

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
3 JUNE 2020
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT**

18/1459/REM

Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees

Reserved matters application for a residential development comprising of 65 houses and associated access and landscaping.

Expiry Date 14 February 2020

SUMMARY

The application site is a former agricultural field which appears to have been used for contained spoil from the development of Ingleby Barwick given the presence of mounds on the site. White House Farm and the residential properties of Bala Close lie to the immediate north and are separated from the site by the existing bridleway. To the east lies the rear gardens of the properties forming Marchlyn Crescent and Harlech Court. To the south east lies Blair Avenue and a groups of trees, while on the southern boundary of the site lies the residential properties of Nolton Close and Newgale Close. To the west the land forms former agricultural fields which falls away steeply towards the River Tees.

Outline planning permission with some matters reserved for a residential development of up to 65 no houses was approved on the 2nd June 2017 Application 15/2531/OUT with the access agreed. The application was approved subject to a Section 106 which included the transfer of Land for open space purposes to Stockton Borough Council which will to form part of Tees Heritage Park and a contribution for its maintenance. A commuted Lump sum was also agreed off site affordable housing.

The application is the reserved matters for the erection of 65 detached dwellings and includes full details of the houses, including layout, scale, appearance and landscaping.

Objection letters have been received from 67 residents, some of which relate to the principle of development / loss of the land and the remainder have been addressed in the main body of the report.

The site is allocated for housing in the local plan and has an outline approval; therefore the principle of development has been established. All other matters are considered to be acceptable and there are no sustainable planning reasons to refuse the application.

In view of the planning merits of the case, the proposal is therefore considered to be acceptable and is recommended for approval subject to the recommendation below;

RECOMMENDATION

That planning application 18/1459/REM 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
2102_RHL_00_XX_DR_A_003 Rev L

Date Received
6 May 2020

2102_RHL_00_XX_DR_A_004 REV E	6 May 2020
2102_RHL_00_XX_DR_A_005 REV A	6 May 2020
2102_RHL_00_XX_DR_A_090	4 March 2020
2102_RHL_00_XX_DR_A_500 REV D	4 March 2020
2102_RHL_00_XX_DR_A_700 REV C	4 March 2020
C-1597-01E(SHEET 1 OF 3)	15 May 2020
C-1597-02E (SHEET 2 OF 3)	15 May 2020
C-1597-03E (SHEET 3 OF 3)	15 May 2020
C-1597-04C	4 March 2020 B
18-CO-GR-06.02-A	28 November 2019
18-CL-GR-06.02-A	28 November 2019
18-CL-GR-06.03-A	28 November 2019
18-CL-GR-11	28 November 2019
18-CO-GR-06.03-A	28 November 2019
18-CO-GR-11	28 November 2019
18-EL-B-06.02-B	28 November 2019
18-EL-B-06.03-B	28 November 2019
18-EL-B-11	28 November 2019
18-EL-GR-06.02-B	28 November 2019
18-EL-GR-06.03-B	28 November 2019
18-EL-GR-11	28 November 2019
18-EV-G-06.02-D	28 November 2019
18-EV-G-11	28 November 2019
18-EV-GR-06.02-C	28 November 2019
18-EV-GR-06.03-C	28 November 2019
18-EV-GR-11	28 November 2019
18-HU-B-06.02-C	28 November 2019
18-HU-B-11	28 November 2019
18-HU-GR-06.02-B	28 November 2019
18-HU-GR-06.03-B	28 November 2019
18-HU-GR-11	28 November 2019
18-LA-B-06.02-B	28 November 2019
18-LA-B-11	28 November 2019
18-LA-G-06.02-C	28 November 2019
18-LA-G-06.03-C	28 November 2019
18-LA-G-11	28 November 2019
18-LA-GR-06.02-B	28 November 2019
18-LA-GR-11	28 November 2019
18-MA-B-06.02-C	28 November 2019
18-MA-B-11	28 November 2019
18-MA-GR-06.02-C	28 November 2019
18-MA-GR-06.03-C	28 November 2019
18-MA-GR-11	28 November 2019
GTC-E-SS-0010_R1-9_1_OF_1	23 April 2020

Reason: To define the consent.

02 Landscaping to the southern boundary

Notwithstanding the submitted plans, prior to works commencing on the existing hedge to the southern boundary, the developer shall contact Stockton Borough Council to arrange a site visit to determine the extent of trimming works to facilitate the footpath. Works shall be undertaken in accordance with the schedule as agreed on site.

Reason: In the interests of the visual amenities of the area.

03 Surface of the bridleway

Prior to works commencing on the public right of way, full details of the bridleway surfacing shall be submitted and agreed in writing to the local planning authority. Works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the area

04 Ecological Checking Survey

Prior to the commencement of any site works, a repeat survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if required, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the survey unless otherwise agreed in writing by the local planning authority

Reason: In the interests of protected species and their habitat

05 Permitted Development Rights

Notwithstanding the provisions of classes A, B, C, D, and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority

Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents and landscaping features.

06 Permitted Development Rights means of enclosure

Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), unless shown on the approved plan (1202_RHL_00_XX_DR_A_004 Rev E) no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts.

Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents.

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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Northumbrian Water

A number of public sewers and sewerage rising mains cross 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 direct 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. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Informatives: Gradients

Slopes should be designed to allow easy maintenance, and where these areas are to be title transferred, planted slopes may have a gradient of 1:4, however, all amenity grassed slopes (including SUDs basins) which require cutting must be 1:5.

Informative: Contaminated Land

All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as 'inert' should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing. This is to ensure all materials imported follow the correct material management protocols, are suitable for re-use and do not cause contaminative risk to site users.

BACKGROUND

1. Outline planning permission with some matters reserved for a residential development of up to 65 no houses was approved on the 2nd June 2017. The permission includes the access to the site which is to be taken from Blair Avenue (Application 15/2531/OUT).
2. The application was approved subject to a Section 106 which included;
 - Transfer of Land for open space purposes
 - Commuted Lump sum of £120,000 for open space purposes/maintenance
 - Commuted Lump sum of £180,000 towards off site affordable housing

SITE AND SURROUNDINGS

3. The application site is a former agricultural field which appears to have been used for contained spoil from the development of Ingleby Barwick given the presence of mounds on the site. Centrally within the site lies an access track and pumping station. A public footpath and bridleway also run through the side adjacent to the eastern boundary.
4. White House Farm and the residential properties of Bala Close lie to the immediate north and are separated from the site by the existing bridleway. To the east lies the rear gardens of the properties forming Marchlyn Crescent and Harlech Court.
5. To the south east lies Blair Avenue and a groups of trees, while on the southern boundary of the site lies the residential properties of Nolton Close and Newgale Close. To the west the land forms former agricultural fields which falls away steeply towards the River Tees.

PROPOSAL

6. The application is the reserved matters for the erection of 65 detached dwellings and includes full details of the houses, including layout, scale, appearance and landscaping.

CONSULTATIONS

7. The following Consultations were notified and the most recent / relevant comments received are set out below:-
8. Highways Transport & Design Manager
The Highways Transport and Design Manager has no objections to the reserved matters application for a residential development comprising of 65 houses and associated access and landscaping. However, it is requested that a condition be applied to agree full details of the bridleway surfacing.

Highways Comments - This is a reserved matters application for a residential development comprising of 65 houses and associated access and landscaping.

Vehicle Access - Access was considered as a part of the outline application (15/2531/OUT) and the provision of a simple priority T junction, as shown on drawing ref JN0992-Dwg-0001(A) which was submitted in support of the outline application, was agreed in principle.

The requirements agreed, as a part of the outline approval (15/2531/OUT), have been reflected on the proposed site layout drawing (2102_RHL_00_XX_DR_A_003 Rev K) including a raised table to facilitate pedestrian and cycle movements at the site access.

The site access junction, as shown on drawing 2102_RHL_00_XX_DR_A_003 Rev K, is therefore considered to be in line with the outline approval (15/2531/OUT) and is acceptable.

Layout/Parking - The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3). The applicant has submitted a proposed site layout, drawing 2102_RHL_00_XX_DR_A003 Rev K, which is broadly in accordance with the Council's Design Guide and Specification and car parking, for each dwelling, has been provided in accordance with SPD3. The proposed site layout is also broadly in accordance with the approved masterplan, drawing 740/LA2A, submitted as a part of the outline approval (15/2531/OUT).

The proposed site layout, as shown on drawing 2102_RHL_00_XX_DR_A003 Rev K, is therefore considered to be acceptable.

Landscape & Visual Comments - The proposed layout is acceptable now that the position of the bridleway has been relocated along the southern boundary of the site.

Soft Landscaping - The proposed soft landscaping to the site is acceptable, and it is agreed that the western boundary hedge can be removed due to the existing site levels, to facilitate the new mound and screen planting.

Buffer planting – The proposed buffer planting is considered to be essential to provide screening of the adjacent housing. The delivery of the buffer and planting has already been secured by condition for delivery prior to commencement of construction.

Gradients - Slopes should be designed to allow easy maintenance, and where these areas are to be title transferred, planted slopes may have a gradient of 1:4, however, all amenity grassed slopes (including SUDs basins) which require cutting must be 1:5.

Hard Landscaping - No details of bridleway surfacing, have been submitted. Following discussions without Public Rights of Way Officer it is agreed that the bridleway only requires surfacing for the narrow section behind the houses which will be used for vehicular access to the open space to the west. A surface such as grasscrete should be considered, and must be at least 3m wide. This information could be conditioned as part of a hard landscaping condition if the information is not provided up front.

Enclosure – The proposed boundary treatments as indicated on drawing 1202_RHL_00_XX_DR_A_004 Rev D are acceptable.

Entrance to Tees Heritage Park – Drawing 2102 - RHL-00-XX-DR-A-700 Rev C provides information regarding the proposed marker sign. As set out in the Highways comments a permanent easement to facilitate maintenance access between the public highway and the boundary of the land to be transferred to Stockton Council should be defined and agreed. The proposed gates are acceptable.

Flood Risk Management

At this stage the Lead Local Flood Authority have no additional comments to make.

All other details relating to the surface water drainage strategy for the site are secured by condition, which is attached to the outline approval, and will be provided / agreed prior to commencement of development.

9. Environmental Health Unit

I have requested this case be referred to the contaminated land officer for further comments. I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- Unexpected Land Contamination
- Construction/ Demolition Noise
- Not in a Smoke Control Zone

10. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will 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. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records.

Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>. Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make: We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Proposed Drainage Layout Plan Sheet 1 of 2" "Proposed Drainage Layout Plan Sheet 2 Of 2". In these documents it states the foul flows shall discharge to the existing foul sewer which crosses the site at a number of points between manholes 4503 and 4704, whilst all surface water shall discharge directly to the watercourse. We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted documents entitled "Proposed Drainage Layout Plan Sheet 1 of 2" "Proposed Drainage Layout Plan Sheet 2 Of 2" dated "30/06/2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer between manholes 4503 - 4704 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

For information only - We can inform you that multiple public sewers and two sewerage rising mains cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer 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. We include this informative so that awareness is given to the presence of assets on site. Further information is available at <https://www.nwl.co.uk/services/developers/>

11. Northern Gas Networks

Northern Gas Networks acknowledges receipt of your notice of your intention to carry out work at the above location. According to our records Northern Gas Networks has no gas mains in

the area of your enquiry. Gas pipes owned by other Gas Transporters and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

12. Natural England
Natural England has no comments to make on this reserved matters application
13. The Ramblers Association
Apart from the apparent lack of access to the Heritage Park from the northern end of the development and connection to Ingleby Barwick BW 3, we have no other comments to make on these proposals.
14. Contaminated Land Officer
The applicant should be made aware of the following advisory notes in relation to this reserved matters application.
All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as 'inert' should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing.
Reason: To ensure all materials imported follow the correct material management protocols, are suitable for re-use and do not cause contaminative risk to site users.
Recommend the unexpected Land Contamination condition.
15. Councillor K Dixon - Ken Dixon Ward Councillor Ingleby Barwick West Ward.
I am aware that this application is a reserved matters item and as such I am unable to object to the housing which has already been passed at a previous planning meeting, however my objection centres around the water pumping station. I feel it is incumbent on the developers to find out and inform the public the true extent of what lies below the pumping station and if there is the slightest danger of any unseen event happening at that site due to water pressure or other anomalies. Can we ensure that before development starts this matter is addressed.
16. Spatial Planning & Regeneration; Northern Powergrid; Tees Valley Wildlife Trust; Friends Of Tees Heritage Park; Principal Environment Officer, SBC Housing Services Manager; Land & Property Services; School Place Planning; SBC Care For Your Area; Tree & Woodland Officer (SBC) and Parish Council were consulted but at the time of writing no comments have been received.

PUBLICITY

17. Neighbours were notified by letter, site notice and press advert and comments were received from the following addresses with the content summarised below. Full detailed comments can be found at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>
 1. Mrs Christine Mundy 28 Crosswell Park Ingleby Barwick
 2. Mrs Fiona White 14 Caldey Gardens Ingleby Barwick
 3. Mrs Melanie Armstrong 19 Bronaber Close Ingleby Barwick
 4. Mrs Zara Leggett 9 Brantingham Drive Ingleby Barwick
 5. Mr Philip Tadd 13 pomeroy drive, Ingleby barwick, TS17 5jn
 6. Ms Ashley Hamel-Smith 21 Garmon Close Ingleby Barwick
 7. Mrs Lindsey Cooke 22 Humber Road Thornaby
 8. Mrs Julie McShane 3 Usk Court Ingleby Barwick
 9. Mrs Julie Kemp 41 Bronaber Close Ingleby Barwick
 10. Samantha Griffiths 8 Harlech Court Ingleby Barwick
 11. Mrs Pam Simcox 9 Brimham Close Ingleby Barwick
 12. Mr Liam Devine 103 Thornwood Avenue Ingleby Barwick
 13. Mrs Lesley Watson 14 Castlemartin Ingleby Barwick

14. Mrs Vanessa Beattie 31 Pennal Grove Ingleby Barwick
15. Mr Andrew Turver 42 Holystone Drive Ingleby Barwick
16. Mrs Katy Hall 29 Condercum Green Ingleby Barwick
17. Mrs Erika Lewis 1 The Rings Ingleby Barwick
18. Mr Andrew Bennett 14 Trecastell Ingleby Barwick
19. Mr Richard Beattie 31 Pennal Grove Ingleby Barwick
20. Mrs Kylie Mctiernan 20 Maiden Way Ingleby Barwick
21. Sam Griffiths 18 Harlech Court Ingleby Barwick
22. Mrs Julie Kirkbride 24 Newport Close Ingleby Barwick
23. Mrs Sabrina Sharrocks 25 Pennyroyal Road Stockton-on-Tees
24. Mr Karim Akel 55 Castlemartin Ingleby Barwick
25. Miss Kathryn Jones 53 Bourne Morton Drive Ingleby Barwick
26. Mrs Leanne Conway 21 Cades Grove Ingleby Barwick
27. Dr Tony Christie 8 Merioneth Close Ingleby Barwick
28. Mr Martin Williamson 12 Nolton Court Ingleby Barwick
29. Mr Keith Alderson, 8 Hatterall Court Ingleby Barwick
30. Ms Denise Jennings 25 Marchlyn Crescent Ingleby Barwick
31. Mrs Charlotte Howard 57 Nevern Crescent Ingleby Barwick
32. Derek Millington 2 Caldey Gardens Ingleby Barwick
33. Mr Steven Vaughan 12 Harlech Court Ingleby Barwick
34. Glynn Jones 67 Marchlyn Crescent Ingleby Barwick
35. Mr Jonathan Skidmore 63 Marchlyn Crescent Ingleby Barwick
36. Dr Lindsey Nicholson 25 Marchlyn Crescent Ingleby Barwick
37. Mr Richard Long 20 Newgale Close Ingleby Barwick
38. Miss Elle Wood 55 Marchlyn Crescent Ingleby Barwick
39. Michelle Simpson 41 Marchlyn Crescent Ingleby Barwick
40. John Tapster 24 Harlech Court Ingleby Barwick
41. Colin And Joyce Elizabeth Morris 18 Harlech Court Ingleby Barwick
42. Mr Tim Dufton 37 Marchlyn Crescent Ingleby Barwick
43. Mrs Susan Noble 12 Garmon Close Ingleby Barwick
44. Miss Kirsty Smith 27 Beacons Lane Ingleby Barwick
45. Mrs Sharon West 43 Crosswell Park Ingleby Barwick
46. Ms Helen Oliver 3 Newgale Close Ingleby Barwick
47. Mrs Dawn Ross 34 Marchlyn Crescent Ingleby Barwick
48. Mr And Mrs Burns 11 Newgale Close Ingleby Barwick
49. Mr Stephen Thirkle 17 Newgale Close Ingleby Barwick
50. Mrs Claire Thompson 9 Bala Close Ingleby Barwick
51. Glen Newby 8 Harlech Court Ingleby Barwick
52. Julie Clark 6 Harlech Court Ingleby Barwick
53. Mr Nick Smailes 27 Marchlyn Crescent Ingleby Barwick
54. P Williams (Mrs) 45 Marchlyn Crescent Ingleby Barwick
55. Mr Mike Williamson 17 St Davids Grove Ingleby Barwick
56. Mr Andrew Stackhouse 11 St Davids Grove Ingleby Barwick
57. Mrs Angela Donaldson 8 Nolton Court Ingleby Barwick
58. Sarah Louise Riley 20 Harlech Court Ingleby Barwick
59. Mrs Janis Moore 14 Vaynor Drive Ingleby Barwick
60. Mr Nicholas Waddington 10 Nolton Court Ingleby Barwick
61. Mr Ron Hall 55 Marchlyn Crescent Ingleby Barwick
62. Mr Geoffrey Mundy 28 Crosswell Park Ingleby Barwick
63. Mr R Birtwhistle 5 Hatterall Court Ingleby Barwick
64. Mr Daniel Conway 21 Cades Grove Ingleby Barwick
65. Mrs Lyndsey Long 20 Newgale Close, Ingleby Barwick
66. S Griffiths, 18 Harlech court Ingleby barwick Ts175dr
67. S west 43 Crosswell Park, Ingleby Barwick, TS17 5BE

Objection comments:

- Contrary to the Council's Green Infrastructure plan and Policy H26
- Number of houses has double from requirement of H26
- No buffer zone between the existing homes and new homes as required by H26
- Contravenes Policy EN7 'Special Landscape Areas'
- Policy H26 is not positively prepared, justified, effective, sound or legally compliant.
- Loss of greenfield site/green wedge/green belt/open space which is well used by the public
- Land is a national heritage site
- Erosion of Tees Heritage Park/Contrary to its aims
- Exacerbate existing traffic problems
- Impact on traffic following approval of other developments
- Impact on pedestrian safety
- Draft local plan allocation only indicates 30 houses whereas 65 are proposed
- Shortage of school places
- Lack of facilities - doctors/dentists/leisure facilities
- No need for additional housing
- Ingleby Barwick is already over-developed
- Northumbrian Water pumping station/water main
- Loss of house price/property value
- Other brownfield sites available
- Impact on wildlife
- Issues with drainage
- Will lead to Anti-social behaviour
- What happens to original concept of villages
- Insufficient consultation has been carried out
- Proposed house types are out of keeping
- Removal of bunded embankment protecting the surrounding area from effluent
- Create precedent
- Construction noise, dirt and dust
- Loss of views
- No elderly housing provision i.e. bungalows
- Loss of privacy and reduction in natural light
- Purchased house on knowledge that there would be no further development to the rear
- Loss of Hedgerows
- Entrance to Tees Heritage Park is not acceptable
- Tees Heritage park mapped incorrectly
- Flooding risks
- Houses built higher and therefore more visible
- Impact from the access road on the house
- PROW diversion is unacceptable
- Ecology Impacts
- Why is there no buffer zone between the new and existing houses as was promised
- Removal of the hedgerow at the back of the houses along Marchlyn Crescent
- Loss of ancient hedgerows, it was explicitly stated in the public planning meeting that the hedgerows to the south of the development would not be removed, the current plans suggest otherwise, with no rationale for this decision.
- There is no clear plan in place to deal with the spread of Giant Hogweed from the site, before, during and after construction.
- A wheel wash and hosepipe is not appropriate!

PLANNING POLICY

18. 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 Stockton on Tees Borough Council Local Plan 2019.
19. Section 143 of the Localism Act came into force on the 15 January 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 the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

20. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
21. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

Local Planning Policy

22. The following planning policies are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:
 - Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
 - Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.

b. Providing accommodation that is affordable.

c. Providing opportunities for custom, self-build and small and medium sized house builders.

3. The approach to housing distribution has been developed to promote development in the most sustainable way. This will be achieved through:

b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

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

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

a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.

c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with Policies SD3 and SD4.

b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.

c. Supporting sustainable water management within development proposals.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 6 (SD6) - Transport and Infrastructure Strategy

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard sustainable Settlement and West Stockton Sustainable Urban Extension.

Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.

2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are:
 - i Necessary to make the development acceptable in planning terms;
 - ii Directly related to the development; and
 - iii Fairly and reasonably related in scale and kind to the development.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:

i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,

ii. Energy efficiency through better insulation and efficient appliances; then,

iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then

iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then

v. Conventional energy.

b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and

c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and

b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

a. Submit an energy statement identifying the predicted energy consumption and associated CO2 emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and

b. Achieve a 10% reduction in CO2 emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

Housing Policy 1 (H1) - Housing Commitments and Allocations

1. To deliver the housing requirement and to maintain a rolling five year supply of deliverable housing land, the Council have allocated sites identified within this policy. The majority of the new homes will be delivered through existing commitments (sites with planning permission identified within point 2) with the remainder of new homes being delivered through allocations at:

a. Various sites within the Regenerated River Tees Corridor.

b. Various sites within the conurbation.

c. West Stockton Sustainable Urban Extension.

d. Wynyard Sustainable Settlement.

The total number of dwellings set out in this policy is not the same as the housing requirement. This is because some commitments have already delivered a proportion of the dwelling numbers identified and some sites will likely deliver dwellings beyond the plan period, after 2032.

Commitments

2. Residential development is proposed at the following main sites, which benefit from planning permission. These sites are re-affirmed for residential development and are illustrated on the Policies Map:

Site Location/Name	Area (ha)	Total Dwellings (approx)	Remaining Supply at April 2018
Ingleby Barwick			

Housing Policy 4 (H4) - Meeting Housing Needs

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.

3. The Council require 20% of new homes to be affordable on schemes of more than 10 dwellings or with a combined gross floorspace of above 1000sqm.

4. Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make the scheme unviable, they must submit a full detailed viability assessment to demonstrate the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable.

5. Affordable housing will normally be provided on-site as part of, and integrated within housing development to help deliver balanced communities. This provision should be distributed across sites in small clusters of dwellings. Off-site affordable housing or a commuted sum will only be acceptable where:

a. All options for securing on-site provision of affordable housing have been explored and exhausted; or

b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or

c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or

d. Any other circumstances where off-site provision is more appropriate than on-site provision.

6. Where off-site affordable housing or a commuted sum is considered acceptable, the amount will be equivalent in value to that which would have been viable if the provision was made onsite and calculated with regard to the Affordable Housing Supplementary Planning Document 8 or any successor.

SPD1: Sustainable Design Guide

4.8 Privacy and Amenity

4.8.1 Providing a balance between the natural surveillance of public areas and excessive overlooking of private areas can be difficult to achieve but is important. Private garden areas should not be subject to an inordinate level of overlooking from public spaces or neighbouring properties.

4.8.2 The Council will normally expect a minimum of 21 metres separation to be provided between the main habitable room windows on facing residential properties. Where main habitable room windows will face windows of secondary rooms, such as bathrooms and hallways, or a blank gable, there should normally be a gap of at least 11 metres between the two properties. However, it is advisable to seek pre application advice, should a development involve this relationship, as the required separation distance will depend upon individual circumstances and may need to be increased.

4.8.3 A significant variation in ground levels between properties or differences in the number of stories between dwellings may require an increase in the separation distance, in order to prevent an unacceptable overbearing impact. Where a building is above two- stories in height, an additional 4m distance should be provided for each additional storey. Where there are differences in ground levels the separation distance should be increased by 2m for every 1m rise.

4.8.3 The above residential standards may be applied flexibly, where the context of the site demands. Innovative design solutions, creativity in external and internal layouts and the careful use of landscaping and boundary treatments could all be employed to achieve satisfactory levels of privacy and may allow a reduction in the separation distance.

MATERIAL PLANNING CONSIDERATIONS

23. The application site already has outline consent and therefore the principle of the development has been established, the main considerations therefore of this application relate to the details of the proposed development in terms of appearance, landscaping, layout and scale and its relationship to existing development and whether it satisfies the requirements of the Development Plan Policies. No other matters can be considered and the original report for the outline application and the decision notice is attached at Appendix A and B respectively which explains the principle of development and the other matters raised which cannot be considered as part of this development.
24. The outline approval set a development threshold of 65 dwellings, which is the number applied for through this reserved matter application. This also complies with the allocation as outlined in the adopted local plan. Whilst the comments in relation to the draft local plan are noted this is not adopted policy.
25. The proposed housing layout incorporates 4, 5 and 6 bedroomed detached homes, which are on the whole modern in design with the use of a mainly render and anthracite roof tiles. The applicant has at the request of the local planning authority incorporated some brickwork into the house types to assimilate the development into the area. The design and appearance of the development is therefore deemed acceptable.
26. The application site is constrained due to the presence of various services and a pumping station; however the dwellings have largely been designed to ensure that adequate distances are met. There are areas within the site where some of the plots with garden rooms fall short of the 21 / 11 metres, so it is recommended that permitted development rights be removed from these plots (Plots 29-33; 39-43 and 47-51). This will ensure that any future extensions can be fully considered and will protect the amenity of the occupiers of these properties.
27. Permitted development rights should also be removed from plots 4-15 as some of the plots have small rear gardens which if those properties exercised the right to extend may mean the resulting amenity space would be considered to be unacceptable. In addition, some of the neighbouring houses have been extended bringing their development closer to the boundaries which if replicated by the proposed development could impact on privacy.
28. A small number of units where they are below the recommended separation distances are facing onto blank gables so would not impact on privacy or amenity or be overbearing on the proposed plots given the layout and orientation of the dwellings. The internal arrangements of the proposed dwellings together with the positioning of window openings have been designed to minimise any overlooking.
29. In terms of levels, there is not a significant difference between the levels of the existing properties and the proposed dwellings, on average 200/300mm and at worst the existing dwellings are higher than the existing by 1.3m however where this occurs the separation distances are greater than required.
30. The development will have one single point of access which was approved as part of the outline application and the internal road layout features two streets with hammerheads at the end. Comments in relation to the access are noted but this is not a matter for consideration in this reserved matter application and was approved at outline stage.
31. The proposed development is predominantly 2 storey dwellings with four 2 ½ storey dwellings which are appropriately placed within the development.

32. In terms of landscaping, detailed plans have been provided. The hedgerow to the north and east along on the PROW is to be retained and cut back in the proposed garden areas.
33. The hedgerow to the south is to be cut to the boundary to allow for the proposed public right of way. As the vegetation in this area is overgrown and is difficult to determine the extent that will need to be cut back, to facilitate access to the Tees Heritage Park, a condition (condition 2).has been recommended to ensure a member of Stockton Borough Council is present when work commences on this area to agree the extent of works required which will be kept to a minimum and retain as much hedgerow as possible.
34. Whilst the western boundary was to be retained this proved difficult due to the requirement for a mound and the existing levels. It was therefore proposed that the mound of between 1.2m and 1.8m in height be provided along the western boundary with additional planting provided, which will provide mitigation screening of the development at maturity
35. Whilst comments from Northumbrian Water are noted, a planning condition to control drainage was imposed at the outline and therefore the recommended condition is unnecessary. For the avoidance of doubt all future details will need to be agreed with the Local Planning Authority and relevant bodies such as the Lead Local Flood Authority and Northumbrian Water.
36. The Highways Transport and Design Manager has considered the proposal from a landscape perspective and is satisfied with the scheme subject to appropriate controlling conditions. Permitted development rights have been removed across the site to ensure the integrity of the existing landscaping and the proposed landscaping/bund is preserved.

Residual Matters;

37. Protected Species: The original application was accompanied by an ecological appraisal and whilst this cannot be revisited at the reserved matters stage a condition has been recommended to ensure a checking survey is undertaken prior to commencing works on site to ensure the security of protected species and habitat. In addition, a European Protected Species Licence will be applied for prior to development commencing.
38. Water Main: Whilst comments are noted with regards to a high pressure water main being within the site the applicant has made provision for diverting this water main and this would need to be carried out in consultation with Northumbrian Water along with the necessary protection measures for the existing pumping station. It is noted that Northumbrian Water have made no objections to the proposal although have requested that a condition be imposed in relation to drainage which has been recommended.
39. Devaluation: Whilst objections are made regarding a loss of property value and views are noted, these are not material planning considerations and are not taken into account in the determination of this application.
40. PROW: There has been no formal approval of the diversion and it will be subject to a formal process which will be considered in due course. It would be published allowing people to comment at that time including the Ramblers.
41. Conditions in as requested by the EHO officer and contaminated land officer are either on the outline application or have been added as informatives.

CONCLUSION

42. It is recommended that consent be granted with Conditions for the reasons specified above

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

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillor Ken Dixon
Ward Councillor	Councillor Ross Patterson
Ward Councillor	Councillor Kevin Faulks

IMPLICATIONS

Financial Implications:

Environmental Implications:

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Financial Implications: None as part of the reserved matter application

Environmental Implications: The proposal relates to the reserved matters for a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance. These are considered and addressed within the report although in this instance are not considered to have any significant impacts.

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance