

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
6th September 2017
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

17/0943/OUT

**Land North Of Thorpe Thewles, Durham Road, Thorpe Thewles
Outline application with all matters reserved except for access for up to 40 dwellings**

Expiry Date: 8 September 2017

SUMMARY

Outline Planning permission is sought for upto 40 dwellings, with all matters reserved other than access on land to the north of Thorpe Thewles village and situated between Durham Road to the West and the A177 (Durham Road) to the east. Access is to be taken from Durham Road (to the west).

38 letters of objection have been received were received along with a 155 signature petition. Alex Cunningham MP; the Parish Council and the Ward Councillor have also objected.

The main planning considerations of this application include compliance with national and local planning guidance including the sustainability of the site and the impacts of the development on the character and appearance of the area and listed church; amenity of neighbouring properties; highway safety; flood risk and protected species.

The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. This is identified as having three distinct strands which are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Building upon this aspect, paragraph 47 outlines the importance that the government place on boosting the supply of housing, while paragraph 49 states that where a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Members will note from the Agenda Item in relation to the Publication Draft Local Plan; the Council can now demonstrate a 5 year supply however, as this is not yet at publication stage this can be given limited weight and the application will still need to be determined in accordance with Paragraph 14 of the NPPF. Although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, i.e. the closer the policies in the plan to those in the Framework, the greater the weight that may be given.

Policy CS10 and EN13 are relevant to the determination of this application with Policy CS10(3) seeking to amongst other things protect the separation between settlements, together with the quality of the urban environment, maintained through the protection and enhancement of the openness and amenity value of the strategic gaps. As policy CS10 seeks to safeguard the countryside, it is broadly consistent with the core planning principles at Paragraph 17 of the Framework. With regards to the aims of policy CS10 (3) a significant degree of separation exists to the neighbouring villages and settlements and it is not considered that the development of this site

would bring about the visual coalescence of settlements, and nor will the development have a significant adverse impact on the openness and amenity value of the area.

The approach of Saved Policy EN13 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the approach set out in the NPPF (the framework) and where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date and the proposal should be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework and only if the Council is able to demonstrate harm which “significantly and demonstrably” outweighs the benefits of the development should consent be refused. A balancing exercise therefore needs to be taken when objectively assessing and weighing up the contribution of new housing against the visual impacts and resultant harm on the open character of the countryside.

Objections have been raised with regards to the sustainability of the site and previous appeal decisions which have been considered. Noting that there is a regular bus service and the ability to cycle to destinations; whilst accepting that some car journeys may occur as a result of the lack of essential services and facilities, it is considered that the accords with the principles of paragraph 55 of the NPPF, accordingly Thorpe Thewles is considered to be a sustainable village which can accommodate residential developments of an appropriate scale and nature to that of the village.

It is recognised that a key benefit of the proposed development would be that it provides additional housing land supply, as well providing affordable housing units. These have both social and economic benefits as set out within the three elements of the definition of sustainable development. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to ‘drive and support’ economic development. The disadvantage would be the loss of this open area.

The application has been assessed by the Highways Transport and Design Team who generally raise no objections from a landscape perspective, acknowledging that whilst the character of the site itself will change from a rural agricultural use on the edge of a settlement to residential development, this would not lead to a significant loss of openness, or coalescence of settlements and therefore the application does not conflict with the aims of saved policy CS10.

The Impact on the setting of the listed church has been considered and given the separation distance and intervening open space between the application site and the church, along with the additional landscaping proposed (indicative) to the boundaries of the application site it is not considered that the proposed residential development would detract from the setting of the listed church.

An indicative development framework accompanies the application outlining the areas to be developed/retained for open space, along with suggested improvements to PROW and landscaping. This is broadly acceptable subject to further details at the reserved matters stage. The indicative plan shows a new site entrance to be created from Durham Road which will result in the loss of a number of Category B trees, which are in reasonable condition, however this will be offset by the provision of additional trees within the development/ on the boundaries and therefore is considered acceptable in this instance. Public Open space will be provided on site, and should this not come forward a contribution will be required towards improvements at Wynyard Woodland Park.

The indicative plan shows a development which can be sensitively located whilst maintaining the majority of trees and woodland buffers and is broadly acceptable subject to the finer details which can be submitted at reserved matters stage should the application be approved.

It is considered that a development could be designed which would achieve the required separation distances between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents although the detailed layout and design would require approval via reserved matters application/s were this outline application to be granted.

This is an outline application with all matters reserved except for access which would take the form of a simple priority T junction onto Durham Road. The required visibility splays can be achieved, in both directions, and the vehicular access arrangements are considered to be acceptable. The access arrangements will also include the provision of a footway connection, from the existing network on the eastern side of Durham Road, to the main site access road. Other matters in relation to improvements to pedestrian links can be considered at the reserved matters stage.

In terms of Traffic Impact, using the proposed traffic distribution the increase in two-way movements at the main access points to the A177 would be 11 vehicles; therefore the scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and is not considered to be severe within the context of NPPF.

Concerns have been raised regarding construction traffic, however the Highways Transport and Design Manager has raised no objections subject to the submission of a Construction Traffic Management Plan.

A number of objections have been raised regarding drainage/flooding. No objections have been raised by Northumbrian Water or the Flood Risk Management Team subject to a number of conditions which have been recommended.

Matters in relation to Ecology; Contaminated Land, and Archaeology have been considered long with other material planning considerations and it is considered that no adverse impact will occur subject to a number of conditions which have been recommended.

Overall, it is considered that in the planning balance, although this proposal is out-with the limits for development, the proposed development is not considered to cause significant or demonstrable harm which would warrant refusal of the application as set put in paragraph 14 of the Framework. For the reasons detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

RECOMMENDATION

That planning application 17/0943/OUT be approved subject to the following conditions and informatives;

01 Approved Plans

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

Plan Reference Number	Date on Plan
2015/THEW/005C	5 April 2017
7699-L-02-A	5 April 2017
P0806.20170627.SK002 Rev A	21 August 2017

Reason: To define the consent.

02 Reserved Matters - Details

Approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority

before the development is commenced. The development shall be carried out in accordance with the approved plans

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

03 Period for Commencement

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

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

04 Reserved Matters - Time Period for submission

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.
Recording of a heritage asset through a programme of archaeological works

05 Conformity with the submitted master plan;

The details of the reserved matters shall broadly follow the principles and parameters set out on the indicative development framework drawing 7699-L-02-A submitted with the planning application.

Reason: To ensure that the Reserved Matters are in accordance with the general layout and landscaping principles and to enable the Local Planning Authority to satisfactorily control the development.

06 Reserved matters Application

As part of the reserved matters application the following matters shall be addressed / incorporated

- The landscaping scheme should maximise the screening of the proposed residential development from the public right of way which runs through the application site;
- A shade parameter plan should be included which should be used to inform the final layout to ensure that the amenity of the properties and gardens of existing and proposed homes would not be adversely affected by shading from any existing or proposed planting;
- The landscaping scheme should maximise the retention of the trees within the highways verge along Durham Road;
- The public right of way which passes through the application site should not be lit.
- The landscaping scheme should include the strengthening of the existing tree planting in the north east corner of the site as it tapers to less than 10m.
- Open Space shall be provided ((a minimum of 0.6 hectares) along with details of the long term management proposals for the public open space for a period of 25 years

Reason: To ensure that the Reserved Matters provide a satisfactory scheme.

07 Ecological mitigation;

All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal prepared Delta-Simons Project No. 16-0047.01 and shall be implemented in full in accordance with the advice and recommendations contained within the document.

Reason: To conserve protected species and their habitat

08 Retention of existing trees, shrubs and hedges

Notwithstanding the submitted information; the reserved matters application shall include a plan identifying the trees, shrubs and hedges to be retained on the site and an appropriate management plan for those trees, shrubs and hedges shall be submitted to and be agreed by the Local Planning Authority. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved details. Any tree, shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

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

09 Site and floor levels;

Notwithstanding the submitted information; the reserved matters application shall include details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

10 10% Renewable energy requirement;

No development shall take place until details of how the hereby approved development will meet at least 10% of its predicted energy requirements, on site, from renewable energy sources or other alternative measures such as a fabric first approach, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3.

11 Foul and Surface Water Drainage

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.

12 Construction Management Plan;

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

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

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

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

13 Land contamination;

An Intrusive Ground Investigation Report must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site (whether or not it originates on the site) to include for ground contamination screening and ground gas production, and an appropriate risk assessment undertaken. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;
- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Contamination may exist at the site which will need to be satisfactorily dealt with.

14 Site construction access

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Reason: In the interests of highway safety.

15 Archaeology

A) No development shall take place/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; 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 development 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 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of preserving/recording archaeological features of interest

16 Construction activity;

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

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

17 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: Due to the proposed development's proximity in relation to historical features, namely: 1956: Unknown filled ground pond, marsh, river, stream or dock. Less than 100m² and in the interests of ensuring all land contamination is adequately addressed

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

Informative: Northumbrian Water

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 and 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.

A public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to their apparatus and therefore will be contacting the developer prior to development to establish the exact location of the assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

Informative: Flood Risk Management

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS integrate into the landscape

An allowance of 10% should be included within the detailed surface water drainage design for "Urban Creep",

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
 2. 1 in 100 year plus 20% climate change;
 3. 1 in 100 year plus 40% climate change;
- Drainage systems can be designed to include a 20% allowance for climate change;

- A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
- If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

HEADS OF TERMS

Affordable Housing: The provision of a minimum of 15% affordable housing to be provided on site.

Education: Contribution for both primary & secondary school pupils based on the council's standard formula.

Open Space: A contribution to open space improvements at Wynyard Woodland Park should it not be provided on site.

SITE AND SURROUNDINGS

1. The application site is an area of land to the north of Thorpe Thewles village and situated between Durham Road to the West and the A177 (Durham Road) to the east.
2. The site is currently open grassland used for grazing, with no buildings or structures present. There is extensive tree coverage along its boundaries.
3. To the south are residential properties in St James Close and North Close with the Grade II listed church (St James Church) to the south east. To the north is an area of woodland and to the west is Old Durham Road.
4. The application site lies outside the limits to development within flood zone 1.

PROPOSAL

5. Outline Planning permission is sought for upto 40 dwellings, with all matters reserved other than access which is to be taken from Durham Road (to the west).
6. An indicative plan has been submitted which shows how a possible development could be achieved on site and includes footpath links to the existing public right of way, which the applicant states will be retained and improved.

CONSULTATIONS

7. The following Consultations were notified and any comments received are set out below:-
8. 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 is Local Plan Policy EN13: identifies what uses types of development are considered acceptable outside the limits to development which are identified around the main urban and the villages.

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 the context of 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.

9. Highways Transport And Design Manager

Subject to the comments made below the Highways, Transport & Environment Manager has no objection to the proposed development.

The site access arrangements, as shown on Drawing P0860_20170627.SK002 Rev A, are considered to be broadly acceptable however, to incorporate the site within the village the existing 30mph speed limit should be extended to a point to the east of the proposed site access. The details of the works to extend the 30 mph speed limit, which would require an amendment to the existing Traffic Regulation Orders (TROs), and any associated works such as the provision of street lighting and the provision of a new 'gateway' feature to the south of the proposed site access have not been provided at this stage and this would be dealt with at Reserved Matters stage. It will also be necessary for the applicant to enter into a Highways Act Section 278 Agreement to enable delivery of the proposed site access and, if required, the works associated with the extension of the existing 30mph speed limit.

It will also be necessary for the applicant to enter into a Highways Act Section 278 Agreement to enable delivery of the proposed site access and, if required, the works associated with the extension of the existing 30mph speed limit.

The scale of trip generation associated with the proposed development has been assessed and it is unlikely to have a significantly adverse impact on the highway network and therefore it is not considered to be severe within the context of NPPF.

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

There are no landscape and visual objections to the proposed development although some minor amendments to the layout would be beneficial to minimise visual impacts. It is considered that these details can be addressed, should the application be approved, at Reserved Matters stage.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition. Full comments can be seen at Appendix E.

10. Alexander Cunningham MP

I would add my formal objection to those of local residents to the proposal to build 40 more houses in the village of Thorpe Thewles in my Stockton North constituency. The village is already facing immense challenges following the recent decision to allow 24 new properties - and to allow the development of another 40 would be a step far too far. It is also my fear that to grant planning permission will lead to more applications throughout the villages in

the area with the subsequent substantial increase in demand for services which currently do not exist.

Villages in the area are already under pressure from new developments - areas where there is an infrequent bus service if at all, few shops, very limited access to GPs and no school provision. Whilst I appreciate that under the outgoing government, there has been a relaxation of planning rules; I would hope that the Planning Authority would recognise they have sufficient powers to reject the application.

It was just three years ago that Stockton Borough Council declared Thorpe Thewles an unsustainable village. One much smaller development has already been rejected on those grounds - yet this application could lead to more than 100 new residents who apart from a couple of pubs and a playground will have access to none of the services required of a growing village.

Road safety is also a major factor - the village roads were not built for the level of activity they have now - including the construction traffic for the nearby Battery Development - and any further development will compromise them even further. The problems associated with the A177 would also be exacerbated with greater traffic flows.

The lack of public transport is already an issue specifically for Thorpe Thewles people - nearly all journeys need to be by car - to school, to work and to shop and that is acknowledged in the Accessibility Conclusion. Another 40, 50 or 60 cars in the village will only add to the problems. Walking and cycling is not an option with the lack of proper cycle routes from the village and many pavements, if they exist, are poor.

I know the absence of a fully approved local plan may be an issue in determining new applications but understand this development even goes beyond the existing village boundaries. I would very much doubt that any such local plan would include the development of services within Thorpe Thewles, including possibly a school, to sustain the kind of extended village we are in danger of seeing created. Other large scale developments across the Stockton Borough offer a wide range of housing - from affordable to executive homes. We do need more houses yet other major sites like the former Sarek Joinery site has yet to see a brick laid - and it's had planning permission for years.

There is simply no need to compromise the village of Thorpe Thewles further - a village under pressure for the reasons outlined above - to increase house building. I hope the Planning Authority will agree that such a proposal is not in the best interests of the village, of the community and the Borough.

11. The Ramblers Association

We note that the plans include the upgrading of Grindon FP No. 5 as far as the A177 underpass and to the village (surfacing). Does that include suitable lighting? We ask that safe access to the path be maintained at all times.

12. Tees Archaeology

The developer has provided a report on archaeological trial trenching of the proposed development site. This has demonstrated that there is a significant archaeological resource consisting of settlement activity dating to the Romano-British period surviving on the site. This is well preserved in the western part of the site and truncated in the central part of the site. This type of heritage asset is part of a dense pattern of settlement in this period across the Tees Valley and Durham lowlands. The remains are of regional significance but this does not preclude development, providing that appropriate mitigation takes place to advance our understanding of them (NPPF paras 135 and 141). This would entail an archaeological excavation in advance of development in the area where the remains have been identified. This would involve mechanical stripping of the site with archaeological features surveyed and excavated to the appropriate standard with subsequent post-excavation analysis, reporting and archiving. The excavation should focus on the well preserved remains in the western part of the site. There should be targeted sampling of the central area of the site, in particular to establish relationships between features and acquire material for dating. No further work is required in the eastern part of the site. Provision

should be made for scientific dating of suitable material as the site appears to be poor in datable artefacts, and there are few radiocarbon dates for Iron Age sites in the area. The archaeological contractor should seek early discussions with Don O'Meara, Science Advisor for Historic England, to discuss a strategy for scientific dating. These works can be secured by means of a planning condition. This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

13. Councillor Gardner

This application is on land which is situated beyond the limits of development and will increase the size of the village by more than 25% without any sustainable transport or support infrastructure such as shops, schools, doctors so all movements will have to be by car therefore increasing carbon emissions. The proposal density, of up to 40 dwellings, is also too high for a small village and 15% affordability is not enough. Access to the proposed site will be difficult due to the sight line and currently installed chicanes which, if approved, I would expect significant contributions from the developer to mitigate traffic increase, speed and the relocation of the speed reduction chicane. With the number of dwellings proposed this will need a close look at pathway and cycleway links to surrounding areas and to the nearest supermarket. The developer should make a significant contribution to this also.

14. Parish Council

Stockton council state that they cannot currently demonstrate a five year supply of deliverable housing sites. It is frustrating and disappointing that developers are relying on the lack of a five year housing supply to dictate where housing goes in this borough. Residents would like to see the council use the powers within the NPPF, particularly the sustainable development and climate change matter and chapter four on transport to take back ownership and refuse this application and only seek to approve applications that are aligned with the emerging local plan and are deemed to be sustainable development and where public opinion is not so vehemently against a proposal.

The adverse impacts of the scheme are the lack of sustainable transport options and due to the distance of the village to the main urban area it is likely that there would be a significant increase in the number of traffic movements in and around the village as residents would have no option but to travel by car. This increase in car movements would lead to an increase in carbon emission, not a reduction as is required by Government and would lead to an increased risk of accidents on the Wynyard Road/A177 junction. The benefits of the scheme would be the provision of new homes.

With regard to NPPF paragraphs 30, 34 and 35, given that the bus service is limited (only 2 buses, not 3 as was stated in the 24 housing application for Thorpe Beck Farm) there is no tea time or Sunday service, it is difficult to access employment especially if working beyond Stockton or Sedgfield and if working shift patterns. It is also difficult to access leisure facilities which often take place on an evening or weekend. Residents are not able to rely upon the bus to access regular employment and leisure and therefore there is no real choice with regards to travel and the car is likely to be the only real option for commuters. This is a direct conflict with the NPPF and SBC plan.

The cycle and walking network does not support an environmentally friendly and healthy commuting lifestyle. There are no safe and desirable walking links to the urban area where there is a large supermarket and a greater option for public transport. Cycle routes are not marked out, cyclist and pedestrians share roads with motorists; this is of greatest concern along the A177 towards Tesco where the road slims to one lane. The cyclists within the village are put off by the route along the A177, which is the quickest commuter route, particularly where it slims to one lane as the road is standard width. Cars can travel at 50 mph, and cyclists often feel intimidated, unsafe, wary and overall it is not an enjoyable experience. The fact that the cyclists would have to endure this route puts them off using it as a commuter route. Therefore, there is no real alternative other than the car. This is the

particular problem at peak times when commuters are likely to travel. Relying on cyclists to use this road appears to be an illogical assumption that there is a real alternative to the private car. An intensified use, would lead to a greater chance of conflict between cyclists, pedestrians and motorists, particularly at peak times, which is a time when commuters are likely to be going to and from work.

There would be a great environmental negative if this Greenfield land is developed as development would reduce the possibility of carbon dioxide absorption, because currently the field acts as a carbon sink in which the process of photosynthesis occurs. Furthermore the urbanisation of the field is likely to lead to an increase in surface water run-off, potentiating flooding as the field can no longer act as a rainwater soakaway.

This application for 40 houses is situated beyond the limits of development. In addition, the application follows closely on the back of 24 houses, recently approved, thereby constituting a significant and unacceptable increase – 30% approx. – in the size of the village, resulting in what can only be described as overdevelopment and potentiate the loss of rural community adhesion.

The Parish Council deem that the proposal is not within a location that has the possibility to maximise sustainable transport modes and reduce the reliance upon the private car as is required by NPPF chapter 4 (Promoting sustainable transport). Furthermore the applicant submits no solutions to improve the sustainable transport infrastructure and therefore makes no attempt to make the proposal more sustainable.

It is appreciated the provision of 40 dwellings would contribute to the social and economic roles of sustainable development identified in the NPPF however this would not overcome the harm arising to the environmental role and the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and therefore the proposal does not constitute sustainable development.

Appeals case review (separate email to Alex Cunningham re our objection, please see the appeals cases as nobody else has done this analysis. These appeal comparisons frequently form part of the planning officers justifications.

A recent Thorpe Thewles appeal for one dwelling (Willow Dene, APP/H0738/W/15/3029882, appeal dismissed, September 2015) supports the fact that housing development in Thorpe Thewles would be in an unsustainable location. The inspector stated “Whilst it is acknowledged that there is footpath and provision for cycling in the area, given the distance of these facilities from the village, it is highly likely that the occupiers of the proposed dwelling would be heavily reliant upon private car use” the inspector concluded that “the appeal proposal would not be in a sustainable location”. Nothing has changed since the inspector’s findings, the inspectors view that the village is unsustainable still stands and the applicant has made no attempt to mitigate against the likely reliance on the car and thus does not constitute sustainable development.

The proposal was for one dwelling and that in paragraph eight the inspector deemed the proposal to be small scale. We consider this proposal to be small scale when considering the borough wide housing target. We consider that a significant amount of houses would have to be built to bring back key service such as a shop. We consider that no shop would survive without turning the village into a small town similar to Sedgefield and in doing that the integrity of the village would be significantly harmed.

Surrounding area appeals

The inspector’s findings for an appeal in Redmarshall (APP/H0738/W/15/3129660, allowed in May 2016) are not comparable to this application as the inspector stated that Carlton has a Post Office and shop which are a 10 minute walk from the appeal site along a road which would be relatively easy for most people to walk. The walk to the shop in Carlton or Tesco from Thorpe is more than 10 minutes and is along an undesirable route.

The inspector’s findings for the Cowpen Bewley appeals (Appeal A: APP/H0738/W/16/3143709, Appeal B: APP/H0738/W/16/3143718, dismissed in July 2016) can not be applied to this application because the employment opportunities and facilities relied upon by the inspector surrounding Cowpen are within walking distance but that is not the case for Thorpe.

For the Maltby appeal (APP/H0738/W/16/3160786, allowed in 2017) the Inspector attached significant weight to the environmental benefit as the proposal was on previously developed land and that the site was close to Thornaby Industrial estate. These circumstances do not apply to the proposal in Thorpe, the proposal is on Greenfield land and there is no large scale employment within close proximity.

The inspector's findings on the Elton Manor appeal (APP/H0738/W/16/3151064, dismissed in September 2016) should be applied. Elton and Thorpe are more comparable than Thorpe is to Redmarshall, Cowpen and Maltby. The inspector stated that there is a lack of services and facilities, such that it is likely that residents would have to travel out of the village for day to day needs by car. Other links were deemed to be undesirable as they are unlit and beyond one kilometre, the routes in Thorpe are similarly undesirable and thus the same conclusions should apply. The council should be satisfied that if they choose to refuse this application as they have chosen to refuse similar proposals across other parts of the borough that their decision would be upheld on appeal.

The applicant proposes to provide 15% affordable housing and improvements to the Public Rights of Way (PRoW) that already exists on the site. No details have been included with regards to the PRoW, will the route be made wheelchair friendly? If so then the off-site link up to the walkway needs to be secured too. If not then the pedestrian link is already acceptable so what the developer offers is minimal. Funding should be instead directed to improving the walking link towards Tesco and the built up area that would allow residents to access retail, a greater variety of buses and employment opportunities. The applicant submits no meaningful solutions to improve the sustainable transport infrastructure and therefore makes no attempt to make the proposal more sustainable. The council should be seeking mitigation for the increase in likely car journeys and the use of the limited village facilities, they should ensure the developer pays for this mitigation and not tax payers in years to come. The council should try to secure:

- A transport contribution should be secured to assist in providing an evening and Sunday service, ensuring residents have the option to travel by bus.
- The cycle network should be improved to ensure that residents have the option to cycle for commuting and leisure.
- The walking link towards Tesco should be enhanced, the link into the walkway is currently safe so focusing money there only serves to improve a leisure route, not a commuting or retailing route.
- The play facility is not accessible for those with mobility issues. Additional play facilities should be provided to ensure that all children have access to the facility.
- The village hall is managed by volunteers; an increase in village population could lead to an increased use of the hall. The village hall does host sports and recreation activities; if the volunteers decided to stop managing the facility then the facility would close. A contribution to the future of the hall should be secured via policy CS11.

15. Environmental Health Unit

I have checked the documentation provided, and have found no grounds for objection in principle to the proposed access of the above development. If you have any further queries please do not hesitate to contact me.

16. Contaminated Land Officer

I have reviewed historical information held by this Local Authority in relation to Land Quality and the Preliminary Contaminated Risk Assessment report submitted by the applicant. I would advise that the following conditions be imposed prior to any development at this site. Contaminated Land Condition: That a full intrusive ground investigation risk assessment be carried out. The investigation should be focused on addressing the contaminants identified within the submitted report, namely "FWS Preliminary Contamination Risk Assessment" and should provide geotechnical information for design purposes.

Reason: Due to the location of historic gravel pit/refuse tips on/adjacent or within 250m of the proposed development.

Unexpected Land Contamination Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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 prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: Due to the location of an 1860 linear feature – area of unknown fill within the proposed development.

17. 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.

18. SBC Children, Education And Social Care

The following 'Education Contributions' should be sought using the standard SPD6 formula, therefore:

Primary

Step 1 - Calculate pupil yield from development Eligible homes (2 or more bedrooms) x primary pupil yield ratio = 40 x 0.26 = 10.4 additional pupils

Step 2 - Calculate potential contribution

Pupil yield x cost per place = 10.4 x £9,215 = £95,836

Step 3 - Developer discount

Based on associated schools in the area these being William Cassidi CE Primary for community places and for a faith place St Gregory's Catholic Academy, calculated by the number of surplus places at associated schools listed above multiplied by the cost per place (£9,215), subject to the number of places being divided, pro-rata amongst other Committed Developments

Secondary

Step 1 - Calculate pupil yield from development Eligible homes (2 or more bedrooms) x secondary pupil yield ratio = 40 x 0.20 = 8 additional pupils

Step 2 - Calculate potential contribution Pupil yield x cost per place = 8 x £14,928 = £119,424

Step 3 - Developer discount

Based on associated schools in the area these being North Shore Academy for community places and for a faith place at Our Lady & St Bede Catholic Academy Calculated by the number of surplus places at associated schools listed above multiplied by the cost per place (£14,928), subject to the number of places being divided, pro-rata amongst other Committed Developments

Stage 4: Total Contribution

The Primary Education Contribution equals the Total Primary School Provision less the Developer Discount (Primary).

The Secondary Education Contribution equals the Total Secondary School Provision less the Developer Discount (Secondary).

Also worth adding that subject to the agreed trigger /tranche point(s), that for the avoidance of doubt the Primary Education Contribution and the Secondary Education Contribution shall be reviewed at the time each tranche is due to reflect the current situation regarding school place availability, save that the sums due to be paid shall only be varied to reflect

the difference in the number of surplus places since the last review so that the relevant discount shall be reduced or increased accordingly.

19. Cleveland Police

With regard to the outline planning application ref 17/0943/OUT, I recommend that, although this is an outline application, that the applicant actively seeks to achieve Secured by Design accreditation for the development. In any case I would encourage them to make contact with me at an early stage for any input/advice I might be able to offer. Further information is available at www.securedbydesign.com I would, at this stage mention that developers should ensure that the security of a development is not compromised by excessive permeability and that adequate street lighting be installed for all areas of the development, including all non- adopted highways, eg. shared surfaces, shared drives.

20. SBC Housing Services Manager

The Strategic Housing Market Assessment (SHMA) 2016 has identified an annual affordable housing need in the borough of 240 units, with the majority of need being for 2 and 3 bedroom properties.

Core strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision states:

Affordable housing provision within a target range of 15 - 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.

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

We note from the Design and Access Statement that the developer is proposing 40no units which will consist of 2, 3, 4 and 5 bed roomed semi-detached and detached houses, the developer is also willing to consider a limited number of bungalows. Based on a market scheme of 40 units, 6 affordable units equates to 15%, without such provision is unacceptable and is not in line with the need identified in the SHMA 2016 and is not compliant with Policy CS8 as outlined above. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2016 a high priority will be accorded to the delivery of 2 and 3 bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on 6 affordable units or 15%: -

o Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	4 units	4 Rent
30%	2 units	2 Intermediate Tenure
100%	6 units	6 Total

o Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	4 units
3 bed	50%	2 units
4 bed	12.5%	0 units
Total	100%	6 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
4 Units	2 bed	3 Rented
		1 Intermediate Tenure
2 units	3 bed	2 Rented

0 units
0 Intermediate Tenure
4 bed 0 Rented
0 Intermediate Tenure

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency Level 1 Space standards and associated design and quality standards.

21. Sport England

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance / advice can be found at www.sportengland.org/planningapplications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (<300 units) then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities> PPG Health and wellbeing section:

<https://www.gov.uk/guidance/health-and-wellbeing> Sport England's Active Design

Guidance: <https://www.sportengland.org/activedesign>

22. Principal Environment Officer

The applicant will be required to submit an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development, and provide details of the fabric U-values for the proposed buildings in order to demonstrate compliance with Part L (2013) building regulations. In accordance with Core Strategic Policy 3 (CS3), the Energy Statement needs to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite renewable energy equipment and/or design efficiencies, and these must exceed what is required to comply with Part L (2013) building regulations. These calculations will need to be assessed and agreed by the local authority prior to commencement, and before the development is occupied the equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy

for the development for so long as it remains in existence and this should be secured by condition.

23. Highways England Company Limited

No comments

24. Natural England

Natural England has no comments to make on this application.

25. Northern Powergrid

No Comments received

26. Northumbrian Water Limited

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 and 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.

For information only: We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer prior to development to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

27. SBC Private Sector Housing

No comments received

28. SBC Waste Management

No comments received

29. Tees Valley Wildlife Trust
No comments received
30. Campaign To Protection Rural England
No comments received

PUBLICITY

31. Neighbours were notified and letters of objection were received from the addresses detailed below with the main objections summarised below. The full details of the objections can be viewed on line at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>
32. In addition a petition with 155 signatures has been submitted objecting as the village Infrastructure already struggles to cope and the proposed development will significantly increase the problems. The additional housing will constitute over development in a small village and is not sustainable in the longer term.

1. Mrs Barbara Gillson 4 Hamilton Court Thorpe Thewles
2. Mr Allan McPhail, 8 Wynyard Road Thorpe Thewles
3. Adam, Allyson & David Horner 7 Wynyard Court Thorpe Thewles
4. Dr Jonathan Allinson 7 St James Close Thorpe Thewles
5. Mr Lee McNamara 1 School Close Thorpe Thewles
6. Mrs M Rees, 2 School Close Thorpe Thewles
7. Mr G Rees, 2 School Close Thorpe Thewles
8. Ms Margaret Johnson 3 School Close Thorpe Thewles
9. Mr Derek Jones 2 Manor Cottages Thorpe Thewles
10. Mrs Wendy Dalton 7 Durham Road Thorpe Thewles
11. Mrs Susan Reay 1 Hamilton Court Thorpe Thewles
12. Mrs Wendy Williams 4 St James Close Thorpe Thewles
13. L Webster Vine Cottage Mill Terrace
14. Mr D Brown 3 Mill Terrace Thorpe Thewles
15. Mrs P L John 4 Durham Road Thorpe Thewles
16. Mrs L Smith 2 Mill Terrace Thorpe Thewles
17. Mr Jeffrey Gillson 4 Hamilton Court Thorpe Thewles
18. Louise McNamara 1 School Close Thorpe Thewles
19. Mrs Beryl Chan; Orchard Farm Thorpe Thewles
20. Mrs Korgul, 18 North Close Thorpe Thewles
21. Mrs Nicola Prosser, 3 Hamilton Court Thorpe Thewles
22. Phillipa Cooper; 24 North Close Thorpe Thewles
23. Dr John Tait, 8 Durham Road Thorpe Thewles
24. Karen Allinson 7 St James Close Thorpe Thewles
25. Eric Thornes 6 St James Close Thorpe Thewles
26. Ms Judith Martyn 5 St James Close Thorpe Thewles
27. Pat Hudson 9 St James Close Thorpe Thewles
28. Mrs J Sidney 3 St James Close Thorpe Thewles
29. Mr R Sidney 3 St James Close Thorpe Thewles
30. Jane Hart 6 North Close Thorpe Thewles
31. Mrs Lynne Williams 25 Durham Road Thorpe Thewle
32. Carole Sharkey 17 Durham Road Thorpe Thewles
33. Olwen Smith 14 North Close Thorpe Thewles
34. Mr David Cheshire 10 North Close Thorpe Thewles
35. Mr Andrew Hewitt 1 St James Close Thorpe Thewles
36. Ken Hudson 9 St James Close Thorpe Thewles
37. Mr K Williams; 4 St James Close, Thorpe Thewles
38. Dr Paul Frith 8 St James Close Thorpe Thewles Stockton-on-Tees TS21 3LH

The main reasons for objection are as follows;

- Unsustainable Village
- The village is served by a bus service but it is not frequent and does not operate from Stockton town centre after 5 pm nor is it sufficiently regular to permit access to other local towns or villages when required.
- We do not have pavements which would allow safe walking between nearby villages or the Tesco store. Residents are therefore obliged to use our cars for such essential trips
- The village population could increase by up to 40%, which is a huge increase with little perceived economic benefit or enhancement to the village vitality.
- The development is outside of the village boundary.
- The greenfield site should be saved and not lost to un-necessary housing development.
- Approval of this application could also set a precedent for similar local developments with massive detrimental impact on the village community.
- Impact on existing services, e.g. Doctors, Schools
- Construction phase will also have a severe & detrimental impact on the village with many HGV's, delivery & worker vehicles accessing the site.
- Impact on the village through construction, eg public health & safety noise and dust
- Traffic Impact from the new development
- Unsuitable highways increasing the risk of vehicular/ pedestrian accidents.
- Unsuitable footpaths/cycle ways
- The additional traffic will also increase the traffic density on the A177
- The A177/Wynyard Road junction is already an accident black spot.
- Development would be disproportionate to the existing size of the village
- The research undertaken by the proposer is flawed in that assessment of traffic flow during one week in February does not provide a sufficient research base to validate the argument that traffic will not be increased.
- Thorpe Thewles has an exceedingly poor internet connection and additional residential development will reduce this still further. There are no plans to upgrade the exchange.
- How can the same case officer refuse a single dwelling as its unsustainable and yet approve more?
- The drains/sewerage already cause problems and would not be able to cope with the further additions.
- Previous appeal decisions used on the application for 24 houses are not comparable
- There is no information supplied on the potential for contaminated land within the development. I was told by elderly residents when I moved to the area some 40 years ago that the land had been a quarry and had been filled with all sorts of waste.
- We have already been subject to Spark of Genius related problems this proposal will result potentially in more antisocial behaviour and a young person population with too much time and nothing to do here
- The road from east to west though the village is a rat run connecting Billingham and Wynyard to Darlington.
- Affecting wildlife and the peace of the village.

One letter of support has been received as detailed below;

Mr John Cavanagh; Hamilton Russell Bank terrace

- Helps bring more affordable housing to the area which is much needed

PLANNING POLICY

33. 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
34. National Planning Policy Framework
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.
35. Local Planning Policy
The following planning policies are considered to be relevant to the consideration of this application.

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.
5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.

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

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
8. Additionally, in designing new development, proposals will:
 - _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
 - _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
 - _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
 - _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

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

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.
5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.
6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.
7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

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

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:
 - i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

- ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.
2. When seeking contributions, the priorities for the Borough are the provision of:
 - _ highways and transport infrastructure;
 - _ affordable housing;
 - _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

Saved Policy EN30 of the adopted Stockton on Tees Local Plan

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

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

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

Saved Policy EN28 of the adopted Stockton on Tees Local Plan

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

MATERIAL PLANNING CONSIDERATIONS

36. The main planning considerations of this application include compliance with national and local planning guidance including the sustainability of the site and the impacts of the development on the character and appearance of the area and listed church; amenity of neighbouring occupiers; highway safety; flood risk and protected species.

Principle of development

37. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. This is identified as having three distinct strands which are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Building upon this aspect, paragraph 47 outlines the importance that the government place on boosting the supply of housing, while paragraph 49 states that where a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date.
38. As members will note from the Agenda Item in relation to the Publication Draft Local Plan; the Council can now demonstrate a 5 year supply however, as this is not yet at publication stage this can be given limited weight and the application will still need to be determined in accordance with Paragraph 14 of the NPPF which states that “for decision-taking this means approving development proposals that accord with the development plan 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”.
39. Although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, i.e. the closer the policies in the plan to those in the Framework, the greater the weight that may be given.
40. Policy CS10 and EN13 are relevant to the determination of this application. Policy CS10 (3) seeks to protect the separation between settlements, together with the quality of the urban environment, maintained through the protection and enhancement of the openness and amenity value of the strategic gaps. As policy CS10 seeks to safeguard the countryside, it is broadly consistent with the core planning principles at Paragraph 17 of the Framework, which, inter alia, recognises the intrinsic character and beauty of the Countryside. With regards to the aims of policy CS10 (3) a significant degree of separation exists to the neighbouring villages and settlements and it is not considered that the development of this site would bring about the visual coalescence of settlements, to undermine strategic gap between Thorpe Thewles, or the surrounding towns/villages, however the impact on the openness and amenity value is considered later in the report.
41. The approach of Saved Policy EN13 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework’s overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date and the proposal should be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework and only if the Council is able to demonstrate harm which “significantly and demonstrably” outweighs the benefits of the development should consent be refused. A balancing exercise therefore needs to be taken

when objectively assessing and weighing up the contribution of new housing against the visual impacts and resultant harm on the open character of the countryside.

Sustainability:

42. The National Planning Policy Framework (NPPF) identifies as one of its core principles that the planning system should manage patterns of growth to make the best use of sustainable locations or to focus developments in areas which can be made to be sustainable, a view re-enforced within paragraphs 30 and 37). In addition, paragraph 55 of the NPPF, clearly states that to promote sustainable development in rural areas housing should be focused where it will “enhance or maintain the vitality of rural communities” and gives examples of clusters of smaller settlements sharing services or where development in one village may support services in another nearby.
43. It is noted that a number of objections relation to the sustainability merits of Thorpe Thewles particularly in view of the fact that there is no shop / post office and the bus service is limited. Whilst the Council’s rural villages study – ‘The Future of Rural Villages’ (2014), identifies that Thorpe Thewles is Tier 3(1) village with limited in village services and ability to access employment/services by sustainable means, this is not adopted policy and was commissioned as part of the evidence base for the Local Plan and can only be given limited weight.
44. The application for the 24 houses at Thorpe Thewles stated that the fact that previous decisions for additional housing within Thorpe Thewles have been resisted on grounds of sustainability and successfully defended on appeal has been considered. However, more recent appeal decisions within a number of the borough’s villages (Redmarshall, Cowpen Bewley and Maltby) have demonstrated a subtle but distinct shift in what constitutes sustainable development in rural areas and these are material planning considerations within the determination of this application. Within these decisions it is evident that the position reflects the approach of paragraph 55 of the NPPF, in that additional development is seen to support clusters of smaller settlements and/or services within neighbouring villages. It is also apparent that it is not unreasonable to expect that the majority of journeys would be made via the private car with a number of these appeal decisions taking into consideration whether there are realistic and accessible alternative sustainable modes of transport available. Comments have been received in relation to this assessment which formed part of consideration of the earlier application for the provision of 24 dwellings stating the appeal decisions were not comparable for various reasons. Whilst those comments are noted, it is considered that recent appeal decisions across the Country give significant weight to the sustainability of a village when there is a “regular” bus service (sometimes not daily) and the ability to access other ways to connect to services (such as cycling).
45. Thorpe Thewles is served by two bus services (No. 84/X8 and X22) that run to various locations including the towns of Stockton, Middlesbrough and Peterlee, with these bus routes providing access to facilities/service provision within Stillington, Carlton, Sedgefield and Teesside Park or specific facilities such as Thornaby Train Station, North Tees hospital or the Tesco supermarket on Durham Road (these run hourly from Monday - Friday and Saturday, The 84 Bus starts from 8:00am running to 12:00pm and 14:00pm to 16:10pm while the X22 Bus starts from 07:02am (07:12am on Saturday) through to 18:17pm).
46. It is noted that there are no public footpaths that link this to other nearby villages with the exception of the Castle Eden Walkway (which is considered to be more appropriate as a recreational route).
47. It is considered that there is the ability to cycle to the nearby villages and towards the Stockton area. Whilst a number of objectors have highlighted the route as being

undesirable, partly due to it being unlit and due to traffic speeds and an excessive distance with limited cycling opportunity. The routes have been assessed and the Highways, Transport and Design Manager has no objections and who considers that there is a safe accessible route from the village to the cycle network.

48. It is acknowledged that recent appeal decisions indicate that the Planning Inspectorate consider that car use may remain the predominant form of travel for residents of a rural scheme, however the key is a choice of alternatives, which in this instance the bus and cycling opportunities can provide. In view of these considerations and whilst accepting that some car journeys may occur as a result of the lack of essential services and facilities, consideration has been given to the fact that there are some means of sustainable transport available which would mean that the car would not necessarily be the only form of transport available and accords with the principles of paragraph 55 of the NPPF, accordingly Thorpe Thewles is considered to be a sustainable village which can accommodate residential developments of an appropriate scale and nature to that of the village.

Economic/Social Benefits

49. It is recognised that a key benefit of the proposed development would be that it contributes towards boosting the boroughs 5 year housing land supply, as well providing affordable housing units. These have both social and economic benefits as set out within the three elements of the definition of sustainable development. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to 'drive and support' economic development. The disadvantage would be the loss of this open area and this matter is considered in more detail in the remainder of the report.

Landscape and visual impact,

50. A Landscape and Visual Appraisal (LVA) has been submitted as part of this application. The LVA outlines planning policy and other supporting evidence, and provides a description of the baseline conditions and a high level analysis of local landscape character and visual amenity. The LVA has not been prepared in accordance with the guidance provided in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition and does not attempt to identify the level of landscape and visual effects that would arise as a result of the proposed development, however the scheme has been assessed by the Councils Landscape Architect who raised no significant concerns.
51. The Stockton Borough Council Landscape Character Assessment identifies that the application site is located within Landscape Unit 119: Thorpe Thewles which includes areas of improved pasture and mixed woodland on the northern fringe of Thorpe Thewles. Landscape Unit 119 is identified as having a very high level of visual sensitivity, a high level of landscape sensitivity, and a very low landscape capacity.
52. Due to the plantation woodland to the north and east of the site, views into the site are largely restricted to those from the public right of way footpath which passes through the site, and from Old Durham Road. However, some glimpsed views are possible from the wider surrounding area.
53. Open views of the proposed development would be possible from the public right of way as it passes through the site. The indicative plan shows proposed tree planting around the eastern perimeter of the proposed housing which would, when it matures, help soften views of the development, although the opening for potential footpath links to the right of way mean direct views into the development would be possible from this route. The screening of

the proposed residential development from this right of way can be considered in detail as part of the reserved matters application should the application be approved. Views from the A177 into the application site would be heavily filtered by existing vegetation along the western edge of the road.

54. The indicative plan indicates the retention of existing trees and the inclusion of new tree planting along the southern boundary of the application site to help screen views from the adjacent residential development.
55. Whilst the LVA has not been prepared in accordance with the guidance provided in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition it is considered that the site is generally well screened by existing vegetation and topography with few viewpoints where the site can be observed. While the character of the site itself will change from a rural agricultural use on the edge of a settlement to residential development, this would not lead to a significant loss of openness or coalescence of settlement and therefore the application does not conflict with national or local planning policy.

Impact on the setting of the listed church

56. St James Church is a grade II listed building located to the south east of the site. There is a large triangular area of land to the north of the church and east of the public right of way (which does not form part of the application site but is however within the ownership of the applicant) which will remain as open space/undeveloped.
57. Saved Policy EN28 of the adopted Stockton on Tees Local Plan states that development likely to detract from the setting of a listed building will not be permitted, however given the separation distance and intervening open space between the application site and the church, along with the additional landscaping proposed (indicative) to the boundaries of the application site it is not considered that the proposed residential development would detract from the setting of the listed church.

Indicative Development

58. An indicative housing layout has not been provided however an indicative development framework accompanies the application outlining the areas to be developed/retained for open space
59. The indicative plan shows a new site entrance to be created from Old Durham Road. The existing trees along Old Durham Road may need to be lost to enable the creation of the new access and the associated sight-lines. The avenue of trees, which extends northward out of Thorpe Thewles strongly, contributes to the setting of the approach to the village from the north and as such the Highways Transport and Design Manager states that every effort should be made to retain these trees.
60. Whilst it was suggested that the access be relocated to minimise the impact on trees, it has not been moved and will therefore result in the loss of a number of Category B trees, which are in reasonable condition, however this will be offset by the provision of additional trees as part of the development and therefore is considered acceptable in this instance.
61. The Design and Access Statement outlines that the public right of way would be improved with surfacing and low level lighting to provide pedestrian access from the proposed development into Thorpe Thewles. The inclusion of lighting along this route is not considered acceptable for this rural location, especially given the informal nature of the "path". The indicative plans show new footpath links proposed from the area of proposed housing onto the public right of way which would be welcomed. These links should be in

keeping with the character of the public right of way, the area of public open space in which they will be located and the wider setting

62. The Highways, Transport and Design Manager would like to see the retained tree planting in the north east corner of the site strengthened which can form part of the reserved matters application should the application be approved.
63. In terms of Public Open Space, the indicative plan identifies a proposed pocket park/green within the application site, as well as three areas of multifunctional green infrastructure which are located around the perimeter of the site. A further area of multifunctional green infrastructure is located outside of the application site but on the adjacent land to the east owned by the applicant. Provision of open space on this site can be controlled via condition. If open space is not provided on-site (a minimum of 0.6 hectares), then off site contributions will be required towards a development project at Wynyrd Woodland Park.
64. The indicative plan indicates a development which can be sensitively located whilst maintaining the majority of trees and woodland buffers and is broadly acceptable subject to the finer details which can be submitted at reserved matters stage should the application be approved.
65. Core Strategy Policy 8 (CS8) Housing Mix and Affordable Housing Provision states affordable housing provision within a target range of 15 - 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more which the applicant has advised would be met. In order to achieve suitable provision of affordable housing the requirement would be placed within the Section 106 Agreement.

Impact on neighbouring properties,

66. The nearest neighbouring properties are located to the south of the site and opposite the site on Old Durham Road.
67. Whilst no housing layout has been submitted, the application includes an indicative development framework plan, albeit this is purely to demonstrate how a development can be achieved on site.
68. It is considered that a development could be designed which would achieve the required separation distances between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents although the detailed layout and design would require approval via reserved matters application/s were this outline application to be granted.
69. The Environmental Health Manager has requested a condition be imposed to limit the construction working hours to the site and a condition has been recommended accordingly.

Highway related provisions

70. This is an outline application with all matters reserved except for access which would take the form of a simple priority T junction onto Old Durham Road. The section of Old Durham Road, from which the proposed site access would be taken, is within a national speed limit (60 mph). The applicant has undertaken automatic traffic count (ATC) surveys on Old Durham Road, at three locations on Durham Road, to inform the design of the proposed site access junction. The ATC surveys have demonstrated that vehicle speeds are below the national speed limit (60 mph). A topographical survey has been undertaken which demonstrates that the required visibility splays can be achieved, in both directions, and the vehicular access arrangements are therefore considered to be acceptable. The access

arrangements will also include the provision of a footway connection, from the existing network on the eastern side of Old Durham Road, to the main site access road which will provide a connection, via the exiting footway network within the village, to existing bus stops on Old Durham Road and Wynyard Road. These stops are served by the 21A bus route which offers an hourly service between Middlesbrough and Peterlee stopping at Stockton, Sedgfield, Fishburn, Trimdon and Wingate.

71. In order to incorporate the site within the village the existing 30mph speed limit will need to be extended to a point to the east of the proposed site access and details can be dealt with at Reserved Matters stage should the application be approved and the applicant will need to enter into a Highways Act Section 278 Agreement to enable delivery of the proposed site access and, if required, the works associated with the extension of the existing 30mph speed limit.
72. In terms of Traffic Impact, using the proposed traffic distribution the increase in two-way movements at the main access points to the A177 would be 11 vehicles; therefore the scale of trip generation would be unlikely to have a significantly adverse impact on the highway network and is not considered to be severe within the context of NPPF.
73. The indicative plan illustrates a pedestrian link to Wynyard Woodland Park via the A177 underpass. This additional link is welcomed, but must to be amended from a pedestrian link to a cycle link, as it is a long term aspiration to provide a safer alternative to the current alignment of NCR1. This can be dealt with at the reserved matters stage
74. In the opinion of the Highways Transport and Design Manager the existing public transport, pedestrian and cycle connections make the site reasonably accessible by sustainable modes and raise no objections in terms of highway/pedestrian safety.

Impacts on drainage / flood risk

75. The application site lies within flood zone 1 where development should be directed, however given the size of the site a Flood Risk Assessment accompanies the application which reviews all aspects of flood risk and proposes a strategy for the discharge of surface water.
76. The submitted information proposes that storm water will be discharged into the existing LHA sewer to the north east of the site, with flows attenuated to the greenfield run-off rates. As Lead Flood Risk Authority, this is not considered acceptable, however Northumbrian Water have confirmed they raise no objections in relation to the application and have requested a condition to deal with foul and surface water. Discussions have taken place with the case officer and NWL to ensure they are aware that the proposed scheme as submitted is unacceptable to the local authority and to ensure they have capacity. NWL confirmed this could be achieved with improvements even if they do not have capacity at present.
77. The Constraints and Opportunities plan within the Design and Access Statement identifies a potential location for a Sustainable Urban Drainage Systems (SUDS) feature outside of the application site on the adjacent land owned by the applicant. No details on the type of SUDS proposed or any connections and outfall locations has been provided but this can be considered at the reserved matters stage. The long term maintenance of these features, including suitable access for maintenance, should be considered as part of the design of any SUDS feature.

Impact on Ecology

78. An Extended Phase 1 Habitat Survey accompanies the application and identifies the site as being dominated predominantly by poor, semi-improved grassland with a fence and wall boundaries. The short sward height of the grassland reduces its value to wildlife in general. A band of plantation woodland is situated along the eastern boundary, with scattered trees situated at the southern extent. This habitat is of value to wildlife and links into a wider off-Site resource.
79. The results of the MAGIC data search and the ERIC desk search identified one statutory and two non-statutory designated sites within 1 km of the Site. The plantation woodland along the north eastern boundary is to be retained and will act as a wildlife corridor linking to the closest site, Wynyard Woodland Park LWS, situated approximately 100 m to the east. Given the reasons for their designations and the nature of the proposed development, the proposals are not considered to have any significant adverse impact on these sites.
80. Habitats suitable for nesting birds at the Site are the plantation woodland and scattered broadleaved trees which will be retained.
81. The plantation woodland and associated log piles were identified as suitable for supporting both GCN and reptiles. If works are undertaken of the area of plantation woodland and tall ruderal habitats, there is the potential for both species to be harmed during the construction works, if present. It is possible the grassland may become suitable for supporting GCN and reptiles should the management regime at the Site change. The report advises that a precautionary approach should be adopted to deter both GCN and reptiles from entering the Site which included measures to ensure the grassland is managed as at present.
82. The plantation woodland may be valuable as part of this wider resource for foraging, commuting and roosting bats and recommendations are made to prevent any negative impact upon the potential commuting and foraging habitats for bats,
83. The report makes various recommendations which are considered to reflect a suitable approach to preventing undue impacts on protected species and habitat. Conditions are recommended to ensure that the mitigation and recommendations in the report are adhered to.

Contaminated Land

84. A preliminary contamination risk assessment accompanies the application, which has identified a requirement for an intrusive ground investigation.
85. The Contaminated Land Officer has reviewed the information and raised no objections subject to a condition requiring the intrusive ground investigation along with a condition to deal with any unexpected land contamination.

Archaeology

86. The submitted archaeology reports have provided evidence for significant archaeological activity across a large part of the survey area. There are also numerous possible archaeological features and a number of anomalies of uncertain origin, which could also be related to archaeological features / activity.
87. Tees Archaeology confirmed that the remains are of regional significance but this does not preclude development, providing that appropriate mitigation takes place to advance understanding of them (NPPF paras 135 and 141) which has been conditioned.

Planning Obligations

88. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations. In view of the sites position, it is considered any provision needs to be either on site or within the village to best serve the demands of the scheme. The indicative layout details open space, and is considered can adequately provide this on site and will be considered at reserved matters stage and should it not come forward a contribution towards Wynyard Woodland park is required.
89. In accordance with Core Strategy Development Plan Policy CS11, contributions towards education can be required from development in order to offset the demands placed on the surrounding educational provisions. The Councils education contribution is calculated at the time of the development commences and whether a payment is required is based on the capacity within schools at that time.
90. The affordable housing requirement (15%) has been detailed earlier in the report.

Other Matters

91. In accordance with the requirements of Core Strategy Policy CS3(1) major residential development such as this would need to be built to Level 4 of the Code for sustainable homes and would also require renewables to be provided on site to ensure 10% of total predicted energy requirements would be provided on site. Code Construction is now getting phased out from the planning system and no such requirement is considered necessary in this regard although a condition is recommended relating to provision of renewables or equivalent.
92. Northern Gas Networks have raised no objections to the scheme although advised that there may be gas apparatus in the area and recommended the developer get in touch with them. Attaching an informative to the decision is recommended which will advise the developer to make suitable contact.
93. Whilst comments in relation to poor internet connection speeds are noted, this lies outside of the control of the Local Planning Authority and is not a material planning consideration in the determination of this application for additional housing.
94. Matters relating to a loss of view or property value are not material planning considerations and cannot be taken into account when determining this application.
95. With regards to comments on planning obligations, the required infrastructure can only be sought where they are compliant with the tests within the Community Infrastructure Levy (CIL) regulations (2010) in that they are necessary to make the development acceptable; directly related to the development; and, fairly and reasonably related in scale and kind. Those planning obligations which are sought are considered to be necessary to make this development acceptable.
96. Comments in relation to potential anti-social behaviour from young residents are noted; however any complaints can be dealt with by the appropriate authorities.

CONCLUSION

97. The development is an unallocated site located outside the established village limits and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a

five year supply of deliverable housing sites given the limited weight that can be applied to emerging policy. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered that there are important material benefits arising from the proposed development and there are not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

98. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding
99. It is considered that in the planning balance, although this proposal is out-with the limits development, there are no specific designations on site and the Council is unable to demonstrate harm which significantly and demonstrably outweighs the benefits of the development when weighing up the contribution of new housing against the visual impacts on the open character of the countryside.
100. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

Director of Economic Growth and Development Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward Northern Parishes
Ward Councillor(s) Councillor J Gardner

IMPLICATIONS

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application beyond those detailed in the Heads of Terms.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The assessment of the application has taken into account the impacts on drainage wildlife and ecology, the general character and appearance of the area as well as impacts on adjoining properties and the adjacent landscaping. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within the 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 which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.

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. Within this report consideration has been given to implications of

increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development

Background Papers:

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 1– Sustainable Design Guide

Supplementary Planning Document 2 : Open Space, Recreation and Landscaping

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document 6: Planning Obligations

Application File and Relevant Planning History as referred to in the report.