Housing Provision) states that a more balanced mix of housing types will be required and in this context 'proposals for 2 and 3-bedroomed bungalows will be supported throughout the borough'. The proposed scheme would provide five, 3 bed bungalows, which accords with the provisions of CS8. It is considered the proposal accords with this Policy and that this represents a significant material consideration

Impact on the green wedge

26. The NPPF seeks to conserve and enhance the natural environment by '*protecting and enhancing valued landscapes*' (para. 109). The protection of Green Wedges is more specifically detailed within one of the 12 objectives (no.8) of the Core Strategy and Core Strategy Policy CS10(3) which require that 'the separation of 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 one between Ingleby and Thornaby (Bassleton Beck Valley).
27. In view of current policy, housing development within the green wedge would be contrary to the Core Strategy. However, as confirmed by the Spatial Planning comments only the southern element of the application site is identified as being within the green wedge as presented on the Core Strategy strategic diagram. The presence of the green wedge should also be balanced against the lack of a 5 year housing supply and the need therefore to provide housing in the short term. Consideration of this needs to take into account the form and function of this area of the green wedge and its relationship with the surrounding settlements.
28. As set out in the recent site history above, the majority of the application site relates to residential garden curtilage, as per the Certificate of Lawfulness that was granted in May 2013 (reference 13/0652/CPE). This garden curtilage is enclosed by a brick boundary wall. The western section of the application site forms part of an existing car park/hard standing area serving Thorntree Farm. The area does not form part of the wider open space and is not accessible to the general public. A further material consideration relates to the 'fall back' position of the majority of the land being classed as residential curtilage and the permitted development rights that the land would benefit from (to serve No 93 Bassleton Lane); a large detached structure for the purposes incidental to the enjoyment of the dwelling house (No 93) could be erected at 4m in height (set 2m off the adjacent boundaries) with a footprint that could take up to 50% of the garden curtilage of the site without requiring planning permission. This was noted in the most recent application and subsequent appeal decision however the Inspector stated they were not be satisfied that this would cause the level of harm that would result from that appeal proposal.
29. In the most recent appeal the Inspector stated the green wedge, in this area, is generally characterised by its open character. It provides a wide linear area of amenity space that follows the valley associated with Bassleton Beck. There is generally a clear distinction between development associated with the settlements and this open land that separates them. The Inspector goes on to state that the gardens to the rear of 93 and 95 Bassleton Lane and Thorntree Farm are set within an area enclosed by a high brick wall, but are generally undeveloped and open. However, the garden land divides into two distinct areas, the gardens immediately to the rear of the dwellings which make limited contribution to the wider openness of the green wedge and the further area of lawful garden that lies beyond which has a more open character. The Inspector concluded that the development would result in harm to the openness of the green wedge and the failure of the proposal to accord with the development plan. It was considered that the benefits of additional housing would not be sufficient enough to

outweigh the harm that would result from the closing of the gap between settlements and the reduction in openness of the green wedge and the Inspector dismissed the appeal.

30. Whilst the appeal decision is noted, the impact of this proposal on the Green Wedge has been considered by the Highways, Transport and Design Team and no objections have been raised. It is considered the existing wall around the site forms a clear distinction between the developed area and the Tees Heritage Park, the development does not breach that wall. The visual impact and design will be considered further in this report however given the existing character of the site and the extent of green wedge that is affected by the proposal it is considered these represent material planning considerations that in this instance outweigh the policy constraint (CS10) and the principle of residential development within the site is acceptable.

#### Impact on the Tees Heritage Park

31. Core Strategy Policy CS10 states that *'the provision of leisure and recreation facilities as part of the Tees Heritage Park will provide more open space accessible to the public, improve the opportunity for water based facilities and enhance the areas landscape and biodiversity. A high quality network of urban parkas and green spaces within the conurbation will contribute to a better quality of life for all'*.
32. A number of objections state that it is part of the Tees Heritage Park which they indicate as being an area where protection is given to improve the landscape, wildlife and ecology for future generations. However the Planning Inspector has stated whilst the footpaths and cycleway (adjacent the site) would not be physically affected, the proposal would result in them becoming a less attractive recreational experience and considered the proposal would result in harm to the character and appearance of the area and to this part of Tees Heritage Park. Despite the Inspectors view, the Urban Landscape Manager has stated the boundary wall is already in place and currently impacts upon footpath users, the addition of development beyond the wall would result in little change from this baseline position where glimpsed views of bungalow roofs will be added to the view.
33. It is also stated that since the conclusion of this planning appeal, a further appeal has been held for an adjacent site, Land South of Cayton Drive (APP/H0738/W/15/3136587) where another Inspector has allowed an appeal for a housing development of up to 45 dwellings. This housing, at two storeys in height would be visible rising above the Thorntree Farm garden wall when viewed from locations on the adjacent rights of way. In view of these circumstances and whilst the Inspectors comments are acknowledged, it is considered that as the majority of the current application site is private, enclosed residential curtilage and with permitted development rights for some built development, it is considered to make a limited contribution to the overall setting of the wider Tees Heritage Park.

#### **Demolition of Thorntree Farm**

34. Thorntree Farm is neither a Listed Building nor is it Locally Listed. A number of objections from have commented that the existing farm house building should be retained as a heritage asset, whether that is through Listed Building status or being Locally Listed. The Council's Historic Building's Officer (HBO) provided comments on the most recent application at the site and commented that a building does not have to be included on the 'Local List' for the Council to consider it to have local interest and it is the discretion of the Local Authority if a building is considered to be a local heritage asset. The HBO commented that the *'farmhouse is certainly of an age and although extended the structure appears to be sound and the original form of the building is very much still evident. Although, it has been extended, has lost its ging gang and its setting has been affected by modern development, I note from the submitted details of the application that the building has been altered and has issues with damp. All of these can be remedied with appropriate renovation and repair'*.



35. During consideration of the previous application the applicant responded stating that the retention or conversion of the building *'has been given proper consideration but retention of the existing former farmhouse, sub-divided or otherwise, is not considered to be a practical proposition'*. The HBO concluded that the loss of the building would be *'regrettable and if we are minded to approve the application at least a full photographic record of the building should be undertaken'*.
36. Tees Archaeology have also been consulted on the application and has commented that an objection could not be sustained against the demolition of the building based on the submitted information/evidence. Tees Archaeology has therefore commented that it would be appropriate for the developer to provide a record of the building before it is destroyed to advance our understanding of its significance before it is lost. This can be secured by way of a planning condition.
37. In view of the above considerations, it is considered that on balance the demolition of the existing building would not be sufficient to warrant a reason for the refusal of the application on this ground alone.

### **Design, Layout and street scene considerations**

38. One of the core principles of the NPPF (para 17) is to *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building'*. Furthermore, online National Planning Policy Guidance (PPG, published March 2014) reaffirms the importance of good design, as promoted in the NPPF and states that *'Local planning authorities are required to take design into consideration and should refuse permission for development of poor design'*.
39. The design and layout of the dwellings under the previous application was a key consideration of the Planning Appeal. The key reasons for dismissing the appeal related to the layout and design of the bungalows, with the Inspector stating the following concerns;
- The lack of relief between the boundary and the proposed buildings would substantially increase their prominence and emphasise the loss of openness. The layout proposed would therefore represent poor design.
  - I also find that the use of a standard bungalow design fails to adequately address the constraints that result from this layout. The standard design would also provide little architectural interest.
  - Elements of the proposal fail to reach a satisfactory design standard and the Framework is clear that permission should be refused for development of poor design
40. Taking into account the Planning Inspectors concerns regarding the layout and appearance of the bungalows, the scheme has been redesigned. The number of bungalows has been reduced from six to five and a new design of bungalow is proposed. The previous submission proposed bungalows that were of simple design, this proposal has improved the design and visual appearance of the bungalows and provides additional features that provide visual interest such as chimneys, differing roof heights, bay windows and full height windows to the sitting rooms.
41. It is acknowledged the layout is similar to that previously refused, and although a unit has been removed, the footprint of the bungalows has been increased. Further the proposal reduces the number of units adjacent to the southern boundary and when viewed from the adjacent footpath/cycleway in the south western corner the mass and predominant height of the units has been reduced. It is considered the design changes as detailed above improve the overall design of the proposal and overcome the issues raised by the Planning Inspector.

42. The boundary wall that is in place currently impacts upon footpath users and as stated by the Urban Landscape Manager, it is considered the addition of development beyond the wall would result in little change from this baseline position where glimpsed views of bungalow roofs will be added to the view. It is also stated that the existing planting around the site is naturalising on Council owned land and in time will mature to add to its current screening potential. With specific regard to the layout, the Urban Landscape Manager has stated soft landscaping including hedgerow boundaries and occasional tree planting should be included within the layout to soften the development. This would further improve the visual impact and specific details can be agreed by condition.
43. It is also noted that since the conclusion of the previous appeal on this site a further appeal has been held for an adjacent site on land to the south of Cayton Drive, this allowed an appeal for a housing development of up to 45 dwellings. This housing, at two storeys in height would be visible rising above the Thorntree Farm garden wall when viewed from locations on the adjacent rights of way. This would further negate the visual impact of the proposal.
44. Overall, it is considered the changes in layout and design improve the visual impact of the proposal and given the existing character of the application site it is considered the changes are acceptable. With the addition of a planting scheme within the site boundary the views would be further improved.
45. With regards to the street scene, the bungalows are set well back from the highway and street scene area to the front, the houses will be the more dominant feature when viewed from the street scene. The Inspector did consider the new houses proposed to the north of the site would result in improvements to the environment when viewed from the head of Bassleton Lane. The two proposed 2- storey dwellings that would be sited on the existing Thorntree Farm site are considered to be of a simple design and scale which are generally considered to be in keeping with the character and appearance of the adjacent properties and the predominantly surrounding residential area. It is considered that the provision of the projecting bay and gable pitched roof elements on the front elevation would assist in breaking up the massing of the buildings and in providing a satisfactory design.
46. The overall layout of the proposed development is compact however taking into account the scale of the proposals, the separation distances between the proposed plots, and the proximity of existing housing, the amended design and layout of the proposed development is generally considered to be acceptable and is not considered to constitute 'over development' of the site.
47. Overall, it is considered the proposed development would not have a significant detrimental visual impact. The Urban Landscape Manager considers the change to the landscape will be negligible and raises no objections.

#### **Impact on existing landscaping**

48. The application highlights that some tree planting on the eastern site boundary are located within the applicants land. Stockton Borough Council would have no objection to the removal of these trees, as their removal should not affect the viability of the larger plantation. However, no trees within the council owned land are to be removed or managed without the approval of the Council's Tree Officer, as this is outside the application site it cannot be a planning condition but an informative is recommended to make the applicant aware.
49. As part of the previous application arboricultural reports were submitted and have been resubmitted with this application. These consider the foundations and potential overshadowing issues arising from the trees in proximity to the eastern boundary. The revised plans respect the advice regarding foundations and potential over-shadowing. With regard to the planting on the southern and western boundary these are generally lower growing shrubby species, and

therefore no update to the submitted info is required in terms of the planting along these boundaries.

### **Amenity**

#### *Provisions for future occupiers*

50. It is considered that the proposed layout generally provides adequate areas of amenity space relevant to the scale of the proposed properties and also provides adequate parking provision. The indicated separation distances between the properties are considered to achieve a satisfactory level of amenity and privacy for future occupiers. The removal of all permitted development rights, which can be secured by a planning condition, would allow the Local Planning Authority to control the resultant impact of any future extensions to the properties. It is considered that the proposal has been designed to ensure that adequate distances are met and designed to negate any adverse impact on the amenity of future occupiers of the proposed properties in terms of outlook, overlooking, overbearing and overshadowing.

#### *Impacts on surrounding residents*

51. Proposed plots 1 and 2 would primarily look towards No 89 (north) of which a separation distance of approximately 21m would remain. An oblique separation distance of approximately 20m would remain between the front elevation of proposed plot 1 and the front elevation of No 91, sited in the north east corner of the shared driveway with No's 93 and 95 Bassleton Lane. The proposed plots would also be sited approximately 30m from the nearest properties to the north west. Proposed plots 1 and 2 would also project along the adjacent boundary to No 95 Bassleton Lane, which is also within the applicant's land ownership. The submitted plans indicate that the proposed dwellings would not project beyond the front and rear elevations of No's 93 and 95 and a separation distance of approximately 3m would remain between the side elevation of proposed plot 1 and No 95. The rear elevation of plot 3 would be sited at an oblique separation distance of approximately 16m from the rear elevation of No 95 Bassleton Lane. The side elevation of proposed plot 7 would be sited at least 11m from the rear elevations of No's 93 and 95 Bassleton Lane. In view of these distances and relationships, it is considered that the location of the development is sufficiently separated from existing dwellings.
52. The provision of satisfactory boundary treatment between the existing (93 and 95 Bassleton Lane) and proposed properties can be secured by way of a planning condition. Although the site is relatively level throughout, it is also considered necessary to secure details of existing and proposed levels of the proposed buildings, which can be secured by a further planning condition.
53. In view of the above considerations, it is considered that the proposed scheme will not result in an adverse loss of amenity for existing/future occupiers of surrounding residential properties in terms of outlook, overlooking, overbearing and overshadowing.
54. With respect to objections regarding noise disturbance, the Council's Environmental Health Unit has raised no objections to the scheme but has recommended a condition restricting hours of construction and delivery. This can be secured by a planning condition. Subject to this, and in view of the domestic scale and nature of the development, it is considered that the proposed development will not result in an unacceptable loss of amenity in terms of noise disturbance.

### **Highway related matters**

55. The proposed site layout is shown with access extending from Bassleton Lane (north) past the side elevation of plot 2 and into the side in an 'L' shape design. Each property would be provided with in-curtilage parking spaces as well as visitor spaces, which the Highways, Transport and Design Manager (HTDM) has confirmed accords with SPD3: Parking Provision for Developments 2011.

56. A number of objections have been raised suggesting that there is already excessive traffic on the surrounding highway network, that there is prevalent on street parking in the surrounding streets and that the area cannot cope with any additional traffic, all of which residents consider would cause risk to highway safety. Despite these objections the Highways, Transport and Design Manager (HTDM) has commented that *‘the greatest impact of this proposal would be on Bader Avenue as all traffic would use this route. Concerns have been expressed previously about the number of properties that are accessed off Bader Avenue. However, a highway objection, in line with national planning policy guidance, can only be raised on transport grounds where there is reasonable evidence that the impacts of the development on the highway network would be severe’*. Using trip rates derived from TRICS data, the HTDM concludes that the scale of trip generation *‘would be unlikely to have a significantly adverse impact on the highway network and therefore no objection is raised on highway capacity grounds’*.
57. The HTDM has also commented that *“it is unclear whether the applicant intends to offer the proposed road for adoption; should the applicant wish the road to be adopted it would need to be designed and constructed to adoptable standards in accordance with the Design Guide and Specification and a Section 38 agreement would be required”*. The agent has advised the applicant does want the road to be adopted and that it has been designed as such and a S38 Agreement is to be entered into in due course. In view of the above considerations, it is considered that the proposed development will not result in an adverse loss of highway and pedestrian safety.

#### **Impacts on Ecology & Biodiversity**

58. Natural England have provided no comments but referred to their Standing Advice on protected species, which includes a habitat decision tree that provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. The applicant site includes a maintained garden area (grassland), ornamental shrub planting and a small pond. The site has no specific designations on it in respect to wildlife, habitat or biodiversity. Notwithstanding this, objections have been raised in respect to the proposal on the grounds that this would adversely affect wildlife which currently uses this area.
59. The applicant's submission includes a preliminary ecological appraisal including a protected species risk assessment for Thorntree Farm and Land to the south. The report concludes that there are no significant ecological constraints with regards to the demolition of the existing building and construction of the new dwellings. Some mitigation has been recommended for the removal of scrub and trees in relation to nesting birds and for the careful removal of buddleia to prevent the spread of this species. A condition has been attached to ensure the development is carried out in accordance with these recommendations.
60. Whilst the site may be being used by wildlife, it appears that this is (apart from any nesting birds) likely to be for general foraging. In view of this, and the site being adjacent to a woodland (albeit the application site is enclosed by a brick wall) which offers more extensive provision, it is considered that the proposal would have a limited impact on wildlife and ecology. Subject to the recommended mitigation measure of the ecological appraisal, which are to be secured by a planning condition, it is considered that the impacts on wildlife could be suitably mitigated. For similar reasons, it is considered that the proposed development would not unduly affect biodiversity within the Borough.

#### **Planning Obligations**

61. Although Core Strategy Policy CS11 relating to planning obligations remain relevant, along with the Open Space, Recreation and Landscaping Supplementary Planning Document. However the National Planning Practice Guidance sets out that contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from

developments of 10-units or less. Consequently there is no requirement for this development to provide any planning obligations.

### **Other Matters**

62. Objectors have commented that the approval of the current application would set an undesirable precedent for similar approvals on green wedge. It should be noted that each application is assessed on its own individual merits and therefore the reference to 'precedent' is not a material consideration in this instance.
63. Objections have been received in relation devaluation of property prices and the availability of existing houses within Thornaby, Ingleby Barwick and the wider estate. These matters are not considered to be material planning considerations.
64. A number of objections have commented that the existing drainage system cannot accommodate additional pressure/capacity and that the development will result in drainage problems. The site size is below the threshold for consulting the Environment Agency. Northumbrian Water Limited (NWL) have been consulted and has request that details of foul and surface water from the development be submitted to the Local Planning Authority in consultation with Northumbrian Water. This can be secured by way of a planning condition. NWL has also provided further information of how the surface water drainage solution will need to be developed. This can be appended as an informative. Subject to the above referenced condition, it is considered that the matters of drainage can be satisfactorily addressed. For the avoidance of doubt the site is situated within flood zone 1 and presently not at risk of either tidal or fluvial flooding.
65. A number of objections have commented that the development would result in the loss of light and loss of views. With respect to Right to Light and Right to a View, these operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way which is compatible with Convention rights.
66. An objection makes reference to the scheme being contrary to EN14. These policies are no longer 'saved' policies and have been replaced by the policies set out in the adopted Core Strategy.
67. Two letters of support has been received which consider the scheme would enhance local area and should be supported, and that bungalows are required. These comments are noted.

### **CONCLUSION**

68. The impacts of the proposal have been considered against national and local planning guidance. The application site is within the defined limits to development but partly falls within a designated Green Wedge and such development would normally be resisted unless material considerations indicated otherwise having regard to the development plan.
69. The Planning Inspector during the most recent appeal concluded the effective extension of the settlement would not be a positive feature but the scale of harm to the green wedge would be limited given its existing lawful use and defined margins and does not dismiss the appeal based on the development of the site as a whole.
70. Housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered that there are material considerations that outweigh the policy of constraint in this instance (CS10) and there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.

71. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable including design and layout, highway safety, it does not adversely impact on neighbouring properties (or future occupiers) or the ecological habitat. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Economic Growth and Development Services**  
**Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Village</b>
<b>Ward Councillor(s)</b>	<b>Councillor Ian Dalgarno</b>
<b>Ward Councillor(s)</b>	<b>Councillor Mick Moore</b>

**IMPLICATIONS**

**Financial Implications:**

As per report

**Environmental Implications:**

As per report

**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**

National Planning Policy Framework  
Stockton on Tees Local Plan Adopted 1997  
Core Strategy – 2010

**Supplementary Planning Documents**

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