

Date: Wednesday 5 June 2024 at 1.30 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Stockton - on - Tees,
TS18 1TU

Cllr Mick Stoker (Chair)

Cllr Michelle Bendelow (Vice-Chair)

Cllr Carol Clark

Cllr Lynn Hall

Cllr Shakeel Hussain

Cllr Tony Riordan

Cllr Norma Stephenson OBE

Cllr Sylvia Walmsley

Cllr Dan Fagan

Cllr Elsi Hampton

Cllr Eileen Johnson

Cllr Andrew Sherris

Cllr Jim Taylor

Cllr Barry Woodhouse

AGENDA

- 1 Evacuation Procedure** (Pages 7 - 8)
- 2 Apologies for Absence**
- 3 Declarations of Interest**
- 4 Minutes of the Planning Committee meeting which was held on 8 May 2024** (Pages 9 - 26)
- 5 Planning Protocol** (Pages 27 - 28)
- 6 18/0195/OUT Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees Residential Development comprising up to 200 homes and including provision of a Neighbourhood Centre, Community Centre, Open Space and Means of Access** (Pages 29 - 70)
- 7 Appeals**

1. Appeal

Mr & Mrs Paul and Kerry Derbyshire

Middle Fields Calf Fallow Lane Norton Stockton-On-Tees

TS20 1PF

23/1722/FUL

Dismissed

2. Appeal

Miss Pauline Thoburn

9 Spurrey Close Ingleby Barwick Stockton-On-Tees TS17

0SJ

23/1466/REV

Dismissed

Costs Refused

3. Appeal

Georgia Swales

Stable Block South West Of North Meadows Calf Fallow

Lane Norton

23/1003/FUL

Dismissed

Costs Refused

(Pages 71 - 88)

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sarah Whaley on email sarah.whaley@stockton.gov.uk

KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

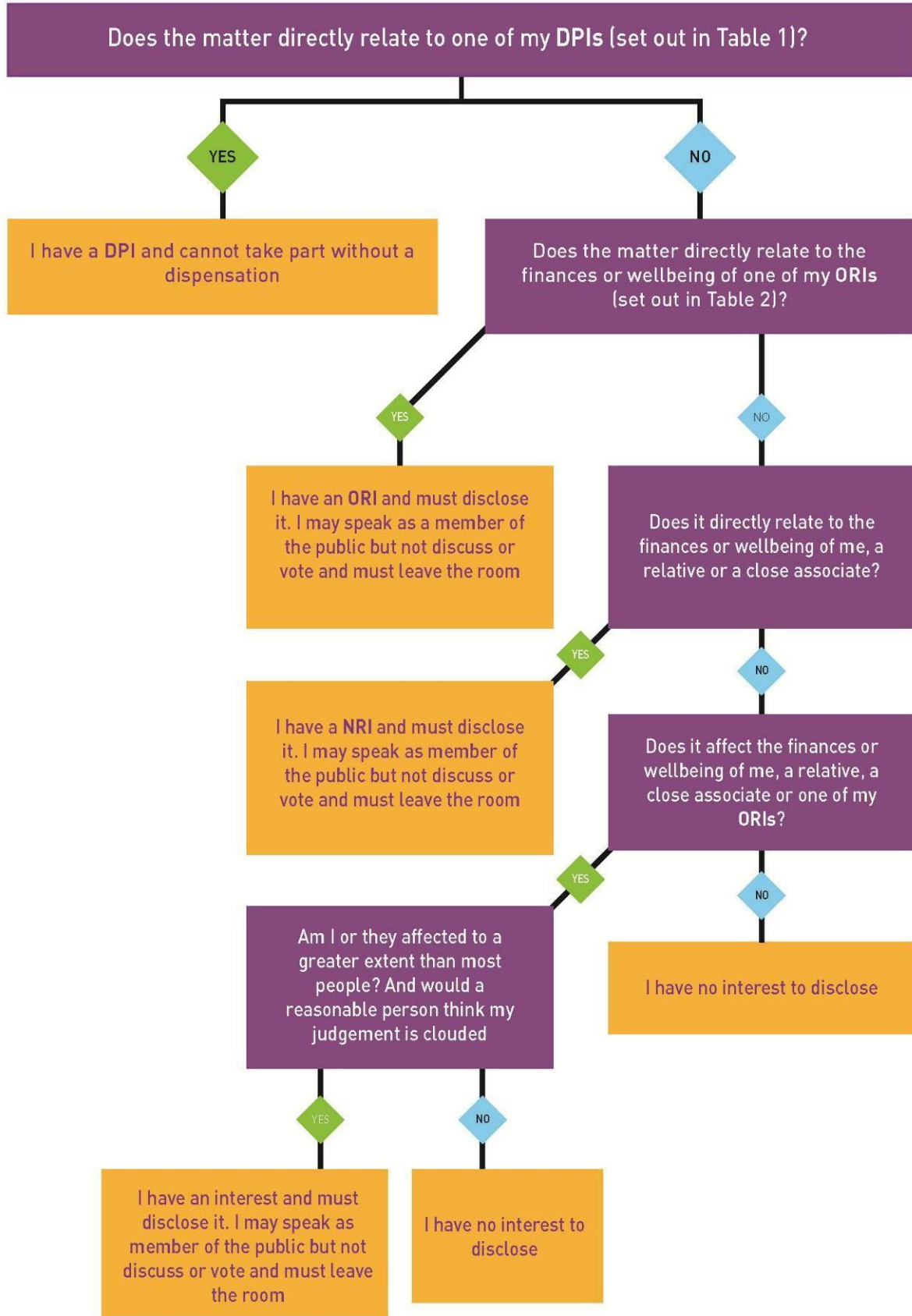


Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Jim Cooke Conference Suite, Stockton Central Library **Evacuation Procedure & Housekeeping**

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

This page is intentionally left blank

PLANNING COMMITTEE

A meeting of Planning Committee was held on Wednesday 8 May 2024.

Present: Cllr Mick Stoker (Chair), Cllr Michelle Bendelow (Vice-Chair), Cllr Carol Clark, Cllr Nigel Cooke, Cllr Dan Fagan, Cllr Lynn Hall, Cllr Elsi Hampton, Cllr Shakeel Hussain, Cllr Eileen Johnson, Cllr Andrew Sherris, Cllr Norma Stephenson OBE, Cllr Jim Taylor, Cllr Sylvia Walmsley and Cllr Sally Ann Watson.

Officers: Simon Grundy (DoF,D&R), Stephanie Landles (DoA,H and W), Martin Parker (DoCS,E&C), Julie Butcher and Sarah Whaley (DoCS).

Also in attendance: Applicants, Agents and Members of the Public.

Apologies: Cllr Tony Riordan and Cllr Barry Woodhouse.

P/9/24 Evacuation Procedure

The evacuation procedure was noted.

P/10/24 Declarations of Interest

There were no declarations of interest.

P/11/24 Minutes of the meeting which was held 10 April 2024

Consideration was given to the Planning Committee minutes from the meeting held on 10 April 2024.

RESOLVED that the minutes be approved and signed as a correct record by the Chair.

P/12/24 Planning Protocol

The Planning Protocol was noted.

P/13/24 23/0888/OUT Land Off Stoney Wood Drive, Wynyard, TS22 5SN Outline application with all matters reserved for the erection of 2no dwellinghouses and detached garages.

Consideration was given to planning application 23/088/OUT Land off Stoney Wood Drive, Wynyard, TS22 5SN.

At the Planning Committee meeting on the 10 April 2024, Members deferred the decision for the planning application in order to address outstanding concerns in respect of ecology, given the information contained within the submitted ecology report.

In the intervening period, further survey work had been conducted on-site by suitably qualified ecologists to update the report and clarify the outstanding ecological matters.

Those surveys confirmed the original findings that the site was of low ecological value and no further survey work was required to be completed.

All material planning considerations remained as outlined within the original committee report unless otherwise addressed within the Officers report and the matter was referred back to Planning Committee to make a decision on the merits of the scheme following the additional ecological information.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that it was considered that the proposed development would remain consistent with the Local Plan for the reasons as detailed within the report.

On balance the scheme was considered to remain a sustainable location and in view of the other material considerations outlined in the original report, was acceptable in planning terms.

The Applicants Agent attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

. Since the previous Planning Committee meeting where Members were minded to defer the application requesting further clarification of the ecological report. This had now been updated following a survey which was carried out during April 2024. The original conclusion remained the same, and there was no additional impact on the site. It was also confirmed that the site had low ecological value and there were no protected species recorded.

. There had been no technical objections from statutory consultees relating to ecological matters.

. The trees that had been removed from the site were done so due to storm damage, however other trees remained on the site.

An objector attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

. The original planning application 13/0342/EIS for the Wynyard Village Extension was approved with a maximum of 500 homes. A further planning application, 20/2408/EIS was approved for 130 houses, and as well as the proposed application for 2 dwellings, there was a further application 22/2579/FUL for 135 houses for consideration today. If all proposed developments gained approval that would increase the original plan from 500 to 767 homes.

. The proposed 2 dwellings sat at the red line edge of the original outline application which was granted for 500 homes. The land should remain as public open space.

. At the previous Planning Committee meeting held 10 April 2024, Members requested that further ecological work be undertaken. The type of survey required should have been carried out between the months of June and September, however this was undertaken during the month of April, how could this be considered suitable for a planning application.

. Objectors were aware of tree felling on the site.

. It was believed that the proposed plots had already been advertised and sold without planning permission being granted.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows:

. The 2 proposed dwellings did not breach the original outline consent.

. Officers confirmed the 2 dwellings were being built on woodland which was not open space and therefore acceptable to develop as set out within the main report.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

. The plans did not make clear the density of the dwellings.

. The site appeared to be a buffer zone.

. Amenity of neighbouring homes would be affected.

. Concerns were raised relating to the trees which had been felled prior to planning approval and were felled partly to make way for access as confirmed by the applicant's agent.

. Why were the trees felled prior to the application being presented at Planning Committee.

. The site which officers identified as woodland was considered open space.

. Lessons should have been learned from continuous building in Ingleby Barwick.

. The application was a deviation from the Wynyard Masterplan.

. Concerns were raised relating to drainage plans.

. The proposed application had been deferred at the Planning Committee meeting held on 10 April, however the reason for deferral had not fully been addressed. The ecology survey which had been requested was undertaken outside of the usual timeframe required for carrying out such surveys, therefore how could Members make a decision?

. Clarity was sought as to whether the original plan was for 1 property, however since the moving of the watercourse and felling of the trees this had increased to 2.

. This should have been a full application.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows:

. In terms of loss of character and impact on the surrounding area, there was an element of tree planting which was retained and there would be additional planting, and for those reasons officers felt the scheme would be in keeping with the aesthetics of Wynyard.

. Officers acknowledged it would have been helpful if the this was a full application.

. There was a condition to control drainage and the diversion of the watercourse would not affect that.

. Officers felt there was no reason to question the ecology report.

A vote took place, and the application was approved.

RESOLVED that planning application 23/0888/OUT be approved subject to the following conditions and informatives;

01 Time Period

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.

02 Approved Plans

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

Plan Reference Number	Date Received
CPT_320_SELF_BUILD_PL03	25 March 2024
CPT_320_SELF_BUILD_PL02_B	8 February 2024
CPT_320_SELF_BUILD_PL10	8 February 2024
CPT_320_SELF_BUILD_RED_LINE_A3L_PL01_1 REVC	8 February 2024

03 Reserved Matters Details

Details of the access, appearance, landscaping, layout, and scale of each phase of the development, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

04 Reserved Matters Submission

An application for the approval of reserved matters shall be made to the Local Planning authority not later than three years from the date of this permission.

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

05 Design Code

Notwithstanding the submitted Design Code prior to the submission of a Reserved Matter Application a revised design code shall be submitted to and approved in writing by the Local Planning Authority. The revised design code shall provide clear guides as to scale and massing to consider minimum and maximum eave and ridge height, clear build zone to include front and side build zones, placement of detached garages, landscaping both hard and soft and boundary treatments. Thereafter the Reserved Matters applications shall comply with the design Code.

06 Buffer Landscaping

No development shall commence until a structure plan with full details of a buffer landscaping scheme to the eastern boundary of the site has been submitted to and been approved in writing by the Local Planning Authority.

The associated scheme will include a detailed planting plan and specification of works (including associated underplanting) indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans.

All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development and shall be completed to the satisfaction of the Local Planning Authority. The landscape buffer shall thereafter be retained and maintained in accordance with the agreed scheme for the life of the development.

07 Tree Protection

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Treen Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations
2. BRITISH STANDARD 3998:2010 Tree Work – Recommendations
3. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

08 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.

09 Site Levels

Prior to the commencement of the development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.

10 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 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.

11 Surface and Foul Water Drainage

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

- i. Detailed design of the surface water management system;
- ii. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- iv. Details of adoption responsibilities.

12 Construction Hours

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

13 Open Access

Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway.

14 Ecology

All ecological mitigation measures shall be carried out in accordance with the recommendations and mitigation (sections 6.1, 6.2, 6.3 and 6.4) within the submitted ecological appraisal conducted by OS Ecology LTD received by the Local Planning Authority on the 23rd April 2024.

15 Ecology Checking Survey

If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

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: Tree Standards

The following British Standards should be referred to:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- c. BS: 8601:2013 Specification for subsoil and requirements for use
- d. BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations
- e. BS: 3998:2010 Tree work – Recommendations
- f. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- g. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- h. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- i. BS: 4043:1989 Recommendations for Transplanting root-balled trees

Informative: Northern Gas Networks

There may be apparatus in the area that may be at risk during construction works and NGN require the promoter of these works to contact NGN directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

Informative: In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>

The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

Informative: Noise from construction activities

Compliance with the recommendations set out in BS5228:2009+A1:2014 'Code of practice for Noise and Vibration Control on Construction and Open Sites' including measures to control and limit noise emissions and vibration levels should be complied with to the satisfaction of the Local Authority. Noise levels will not exceed 55 dB LAeq (1 hr) during the daytime (07:00 – 23:00); or 45 dB LAeq (1 hr) during the night-time (23:00 – 07:00); or 60 dB L_{Amax} (15 mins) during the night-time (23:00 – 07:00) as determined by measurement or calculation at free field locations representing facades of nearby residential dwellings. In relation to the effects of construction vibration upon the surroundings, the Peak Particle Velocity (PPV) should be less than 0.5 mm/s, measured using BS 5228 2009, Part 2: Vibration (BSI, 2014v).

Informative: Dust Emissions

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

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.

P/14/24 22/2579/FUL Land At Wynyard Village, Erection of 135 residential dwellings with associated landscaping and ancillary works.

Consideration was given to planning application 22/2579/FUL Land at Wynyard Village.

The application site was situated towards the south west of the existing Wynyard residential estate and parkland surrounding Wynyard Hall. The land predominately consisted of a series of agricultural fields with woodland plantations (conifers).

The site had previously benefited from an outline application with all matters reserved was approved for the construction of up to 500 houses, Primary School (inc Sport Facilities) and nursery, Retail Units (up to 500 sqm), Doctors Surgery, Community Facilities, access and associated landscaping, footpaths and open space under application reference 13/0342/EIS. That application has been developed without this area of land being required and was included as a housing commitment site within the adopted Local Plan.

A further outline planning approval with all matters reserved except access for residential development for up to 130 units and new local centre was agreed by planning committee and approved in December 2022 with the subsequent reserved matters planning application (ref; 22/2561/REM) for the housing element being approved last summer. In March an application for that local centre was submitted and remains under consideration (ref; 24/0430/REM).

The application sought planning approval for 135 residential properties and would provide a mix of 2, 3, 4 and 5 bedroomed properties which were predominately two storey in scale, although 11 of the properties would be single storey. The submitted plans indicated the application being developed by the applicant Cameron Hall Developments and Banks Homes.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the proposed development site sat within the defined settlement limits and was identified as an area of housing land within the Local Plan and Wynyard Masterplan. It was acknowledged that the proposals would result in an addition 135 units coming forward and that combined with an additional phase already approved (refs; 20/2408/OUT, 22/2561/REM and 23/0888/OUT) this would result in an uplift in housing of 267 units compared to the local plan housing commitment. However, the overall density along this housing commitment would remain less than 10 dwellings per hectare and would retain the 'executive housing' character of Wynyard Village.

As detailed within the officer's report, the proposed development was considered to be visually acceptable, and it was not considered that the proposed development would have any adverse impacts on levels of residential amenity or highway safety to justify a refusal of the application.

The proposed scheme was therefore in accordance with the relevant local and national planning policies and was recommended for approval subject to those conditions outlined within the report with the final wording of those conditions delegated to the Planning Services Manager to allow for minor amendments to working to allow for phasing.

Prior to the officer's presentation and Committee debate and with the agreement of the Chair, additional information was circulated to Members for consideration which had been provided by a member of the public. The information contained the following:

- . plan N81 2192PL02 REV D for previous planning application 13/0342/EIS
- . a drawing of land set aside from outline planning permission site 13/0342/EIS
- . a drawing of the A689 and the A19 interchange including Wynyard Avenue, Hansard and Meadows roundabouts.

Officers also highlighted that since the main report additional information had been e mailed from Wynard Residents Association on 7 May 2024 seeking clarity as to why the number of dwellings on the Wynard Village Extension had increased, which officers confirmed was due to traffic improvements.

The Applicants Agent attended the meeting and was given the opportunity to make representation. Their comments could be summarised as follows:

- . This was a detailed scheme for 135 high quality homes where the principle of development had been approved.
- . It was envisaged that Cameron Hall Developments and Banks Homes would complete the development.
- . A brief overview of the developer's history was given, and it was highlighted that the house builder delivered high quality homes with space and extended cycle lanes etc.
- . There would be a wide range of housing types which would be aerated homes using solar panels and heat pumps.

. The site had previously benefited from an outline application with all matters reserved for the construction of community facilities such as a medical centre, primary school, retail units including café and restaurant, which would be of great benefit to residents.

. No statutory consultees or council professionals had objected to the proposal.

. There would be increased employment and revenue should the application be approved.

Objectors attended the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

. Planning application 20/2408/EIS for 130 houses and planning application 23/0888/OUT for 2 dwellings alongside this application for 135 homes violated the conditions of planning application 13/0342/EIS which was for the original 500 homes for the Wynyard Village Extension, and where it stated that 500 homes would not be exceeded.

. The increase from 500 to 767 homes was done without notification to residents.

. The proposed retail development had not been delivered and neither had the pedestrian footbridge nor the road network improvements.

. Concerns were raised relating to the number of properties that were outside of the red line edge and questions raised as to what formal authority officers had to justify that decision.

. The number of dwellings were increasing on smaller plots increasing the density of the homes.

. The information within the officer's report was challenged in terms of the circumstances the site was acquired, surplus to requirements.

. There was contradictory information in terms of the density of the development which was reported to increase from 6 to 9 dwellings per hectare and calculated using the gross area of the site. The net area of 49 hectares gave an increase from 10 to 16 dwellings per hectare.

. The proposed development was inappropriate.

. Smaller plots and smaller homes with increased density increased yield and return.

. Questions were raised relating to the decision made to relax the 500 homes maxima due to traffic improvements and clarity sought as to who had made that decision and where were the documents to back it up?

. There were 3 roundabouts south of the A689 (Wynard Avenue, Hansard and Meadows) which were all part of a S106 agreement from the original 500 homes application. The trigger points for works to be carried out on these roundabouts had come and gone with only the Meadows being completed, therefore it was felt that until

all of the works had been honoured no relaxation to road traffic capacity should have been considered.

- . It was also believed that the A19 Junction improvements had not been finalised which was directly linked to the Wynyard developments and therefore this and previous plans should not have been validated.

- . Pedestrian cycle path and bridge crossing had yet to be delivered.

- . It was believed there should be an internal investigation due to dubious contact with those charged with making those decisions.

- . The application should be rejected due to the failure to deliver S106 agreement.

The Parliamentary Candidate for Stockton North, Councillor Niall Innes attended the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- . Stockton Borough Council failed to keep a Central Local Validation List.

- . During September / October 2023 he had been given an undertaking by senior council officers to look at how planning applications were processed. There was still no response.

- . There were 500 dwellings on the original Local Plan. The Masterplan stated the Wynyard Village Extension would have 500 homes maxima due to highway capacity.

- . This application would add to highway capacity.

- . This Council turned a blind eye, trying to cram as many houses as possible onto plots neglecting Stockton Borough Council Town Centre.

- . The unique characteristics of Wynyard attracted businesses and helped to improve the local economy.

- . There were issues surrounding agricultural land and green spaces.

- . Stop allowing illogical applications and reject the proposal and support local residents.

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows:

- . The original application was for 650 homes however this was downgraded to 500 units due to road network capacity.

- . The applicant and National Highways had entered into interim discussions and National Highways found the additional housing acceptable.

- . There was no approval for layout in the red line, it was just approved as a plot to develop.

- . The proposal was the final element of the red line consent.

- . The overall capacity had increased.
- . The look, landscaping, density etc was in keeping with surrounding areas. Further development of this parcel of land was acceptable.
- . All developments at Wynyard had been through traffic modelling. There was a scheme at the A19 and A689 which had increased road traffic capacity. Until then mitigation was in place to reach that capacity.
- . There had been negotiations with the applicant regards S106 coming forward, however unprecedented circumstances such as the war in Ukraine had impacted on the cost of delivering some of the S106 schemes.
- . In terms of the Local Plan in Stockton, the A689 West of Amazon and the 1200 houses in Hartlepool, National Highways were satisfied there was road traffic capacity with mitigation.
- . Officers confirmed that the Council did not currently have a Local Validation List, however this did not control the determination of a planning application. Planning applications would go through a consultation process making sure they were delivered without any impacts on the local area.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

- . Concerns were raised relating to overdevelopment.
- . The proposed application was more than an extension to Wynyard Village and there were also real concerns regarding the impact on traffic capacity.
- . It was felt that when Members approved outline planning applications, further applications would be submitted increasing the number of dwellings. This could be totally different to the original outline plan and the difference in size untenable. Outline plans should be stuck too.
- . Comparisons were made to various housing developments within Ingleby Barwick, where community facilities had been promised and had not been delivered.
- . Members queried the trigger points for the delivery of the play park.
- . There appeared to be breaches in terms of the Local Plan and the S106 agreements as well as grave concerns regarding the increase in housing density. Was the density increased from 6 to 9 or 10 to 16 dwellings per hectare?
- . Clarity was sought relating to Northumbrian Water's response to consultation, (detailed within the report), and how Committee Members could determine the application without sufficient details relating to the management of foul and surface water.
- . Timelines were requested in terms of highway improvements particularly at the roundabouts on the A689.

. An open and transparent discussion needed to be had regarding the planning decisions officers were making.

. Members asked where the £2.1 million of affordable houses would be located?

Officers were given the opportunity to respond to comments/issues raised. Their responses could be summarised as follows:

. Officers confirmed that there was a condition within the main report relating to the play area. The developer would inform the Local Authority how the play area would be managed and maintained going forward which was standard procedure.

. In terms of drainage, Officers were satisfied that a suitable scheme was achievable.

. Regards density of the site, calculations could be based on the gross site or the whole area, however even if there were to be 16 dwellings per hectare this was still considered low density.

. Officers could not confirm where the affordable houses would be located.

A vote took place, and the application was refused.

RESOLVED that the planning committee refuse application 22/2579/FUL, Land At Wynyard Village, Erection of 135 residential dwellings with associated landscaping and ancillary works for the following reasons:

In the opinion of the Local Planning Authority the proposed development represents a deviation from the original masterplan/vision as set out in the 'Wynyard Village Extension' outline application. The proposals are considered to be an overdevelopment of the Wynyard Village Extension due to increases in the housing density, scale of development and insufficient supporting infrastructure, adversely affecting the characteristics of Wynyard Village contrary to policy SD8 (criterion 1 and 2) and paragraphs 128(d) and 135 of the NPPF.

P/15/24 24/0302/FUL Oxbridge Lane Primary School, Oxbridge Lane, Stockton-on-Tees Part demolition of buildings and erection of replacement extensions to include Solar Photovoltaics (PV) panels, air source heat pumps, refurbishment of existing school to include external associated works to car parking. Temporary school building located adjacent to nursery building and the construction of new Multi Use Games Area (MUGA), creation of forest garden area and demolition of existing nursery.

Consideration was given to planning application 24/0302/FUL Oxbridge Lane Primary School, Oxbridge Lane, Stockton on Tees.

Oxbridge Lane Primary School was located over two sites. The main site was located along the south of Oxbridge Lane and to the east at the rear of Marlborough Road and to the west of the railway was the existing nursery site which included an existing multi-use games area.

Planning permission was sought to provide three new extensions at the school which would assist in providing new facilities which included a kitchen, entrance/lobby area,

classrooms, and plant area. To facilitate these new additions, part of the school buildings would be demolished which were later additions and in poor condition.

The works would provide a new western access to the playground and a new entrance from the east to the new nursery area. The existing care takers building and southern wall which was in need of repair would be demolished providing a more useable outdoor play area. The rear wall would be replaced with a slightly lower wall at 2.4 metres high and along the southern boundary space storage provision would be provided. In addition to the above the building works solar panels and air source heat pumps would be installed.

During the construction phase a temporary modular building would be placed on the current nursery site to the east; the existing Multi Use Games Area (MUGA) would be removed. Once completed this would be removed together with the existing nursery building. Part of the site would then be planted to create a forest and a new MUGA would be created.

The application came before Members as it fell outside the definition of minor development with the scheme of delegation.

The consultees that had been notified and the comments that had been received were detailed within the main report.

Neighbours were notified and the comments received were detailed within the main report.

The planning policies and material planning considerations that were relevant to the consideration of the application were contained within the main report.

The Planning Officers report concluded that the site was an existing school within the development limits, and therefore the principle of re-developing the site for continued education use was already established. The proposed scheme accorded with local plan policies SD6 and TI2, supporting the education needs of the local community.

Overall, the scale of the development was acceptable, and it was considered the site could accommodate the development proposed without any undue impact on the amenity of any adjacent neighbours and therefore should be approved subject to the conditions and informatives contained within the main report.

Members were given the opportunity to ask questions / make comments. These could be summarised as follows:

. The school was in long need of refurbishment and the proposal was welcomed.

A vote took place, and the application was approved.

RESOLVED that planning application 24/0302/FUL be approved subject to the following conditions and informatives below;

Time Limit

01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Approved Plans

02 The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
08644-SPACE-XX-XX-DR-A-91013_P01	23 February 2024
08644-SPACE-XX-XX-DR-A-91014_S4-P02	6 March 2024
08644-SPACE-XX-XX-DR-A-91012_S4-P02	6 March 2024
08644-SPACE-XX-XX-DR-A-02011_S4-P02	6 March 2024
08644-SPACE-XX-00-DR-A-01011_S4-P02	6 March 2024
08644-SPACE-XX-XX-DR-A-91004_S3-P06	19 February 2024
08644-SPACE-ZZ-00-DR-A-01101_S3-P10	19 February 2024
08644-SPACE-ZZ-00-DR-A-01102_S3-P07	19 February 2024
08644-SPACE-XX-00-DR-A-01001_S3-P04	19 February 2024
08644-SPACE-XX-00-DR-A-01002_S3-P12	19 February 2024
08644-SPACE-XX-00-DR-A-70001_S3-P08	19 February 2024
08644-SPACE-XX-01-DR-A-01003_S3-P02	19 February 2024
08644-SPACE-XX-B1-DR-A-01001_S3-P03	19 February 2024
08644-SPACE-XX-XX-DR-A-02001_S3-P03	19 February 2024
08644-SPACE-XX-XX-DR-A-02002_S3-P03	19 February 2024
08644-SPACE-XX-XX-DR-A-02003_S3-P03	19 February 2024
08644-SPACE-XX-XX-DR-A-02004_S3-P08	19 February 2024
08644-SPACE-XX-XX-DR-A-02005_S3-P07	19 February 2024
08644-SPACE-XX-XX-DR-A-02006_S3-P09	19 February 2024
08644-SPACE-XX-XX-DR-A-02007_S3-P08	19 February 2024
08644-SPACE-XX-XX-DR-A-90002_S3-P05	19 February 2024
08644-SPACE-XX-XX-DR-A-90007_S3-P01	19 February 2024
08644-SPACE-XX-XX-DR-A-91001_S3-P02	19 February 2024
08644-SPACE-XX-ZZ-DR-A-27001_S3-P03	19 February 2024

Materials

03 Prior to the completion of the foundations of the hereby approved development, details of the materials to be used in the construction of the external walls and roof of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details.

Construction/ Demolition Noise

04 All construction/demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 ' 18:00Hrs on weekdays, 09.00 ' 13:00Hrs on a Saturday and no Sunday or Bank Holiday working. Should works need to be undertaken outside of these hours the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

Unexpected Land Contamination

05 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.

Construction Management Plan

06 Prior to the commencement of development, a Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority and shall provide details of;

- a. the routing of all HGVs movements associated with the construction phases
- b. Methods to effectively control dust emissions from the site works (including demolition), earth moving activities, control and treatment of stock piles,
- c. parking for use during construction and measures to protect any existing footpaths and verges,
- d. wheel cleansing and sheeting of vehicles,
- e. offsite dust/odour monitoring and
- f. communication with local residents.

Work shall be undertaken in accordance with the agreed details.

Temporary Consent

07 The hereby approved temporary modular classroom building shall be removed from the site once the main school extensions have been constructed and are in occupied/in use.

Energy Efficiency

08 Prior to the erection of any extensions to the school, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify the predicted energy consumption for the hereby approved extensions, the associated CO2 emissions and how the energy hierarchy has been applied to the hereby approved development. The statement shall include consideration of how the extensions shall achieve "Very Good" BREEAM (or equivalent).

Noise disturbance from the air source heat pump plant room

09 The new plant should be subject to a noise assessment by a competent Noise Consultant to ensure that it shall not increase background levels of noise at the boundary of the site, particularly overnight when background levels are low. Before the plant is brought into use, the plant, if found necessary, shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained thereafter to the satisfaction of the Local Planning Authority.

MUGA – noise impact assessment

10 Prior to the installation of the hereby approved MUGA a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should consider raised voices, impact noise from balls hitting the perimeter strike boards and goal back boards, and the fitting of anti-vibration mounts and fittings to reduce any impact noises. The Noise Impact Assessment should be undertaken in accordance with criteria within the WHO 'Guidelines for Community Noise' and Sports England guidance document titled 'Artificial Grass Pitch (AGP) Acoustics'.

The proposed MUGA shall incorporate any identified recommendations, which shall be installed prior to first use and shall be maintained for the life of the development.

MUGA – School use only

11 The multi use games area hereby approved shall be used only for the purpose of educational and extra-curricular activities associated with Oxbridge Lane Primary School and for no community use or other purpose.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Planning Committee Procedure

1. Officers present the report to Members
2. Members of the public, applicants and agents speak for/against the application, 3 minutes each
3. Officers respond to any queries/misinformation which may have been raised as a result of public speaking
4. Members discuss the application in general and seek clarification from Officers/agents if necessary
5. Officers respond to any points raised by Members and give a brief summary of the proposal in view of comments raised
6. If it looks as if the application may go contrary to officer recommendation, Members debate and propose the possible reasons for the decision and the lead planning and legal representatives and other officers will advise which reasons are acceptable or not. Members respond on whether they wish to vary the reasons accordingly
7. Following the discussion, Members will be asked to confirm and then agree the reasons upon which they will rely if they vote for refusal of the application
8. Members vote on the officer recommendation or any alternative motion successfully carried
9. If the decision taken is contrary to officer recommendation, the Planning Officer, and Legal Representative are given the appropriate amount of time to discuss whether the protocol for decisions contrary to officer recommendation should be invoked and that the committee and members of the public be informed of the outcome of that decision
10. The next application is then debated

This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

5 June 2024

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

18/0195/OUT

**Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees
Residential Development comprising up to 200 homes and including provision of a
Neighbourhood Centre, Community Centre, Primary School, Open Space and Means of
Access**

SUMMARY

At the Planning Committee meeting on the 31st July 2019 Members resolved to grant planning consent for the above application subject to planning conditions and the development entering into a Section 106 agreement. Further amendments were then agreed at planning committee on the 3rd June 2020 in relation to removing the requirement for a recreational route and footbridge leading from the site to Ingleby Barwick across Bassleton Beck.

However, as the Section 106 agreement was not completed prior to the March 2022, the application was caught by the introduction of nutrient neutrality into the Tees catchment. The applicants have subsequently been working on a scheme to address the resulting impacts from increased levels of nitrogen arising out of the development and a suitable mitigation scheme has been agreed with Natural England.

In addition, given the passage of time a review of the section 106 requirements has also been undertaken and these are outlined within the Heads of Terms below. As these changes are considered to materially affect the decision Members reached in 2020, the matter is referred back to Planning Committee to make a decision on the merits of the scheme in view of the revised Heads of Terms.

All material planning considerations remain as outlined within the original committee reports unless otherwise addressed within the report below. For completeness, the original reports associated with previous recommendations to planning committee are contained within the appendices.

RECOMMENDATION

That planning application 18/0195/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

- Approved plans:**
- | | |
|----|---|
| 01 | The development hereby approved shall be in general accordance with the following approved plan(s); |
| | Date on Plan |
| | Plan Reference Number |
| | LTP-2691-TS-06-01-B 23 May 2019 |
| | 5755_200 26 January 2018 |

5755_201_E

27 February 2020

Reason: To define the consent.

Reserved matters:

- 02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

Time limit for submission of the reserved matters:

- 03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

Time limit for commencement:

- 04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

Phasing programme:

- 05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

Open Space Strategy:

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

Reason: To enable the Local Planning Authority to satisfactorily control the development

Dwelling numbers:

- 07 The total number of dwellings authorised by this permission shall not exceed 200

Reason: To ensure a satisfactory form of development.

- 08** Energy efficiency:
No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Local Plan policy ENV1.

- 09** Construction Method Statement:
No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
- i. Construction access;
 - ii. Parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
 - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
 - vii. A Site Waste Management Plan;
 - viii. Details of the routing of associated HGVs;
 - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

- 10** 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.

- 11** Ecological Survey:
No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To conserve protected species and their habitat

Restrictions on retail provision

- 12 Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.

Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.

Noise protection – traffic and commercial noise

- 13 No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

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

Drainage

- 14 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. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;

- a) Detailed design of the foul water management system
- b) Detailed design of the surface water management system
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure
- d) A management plan detailing how surface water runoff from the site will be managed during construction phase
- e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:
 - I. Identification of those areas to be adopted and
 - II. Arrangements to secure the future operation of the system throughout its lifetime

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

Reason; To ensure that satisfactory drainage is provided and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Unexpected land contamination

- 15 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

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

Ecology Checking Survey

- 16 If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required.

Reason: To conserve protected species and their habitat where necessary

Nutrient mitigation – woodland planting and maintenance.

- 17 No development shall commence until full details of the woodland mitigation scheme have been submitted to and been agreed in writing with the Local Planning Authority. Such a scheme shall include details of proposed location; species mix, planting size and densities; and be of a minimum area of 3.8 hectares as detailed on drawing 5755_200 submitted with the Nutrient Mitigation.

The woodland mitigation scheme shall be carried out in accordance with the agreed details and shall be planted prior to the occupation of the hereby approved dwelling. The woodland planting shall be maintained in accordance with the submitted maintenance plan (Rossetta, March 2024).

Reason: To secure the requirement mitigation for the purposes of nutrient neutrality and to prevent an adverse impact on the Teesmouth Special Protection Area

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.

HEADS OF TERMS

- Provision of access to serve the development
- The provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout
- Provision of 20% affordable housing
- A contribution towards primary and secondary school education provision in line with the Council formula
- Provision of an adoptable standard footway access to Thornaby Road and associated bus stops
- Provision of a footway access to Low Lane
- Provision of a scheme for open space and its future management, including the arrangements for transfer to a Management Company or the Council or another person or organisation
- Provision of a Travel Plan and associated incentives

MATERIAL PLANNING CONSIDERATIONS

1. Following on from the previous planning committee resolution (original reports at Appendix 1 and 2) and in view of recent approvals or pending applications for housing sites to the west of this application site a review of the required planning obligations has been undertaken to ensure that a consistent approach is being taken to all sites.

2. Whilst many of the Heads of Terms remain as agreed, there are elements of change which are discussed below;

Primary school provision

3. As set out in the original committee report (appendix 1 – paragraph 26) at that time a shortfall in the provision of primary school places was identified given the limited ability at that time for expanding primary schools and a new primary school was considered to be likely to be required given the overall scale of housing developments in Ingleby Barwick. The application site, along with the neighbouring development site were therefore each required to provide 50% of the land required to enable a new primary school to be built at a point in the future.
4. In the intervening period, the overall demographics of the area has changed and the supporting submissions at the neighbouring site (ref 23/2292/FUL) argue that a new primary school is no longer needed. In addition, this applicant also seeks fairness and consistency on any planning obligations imposed across the two sites.
5. Following recent dialogue with officers within Education it has been explained that demand for primary school places has reduced across the six primary schools in Ingleby Barwick and as a result two have reduced their Published Admission Number (PAN). Even with the lower PAN in two of the schools, they remain capable of taking additional children. Furthermore, the largest cohorts are in years 5 and 6 with year 6 having the largest cohort on roll and there being a difference of c. 70+ children between the year 6 leavers and those enrolling in reception.
6. Consequently it is considered that there is no longer the need to pursue the land to deliver a new primary school across those two housing sites and instead contributions towards primary/secondary school provision in line with the Council's standard formula will be sufficient to address future school place need.

Bus provision

7. Bus services (No.'s 15, 16, 17 & EGG6) already run adjacent to the site and the Highway officers have stipulated that either they would seek either a bus service (with associated bus stops) entering the site or as an alternative that an adoptable standard footpath link to the adjacent bus stop on Thornaby Road is provided.
8. The applicant has entered into discussions with a bus operator over the potential to achieve bus penetration into the site via a loop for a period of five years and whilst achievable could also present some difficulties over the longer-term viability of the route once the funding were to cease.
9. Highway Officers are satisfied that the alternative of an adoptable standard footpath route with new bus stops being provided, would secure suitable access to bus services already in operation and that this represents a suitable and long term viable option.

Nutrient Neutrality

10. Following advice from Natural England in March 2022 with regards to the unfavourable condition of the River Tees due to excess nutrients, all forms of development which generate additional overnight accommodation are required to consider and assess whether there is an adverse impact resulting from the development proposals.
11. The provision of the associated 200 residential dwellings will generate additional overnight stays and the applicant has submitted a Nutrient Neutrality report which includes a Nutrient budget calculator which has fully considered the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
12. An appropriate assessment has also been undertaken and Natural England have considered and commented on that assessment. In summary the Appropriate Assessment notes that the

proposals will increase the nitrogen given the nature of the development and consequently the applicant was advised that this development is deemed to have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.

13. In order to address those impacts the applicant is seeking to include an area of woodland planting of 3.8 hectares to the east of the housing land, which alongside the reversion of the agricultural land will result in no net increase in nitrogen.
14. The identified mitigation land is within the control of the applicant and forms part of the planning application site (delineated by the red line boundary). The mitigation measures can be appropriately secured through the imposition of an appropriately worded planning condition which would require the delivery of the woodland prior to the first occupation of any associated dwelling. In addition, to ensure that the mitigation remains effective in the reduction of nitrogen over the lifetime of the scheme a woodland management plan accompanies the proposals and this element also forms part of the planning condition.

CONCLUSION

15. Whilst there have been changes to circumstances surrounding the application and associated Heads of Terms, the site remains a housing site within the adopted Local Plan and the current proposals seeks to provide facilities to meet an element of the future residents' day-to-day needs.
16. Overall the application site is considered to remain a sustainable location for a future housing development and in view of all the identified material planning considerations outlined in this and the other previous reports, the proposals remain acceptable in planning terms.

Director of Economic Growth and Development
Contact Officer Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Southern Villages Ward
Ward Councillor(s) Councillor Elsi Hampton

IMPLICATIONS

Financial Implications:

Other than those identified within the heads of terms, there are no known financial implications.

Environmental Implications:

The environment impacts of the proposed development have been fully considered and addressed within the report above. In view of those considerations it is not considered that the proposal has any significant 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

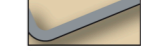






Background Papers

Stockton on Tees Local Plan Adopted 2019

This page is intentionally left blank



LEGEND

-  Application boundary- 32.49 ha
-  Green Wedge Boundary
-  Development area (including streets) - 6.30 ha
-  Local centre / community centre indicative location - 0.30 ha
-  Building frontages
-  Key buildings
-  Primary access road
-  Secondary access road
-  Proposed school extension - 0.83 ha
-  Public open space (Amenity greenspace and Natural/Semi-natural Greenspace)
-  Potential detention basin location
-  Proposed trees
-  Existing trees and hedgerows
-  Proposed footpath
-  Existing and proposed woodland planting (including some Natural/Semi-natural Greenspace)
-  Retained Farmland

LDĀ DESIGN

PROJECT TITLE
THORNABY ROAD
INGLEBY BARWICK

DRAWING TITLE
Illustrative Masterplan

ISSUED BY	Peterborough	T: 01733 310471
DATE	January 2020	DRAWN OP
SCALE@A3	1:5000	CHECKED RK
STATUS	Final	APPROVED RK

DWG. NO. 5755_201_E

No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site.
Area measurements for indicative purposes only.

© LDA Design Consulting Ltd. Quality Assured to BS EN ISO 9001 : 2008

Sources: Ordnance Survey

This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

3 JUNE 2020

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

18/0195/OUT

**Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees
Residential Development comprising up to 200 homes and including provision of a
Neighbourhood Centre, Multi-Cultural Centre, Primary School, Open Space and Means of
Access**

SUMMARY

At the Planning Committee meeting on the 31st July 2019 Members resolved to grant planning consent for the above application subject to planning conditions and the development entering into a Section 106 agreement. The original report is contained within the appendices.

Since that time discussions have been ongoing with the land owner and their agent over the Heads of Terms, whilst there is agreement on most issues, there have been areas of disagreement leading to a revised masterplan being provided and the landowner asking for a conclusion to all matters so a decision can be issued.

The outstanding issue is in relation to the provision of the recreational route and footbridge leading the site to Ingleby Barwick and whilst the landowners has offered two options to resolve matters, neither is deemed acceptable. Consequently the landowner asked that the application be determined without a connection and associated bridge being provided or an appeal on non-determination would be submitted.

As these are considered to materially affect the decision Members reached in 2019, the matter is referred back to Planning Committee to make a decision on the merits of the scheme and revised Heads of Terms.

All material planning considerations remain as outlined within the original committee report unless otherwise addressed within the report below;

RECOMMENDATION

That planning application 18/0195/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

- Approved plans;**
- 01 **The development hereby approved shall be in general accordance with the following approved plan(s);**
- | | Date on Plan |
|------------------------------|---------------------|
| Plan Reference Number | |

LTP-2691-TS-06-01-B
5755_200
5755_201_E

23 May 2019
26 January 2018
27 February 2020

Reason: To define the consent.

Reserved matters;

- 02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

Time limit for submission of the reserved matters;

- 03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

Time limit for commencement;

- 04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

Phasing programme;

- 05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

Open Space Strategy;

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

Reason: To enable the Local Planning Authority to satisfactorily control the development

Dwelling numbers;

- 07 The total number of dwellings authorised by this permission shall not exceed 200

Reason: To ensure a satisfactory form of development.

- 08** Energy efficiency:
No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Local Plan policy ENV1.

- 09** Construction Method Statement:
No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
- i. Construction access;
 - ii. Parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
 - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
 - vii. A Site Waste Management Plan;
 - viii. Details of the routing of associated HGVs;
 - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

- 10** 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.

- 11** Ecological Survey:
No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To conserve protected species and their habitat

Restrictions on retail provision

- 12 Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.

Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.

Noise protection – traffic and commercial noise

- 13 No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

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

Drainage

- 14 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. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;

- a) Detailed design of the foul water management system
- b) Detailed design of the surface water management system
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure
- d) A management plan detailing how surface water runoff from the site will be managed during construction phase
- e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:
 - I. Identification of those areas to be adopted and
 - II. Arrangements to secure the future operation of the system throughout its lifetime

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

Reason; To ensure that satisfactory drainage is provided and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Unexpected land contamination

- 15 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

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

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority 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.

HEADS OF TERMS

- Provision of access to serve the development
- The provision of a dedicated and segregated left turn lane on the Ingleby Way approach to the A1044 Thornaby Road / Ingleby Way / Stockwell Avenue roundabout
- Provision of 20% affordable housing
- To dedicate a parcel of land (0.8 ha) on the western boundary for the purposes of a primary school
- A contribution towards secondary education provision in line with the Council formula
- Provision for a scheme for open space and its future management
- Provision of a footway access to Thornaby Road
- Provision of a footway access to Low Lane
- Provision of a scheme for open space and its future management, including the arrangements for transfer to a Management Company or the Council or another person or organisation
- Provision of a Travel Plan and associated incentives

MATERIAL PLANNING CONSIDERATIONS

1. Following on from the previous planning committee resolution (original report at Appendix 1), discussions have been ongoing with the landowner and their agents to bring outstanding matters on the Heads of Terms of the S.106 agreement to a conclusion.
2. Whilst the majority of the Heads of Terms are now agreed, the matter of providing a recreational route and footbridge have resulted in a disagreement and the landowner has asked that in such an event, the application be determined without a connection and associated bridge being provided or an appeal on non-determination would be submitted.
3. For clarity the landowner has offered to either;
 - a) Build a low level footbridge over Bassleton Beck which would then be retained and maintained by the development. The landowners expectation is that the bridge would be based upon that recently installed by the Council upstream of the site and would not be built to DDA standards or lit.
 - b) Alternatively, the landowner would be willing to make a contribution of £10,000 towards facilitating the bridge.
4. In response, it is considered that by doing so there could be safety and financial risks to the Authority and it would not be acceptable to have a private bridge built on Council land as any bridge must to designed, installed and maintained to a specification approved by the Local Highway Authority. In addition, the offer of a commuted sum is not sufficient enough to cover the estimated costs of construction and maintenance of any such bridge, which are estimated to cost in the region of £50,000.
5. In view of the lack of agreement and the applicants request to have the application determined, it is necessary to consider whether or not the scheme is acceptable in planning terms without

the proposed footbridge connection across Bassleton Beck. **The question in reconsidering this application is therefore whether the lack of the footbridge makes the proposal so inherently unsustainable that it alone means the application should be refused.**

6. As set out within the original committee report (paras 19 to 22) the sustainability of the site was considered and deemed acceptable. In weighing up whether that remains the case without the pedestrian connection, it is noted that the proposal includes;
 - Provision of a neighbourhood centre and a community centre – secured by planning condition to control future details and use of these facilities to ensure that they serve and meet a local need.
 - Pedestrian linkage to both Thornaby Road and Low lane
 - Indicated connections to neighbouring housing sites
 - Provision of an extension/diversion of an existing bus service in order to serve the site
7. As detailed within the original planning committee report (para 22) the provision of a recreational pedestrian/cycleway connection to Ingleby Barwick was desirable, rather than an essential planning requirement. Given the recreational nature of the intended connection, it would not have been a route that would have catered for all and cannot be attributed the same weight as a typical footpath/cycleway connection. It should also be noted that such a connection was not a stipulation of the adopted Local Plan.
8. Nevertheless, given the identified facilities and connections above (para 6), without the recreation link to Ingleby Barwick, it is considered that the proposals will; maintain access to day-to-day services through the on-site provision; enable people to access employment at Teesside Industrial Estate; have pedestrian linkage to the two main highways (Thornaby Road and Low Lane); and, will support provision of a bus service to offer access to an alternative form of transport.

CONCLUSION

9. In view of the above and whilst it is regrettable no solution could be reached to resolve the recreational route, it is considered that the development as now proposed will remain consistent with the new Local Plan.
10. It remains the case that despite the loss of the recreational route, sufficient facilities are provided within the development to serve future residents and meet an element of their day-to-day needs. The access to other community facilities (supermarkets, schools etc...) is also not considered to be substantially different from other areas of Ingleby Barwick.
11. On balance the scheme is considered to remain a sustainable location and in view of the other material considerations outlined in the original report, is acceptable in planning terms.

Director of Economic Growth and Development
Contact Officer Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick East
Ward Councillor(s) Councillors Sally Ann Watson; Alan Watson; and Ted Strike

IMPLICATIONS

Financial Implications:

Other than those identified within the heads of terms, there are no known financial implications.

Environmental Implications:

The environment impacts of the proposed development have been fully considered and addressed within the report above. In view of those considerations it is not considered that the proposal has any significant 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

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations

SPD8 – Affordable Housing

This page is intentionally left blank

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

31 JULY 2019

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

18/0195/OUT

**Land Adjacent To Low Lane And Thornaby Road, Thornaby, Stockton On Tees
Residential Development comprising up to 200 homes and including provision of a
Neighbourhood Centre, Multi-Cultural Centre, Primary School, Open Space and Means of
Access**

Expiry Date

SUMMARY

The application site itself has been subject to an earlier outline planning application for up to 550 homes (ref; 14/0208/OUT) but was replaced but a smaller scheme for 200 dwellings following the appeal against the first scheme being withdrawn. In addition various neighbouring sites have also been given planning approval for housing development including sites to the immediate west (Tiviot Way), south (Lowfield Farm) and on the opposite side of Low Lane (Returnable Packing). The overall context of the surrounding area is therefore one which is changing to residential.

Following the adoption of the Local Plan, the application site is now in effect one of four sites which would create one large housing site to the south of the existing settlement of Ingleby Barwick (see appendix 1), these form the IB3 housing commitment within the Local plan.

This proposal was originally submitted prior to the adoption of the Local Plan and originally sought consent for 400 dwellings across a larger site. However, following the adoption of the Local Plan it was revised and now seeks outline planning permission for a residential development of up to 200 homes. The proposal also includes the means of access, allows for community facilities including neighbourhood centre, community centre and open space. All matters except for the means of access are reserved for future consideration.

Neighbours have been notified and wider publicity has been given via a press advert and site notice. A total of 34 objections, 1 letter of representation and 1 letter of support have been received and these are summarised within the main report below.

As above, under the new local plan the site is shown as a housing commitment under policy H1(2) as part of a wider consent for housing development (site IB3), which reflects its previous outline approval. The proposal will also need to provide a mix of housing, although these details will not be known until the reserved matters stage.

Whilst it is noted that there are some shortcomings of the site with respect to an 'accessible' connection to the wider area, sufficient facilities are provided within the development to serve future residents and meet an element of their day-to-day needs. The provision of these facilities also make it materially different from the previous consent for 200 dwellings. In considering all of these factors and given the access to other community facilities on the site, the 'sustainability' of

this site is not considered to be substantially different from other areas of Ingleby Barwick or neighbouring housing developments and therefore this site is considered to be a sustainable location to support a housing development.

In all other respects the site can satisfactorily accommodate a residential scheme and does not impact significantly on significant highway safety or traffic impacts. Planning conditions and planning obligations are recommended to control any outstanding issues although some aspects will fall to the reserved matters application for future consideration.

RECOMMENDATION

That planning application 18/0195/OUT be approved subject to the following conditions and informative and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

Approved plans;

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

	Date on Plan
Plan Reference Number	
LTP-2691-TS-06-01-B	23 May 2019
5755_200	26 January 2018
5755_201_C	5 February 2019

Reason: To define the consent.

Reserved matters;

02 Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

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

Time limit for submission of the reserved matters;

03 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

Time limit for commencement;

04 The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

Phasing programme;

05 No development shall take place until a Phasing Programme for the development hereby permitted has been submitted to and approved in writing by the local planning authority. This shall identify the phasing of infrastructure, landscaping, public open space (in accordance with the Open Space Strategy), accesses, associated community facilities and residential areas within the development

permitted herein. Development shall be carried out in accordance with the approved Phasing Programme.

Reason: To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure to each individual phase.

Open Space Strategy:

- 06 No development shall take place until an open space strategy has been submitted to and approved in writing by the Local Planning Authority. This shall identify the extent, location, phasing and design of public open space within the development permitted herein. Development shall be carried out in accordance with the approved open space strategy.

Reason: To enable the Local Planning Authority to satisfactorily control the development

Dwelling numbers:

- 07 The total number of dwellings authorised by this permission shall not exceed 200

Reason: To ensure a satisfactory form of development.

Energy efficiency:

- 08 No development shall take place until an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development and detailing how the housing in that particular phase of the development will achieve a 10% reduction in CO2 emissions over and above current building regulations through the energy hierarchy has been submitted to and been approved in writing by the Local Planning Authority. Where this is not achieved, it must be demonstrated that at least 10% of the total predicted energy requirements of the development must be provided from renewable energy sources either on site or in the locality of the development. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Local Plan policy ENV1.

Construction Method Statement:

- 09 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority relevant to that element of the development hereby approved. The approved CMS shall be adhered to throughout the construction period relating to that element of the development and shall provide details of:
- i. Construction access;
 - ii. Parking of vehicles of site operatives and visitors;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding including decorative displays and facilities to public viewing, where appropriate;
 - vi. Wheel washing facilities; measures to control and monitor the omission of dust and dirt during construction;
 - vii. A Site Waste Management Plan;
 - viii. Details of the routing of associated HGVs;
 - ix. Measures to protect existing footpaths and verges; and a means of communication with local residents.

Reason: In the interests of highway safety and the occupiers of adjacent and nearby premises

- 10** **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.

- 11** **Ecological Survey:**
No development in a particular phase shall take place until a timetable for the implementation of the ecological mitigation measures within that phase as set out within the submitted Ecological Impact Assessment (Naturally Wild, January 2018) has been submitted to and been approved in writing by the local planning authority. The ecological mitigation measures shall be implemented in accordance with the approved timetable.

Reason: To conserve protected species and their habitat

- 12** **Restrictions on retail provision**
Notwithstanding the information submitted as part of the application the neighbourhood centre (including the community centre) and any associated landscaping and parking provision shall not exceed a total site area of 0.3 hectares. The maximum net retail floor space of any retail unit shall also not exceed 280sqm.

Reason: In the interests of protecting the vitality and viability of the surrounding retail centres.

- 13** **Noise protection – traffic and commercial noise**
No development shall take place on any particular phase until a scheme for the protection of habitable rooms within the dwellings on that phase from the effects of traffic noise and neighbouring commercial uses has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter

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

- 14** **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. Such details shall be in accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" and include;
- a) Detailed design of the foul water management system**
 - b) Detailed design of the surface water management system**
 - c) A build program and timetable for the provision of the critical surface water drainage infrastructure**
 - d) A management plan detailing how surface water runoff from the site will be managed during construction phase**
 - e) The arrangements for the future maintenance and management of the SuDS elements of the surface water system, including:**

- I. Identification of those areas to be adopted and
- II. Arrangements to secure the future operation of the system throughout its lifetime

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

Reason; To ensure that satisfactory drainage is provided and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Unexpected land contamination

- 15 If during the course of development of any particular phase of the development, contamination not previously identified is found to be present, then no further development on that phase shall be carried out until the developer has submitted to, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out as approved.

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

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority 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.

HEADS OF TERMS

- Provision of access to serve the development
- Provision of 20% affordable housing
- To dedicate a parcel of land (0.8 ha) on the western boundary for the purposes of a primary school
- A contribution towards secondary education provision in line with the Council formula
- Provision for a scheme for open space and its future management
- Provision of a footway access to Thornaby Road;
- Provision of a footway access to Low Lane
- Provision of a footway to Bassleton Beck woods linking to Chalfield Close and Beckfields Avenue
- Provision of a Travel Plan and associated incentives

BACKGROUND

1. In more recent times the area surrounding the application site has been subject to a number of planning applications which have sought and obtained planning permissions for residential development, in effect these form four sites which create one large housing site to the south of the existing settlement of Ingleby Barwick (see appendix 1) and which now are all identified as a housing commitment within the Local plan.
2. In addition various neighbouring sites have also been given planning approval for housing development including sites to the immediate west (Tiviot Way), south (Lowfield Farm) and on the opposite side of Low Lane (Returnable Packing). The overall context of the surrounding area is therefore one which is changing to residential. Those sites are also those which form part of the housing commitments of the Local Plan.

3. The application site itself has been subject to an earlier outline planning application for up to 550 homes (ref; 14/0208/OUT) but was replaced but a smaller scheme for 200 dwellings following the appeal against the first scheme being withdrawn. This revised development was allowed at appeal.

SITE AND SURROUNDINGS

4. The application site lies to the south-east of Ingleby Barwick on the corner of Thornaby Road and Low Lane. The site is presently used for agricultural purposes and has a highway verge adjacent to the eastern and southern boundaries. Advance planting works have also taken place on the site and this forms the eastern landscape buffer for the site. These have been substantially increased since the previous appeal hearing and are already starting to form a visible buffer on site.
5. To the north of the application site lies Basselton Beck and an area of woodland, with the residential properties of Thornington Gardens and Chalfield Close beyond. To the east lies Thornaby Industrial Estate, whilst to the south lies Low Lane and a small group of commercial buildings including car showroom and public house. To the west of the site, lies a further area of land which form part of a housing commitment under the local plan.

PROPOSAL

6. This application originally sought consent for 400 dwellings across a larger site. However, following the adoption of the Local Plan it was revised and now seeks outline planning permission for a residential development of up to 200 homes. The proposal also includes the means of access from Low Lane, allows for community facilities including neighbourhood centre, community centre and open space. All matters except for the means of access are reserved for future consideration.

CONSULTATIONS

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

Ingleby Barwick Town Council – note that primary school provision is included but comment that secondary school provision has not be met and query both the catchment area and whether there is sufficient capacity in the area.

Maltby Parish Council – it is the opinion of this council and the overwhelming majority of the residents of Maltby village that planning applications passed by Stockton Borough Council, do not take into account the views of ordinary council tax payers or the impact any development will have on the local area and its residents especially at the speed and density at which developments are taking place in Little Maltby.

Concerns are also raised in respect of impact on traffic; increased risk of traffic accidents; and, loss of strategic gap causing Maltby to lose its historical heritage and identity.

Highways Transport & Design Manager - The Highways, Transport and Design Manager recognises that the site benefits from an extant planning consent and a Local Plan allocation but is concerned that this revised application removes essential highway infrastructure agreed at the award of planning permission at Appeal.

These concerns along with other design matters than require further consideration must be acknowledged in any reserved matters application. These concerns are set out below and expanded on in the detailed comments:

- o The proposed adoptable highway land under s38 of the Highways Act must as show on the indicative masterplan be continued up to the redline of the application site to enable future highway connections with the adjacent extant housing permission at Little Maltby Farm;
- o The indicative masterplan proposes that in the absence of an adoptable through road between this application site and that of the adjacent development at Little Maltby Farm two separate access to the primary school would be provided. This proposal is unacceptable to the Highway, Transport and Design Manager;
- o The change from a sustainable foot and cycle bridge connection from the application site to the existing villages within Ingleby Barwick to recreational route type connection;
- o Changes to the green Infrastructure that would result in a reduction in the qualitative standards of Public Open Space (POS) provision.

Full and detailed comments are included within the appendices of this report

SBC Housing Services Manager - We note from the Design & access statement that the developer to proposes discuss and agree the number of affordable units to be provided within the site. I can therefore advise that based on a market scheme of 200 units, 40 affordable units equates to 20%, which is acceptable as it is in line with the need identified in the SHMA 2016 and would be compliant with Policy H4

#

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.

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
15 Units	2 bed	11 Rented 4 Intermediate Tenure
20 units	3 bed	14 Rented 6 Intermediate Tenure
5 units	4 bed	3 Rented 2 Intermediate Tenure

SBC Care For Your Area – seek that during construction wheel wash facilities are provided for every exit point on the development and that a road sweeper is provided to prevent mud/debris being transferred to the highway.

SBC 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. The Energy Statement also needs to identify how the predicted CO2 emissions of the development will be reduced by at least 10% over and above what is required to comply with Part L (2013) building regulations, through the use of onsite renewable energy equipment and/or design efficiencies. Such matters need to be controlled via an appropriate planning condition.

Environmental Health Unit - agree with the finding of the noise report based upon the road assessment and the predicted noise levels affecting the properties from the road. I would request that the mitigation measures discussed within the report i.e. tickle vents, orientation of properties and acoustic barriers around gardens are all used as suggested within the report.

I do however not agree with the BS4142 assessment which has not been carried out for the hours of 23:00- 07:00. Environmental Health are aware of units on the nearby Industrial Estate which operate outside the hours of 0700-2300 and as such we would still request a full BS4142 report to be done to cover this. This can be conditioned and should inform the reserved matters.

Durham County Badger Group - This proposed development strictly lies outside DCBG area of interest i.e. it lies south of the R Tees. However, it is clear from the EclA document that the development site may be located within an area that supports a badger community and is therefore worthy of detailed consideration.

DCBG support the recommendation in the EclA document (p18 of 27) that a further badger survey is carried out immediately prior to work starting on the site. DCBG would be happy to comment on the conclusions drawn from the subsequent badger survey on and around the development site.

Teesmouth Bird Club - We largely agree with the findings of the survey report of the applicant's ecology consultant. Further, their recommendations for biodiversity and mitigation should be an integral part of the conditions, should permission be granted. Further, we suggest that the present design of houses with small gardens, leaves little opportunity for biodiversity in the built environment. There should be a drive to use vertical surfaces as substrates for biodiversity. These should involve appropriately sited cavities for bird and bat species. The technology for installing such structures, during the build, is well documented.

We note there is a large area to the west of the housing and east of A1044. This area should be regarded as integral with the existing Green Wedge designation. There is a wide scope for imaginative habitat creation here as well as small water bodies, unrelated to the SuDS currently proposed further to the west on farm land.

The strip of grassland between the A1044 and the present field fencing is a popular site for "informal" horse grazing. The plan shows this to be part of the development and one would assume it would be included within any boundary fence to be erected by the developer along the site's periphery? If this becomes the case, the developer should be made aware these "graziers" are very persistent. They have no compunction in the destruction of fences to gain access. Such behaviour would be destructive to any planting and the developer should be required to ensure such practices do not become established.

Tees Archaeology – The site of the proposed development has previously been subject to an archaeological desk based assessment and trial trenching which has established that the site has low archaeological potential, and no objections are raised.

Highway England – No objection

Cleveland Police – seek further consultation when further details are available to ensure that crime prevention and community safety are taken in to account.

Northumbrian Water - have no issues to raise with the application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment And Surface Water Management Strategy". In this document it states the

foul flows shall discharge to a foul sewer via manhole 7802, whilst the 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 document entitled "Flood Risk Assessment And Surface Water Management Strategy" dated "December 2017". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7802, located in William Crossthwaite Avenue, 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.

Northern Gas Networks – object to the application on the grounds that the protection given to our plant may be diminished by the works to be carried out. There are specific building proximity distances for individual pipelines, which are dependent on pre-defined risk levels and the type of development.

Natural England – No objection

Forestry Commission – As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland. It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "there are wholly exceptional reasons and a suitable compensation strategy exists" (National Planning Policy Framework paragraph 175).

These comments are based upon information available to us through a desk study of the case, including the Ancient Woodland Inventory (maintained by Natural England), which can be viewed on the MAGIC Map Browser, and our general local knowledge of the area.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that

"Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

PUBLICITY

8. Neighbours were notified and wider publicity given to the site via a press advert and site notice. A total of 34 objections, 1 letter of representation and 1 letter of support have been received and those comments received are set out below (in summary)

Objection comments

- Loss of green belt/green wedge/strategic gap
- Over-development of site
- Brings Ingleby Barwick closer to Maltby and encroaches on Maltby village
- Will significantly increase traffic and exacerbate the existing safety problems on Low Lane/High Lane/Thornaby Road

- Will bring a new junction close to the Maltby High Lane spur
- Extending roadway into neighbouring Manor Gardens development will create a 'rat run'
- Impact on existing social infrastructure i.e. schools, doctors, green space
- A habitat and conservation management plan should be conditioned
- Question need for footpath link to Beckfields along with other community facilities
- Sufficient properties for sale in the area
- Will increase anti-social behaviour and affect security of properties
- Impact on wildlife
- Mis-advice/selling from housebuilder
- Reduction in numbers from 400 to 200 does not address earlier concerns

1. Mrs Anita Gibson - Maltby House High Lane, Maltby
2. Mrs Glynis Daniels – Lea Close, High Lane, Maltby
3. Julie Scott – Meadowfield, High Lane, Maltby
4. Mrs J Casson - 2 Willows Avenue Maltby
5. Mr Rob Gallacher, - 8 Regency Park Ingleby Barwick
6. Mrs Katia Lightfoot - 18 Regency Park Ingleby Barwick
7. David Kitchen - 19 Regency Park Ingleby Barwick
8. Mrs Christine Nicholson - 21 Regency Park Ingleby Barwick
9. Mrs Emma Scott - 8 Wellbrook Close Ingleby Barwick
10. Jane Allen - 9 Stainforth Gardens Ingleby Barwick
11. Mr Mark Major - 10 Melandra Road Ingleby Barwick
12. Mr Chris Burnett - 8 Hidcote Gardens Ingleby Barwick
13. Mr Mark Smith - 11 Melandra Road Ingleby Barwick
14. Mrs Lindsay Corby - 9 Melandra Road Ingleby Barwick
15. Mrs Sheila O'Regan - 1 Melandra Road Ingleby Barwick
16. Mr Darren Nixon - 3 Gateholm Close Ingleby Barwick
17. Ms Adele Newton - 8 Melandra Road Ingleby Barwick
18. Mrs Donna Major - 10 Melandra Road Ingleby Barwick
19. Mrs Charlotte Strange - 14 Melandra Road Ingleby Barwick
20. Mrs Eileen Metcalfe - 12 Coria Close Ingleby Barwick
21. Mrs Jeanette Irvine - 4 High Cross Road Ingleby Barwick
22. Mrs Elaine Mockler - 12 Regency Park Ingleby Barwick
23. Mr Daniel Strange - 14 Melandra Road Ingleby Barwick
24. Mrs J Hornby - 35 Felbrigg Lane Ingleby Barwick
25. Mrs Jayne Edon - 10 Bramfield Way Ingleby Barwick
26. Mr Brian Lewis - 5 Beech Grove Maltby
27. W Feldon - 1 Barberry Close Ingleby Barwick
28. Mrs Emma Kelly - 16 Holystone Drive Ingleby Barwick
29. Colin and Christine Algie - 6 Pennyman Green Maltby
30. Mrs Robinson - 5 Pennyman Green Maltby
31. Anne Duffus - 12 Pennyman Green Maltby
32. Mr and Mrs McBride - Fairhaven High Lane, Maltby
33. Mr Paul Watson and Miss Lauren Gibson - Inishannon High Lane, Maltby
34. Mrs Sophie Haste - 33 Uray Nook Road Eaglescliffe

Representation comments:

- opportunity to extend and improve the existing facilities of the cricket club
1. Mr Chris Francis - Francis Park Low Lane

Support comments:

- Offer support for multi faith centre

- Would allow groups to meet and share their ideas of faith and allow interaction with the rest of the community
- Site has approval and must now look to achieve the best form of development for the community

A pro forma letter has been received from the following persons, as set out within the scheme of delegation this constitutes only 1 letter of support

1. Aslam Hanif MBE - 2 Frocester Court Ingleby Barwick
M Ghafoor - 3 Farm Lane Ingleby Barwick
Imran Ghafoor - 10 Farm Lane Ingleby Barwick
Adnan and Khizar Ghafoor - 1 Farm Lane Ingleby Barwick
Mrs B Sadiq - 8 Dunkery Close Ingleby Barwick

PLANNING POLICY

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
10. 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

11. 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
12. 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:
 - i. 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
 - ii. 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

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

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.

SD2 - Strategic Development Needs

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.
- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

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.

5. Residential development will be permitted in the vicinity of a hazardous installation only where there is no significant threat to public safety.

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.
- e

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.

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.

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 Supply	Area (ha)	Total Dwellings (approx)	Remaining at April
2018 Ingleby Barwick IB3 Little Maltby Farm, Low Lane 1085	35	1155	

H4 - Meeting Housing Needs

2. Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with Policy SD8.

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.

T11 - Transport Infrastructure

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

2. A comprehensive, integrated and efficient public transport network will be delivered by:

- a. Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;
- b. Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;
- c. Supporting upgrades to railway stations within the Borough to improve access and safety;
- d. Improving public transport interchanges to allow integration between different modes of transport;
- e. Working with public transport operators to maintain and enhance provision wherever possible;
- f. Working with partners to promote the provision of accessible transport options for persons with reduced mobility; and
- g. Ensuring appropriate provision is made for taxis and coaches.

3. Accessible, convenient, and safe routes for pedestrians, cyclists and other users will be delivered by:

- a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and
- b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.

T12 - Community Infrastructure

1. There is a need to ensure that community infrastructure is delivered and protected to meet the needs of the growing population within the Borough. To ensure community infrastructure meets the education, cultural, social, leisure/recreation and health needs of all sections of the local community, the Council will:

- a. Protect, maintain and improve existing community infrastructure where appropriate and practicable;
- b. Work with partners to ensure existing deficiencies are addressed; and
- c. Require the provision of new community infrastructure alongside new development in accordance with Policy SD7.

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.

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.

ENV4 - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

a. Opportunities are taken to mitigate the risk of flooding elsewhere;

b. Foul and surface water flows are separated;

c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and

d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:

a. To an infiltration or soak away system; then,

b. To a watercourse open or closed; then,

c. To a sewer.

ENV5 - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and

accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

4. Development within green wedges will only be supported where:

- a. it would not result in physical or visual coalescence of built-up areas;
- b. it would not adversely impact on local character or the separate identity of communities;
- c. it would not adversely impact on recreational opportunities; and
- d. it would not adversely impact on biodiversity.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.

HE2 – Conserving and Enhancing Stockton’s Heritage Assets

11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.

MATERIAL PLANNING CONSIDERATIONS

14. The main material planning considerations of this application are compliance with planning policy and the impacts of the proposed development on the visual amenity of the locality; setting of a listed building; amenity; access and highway safety; features of archaeological interest, protected species; flood risk and other matters arising out of consultation.

Principle of development;

15. The NPPF sets out the governments objectives for the planning system and in particular those for achieving sustainable development, which has three distinct elements economic, social and environmental. The Local Plan under Policy SD1 reflects the Governments definition of sustainable development and encourages the Local Planning Authority to work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible.

16. Under the new local plan the site is shown as a housing commitment under policy H1(2) as part of a wider consent for housing development (site IB3), which reflects its previous outline approval. The principle of a housing development for 200 houses has therefore previously been established and its acceptability as a housing site is reaffirmed through the Local Plan adoption.

17. As a consequence the site forms part of the borough’s wider housing requirement over the plan period and delivery of such sites will ensure that the Council can continue to meet its housing

requirements and five year supply of housing land. The proposal will also need to provide a mix of housing, although these details will not be known until the reserved matters stage.

18. Whilst comments from objectors have been made regarding the impact of the development on the green wedge, green belt or strategic gap, it is important to note that there is no green belt designation within Stockton Borough. Additionally, the area proposed for housing falls outside of all the green wedge and in is within the limits to development so there is no impact on either the green wedge designation or the strategic gap which both maintain separation between settlements.

Sustainability

19. The sustainability of the wider site was assessed as part of an early planning appeal and the site was deemed to be a sustainable location for a housing development. It is noted that that proposal featured an accessible standard pedestrian / cycleway connection between the site and the existing facilities to the north within Ingleby Barwick, via Chalfield Close, and the inspector placed significant weight on this connection. Notwithstanding that, this scheme needs to be accessed on the current proposals and there have been a number of changes which affect the context of that decision.
20. In considering this scheme, it is noted that the connection to the remainder of Ingleby Barwick would be retained, albeit as a recreation route instead. Additional community facilities are also proposed to serve this residential scheme, this would include a neighbourhood centre and a community centre. Planning conditions are recommended to secure the future details and use of these facilities to ensure that they serve and meet a local need. In addition the development will provide pedestrian linkages to Thornaby Road, Low Lane with other connections indicated to neighbouring housing sites.
21. The applicant is also proposing that a contribution will be made towards the extension/diversion of an existing bus service in order to serve the site which is in line with the previously approved development, for up to 200 dwellings. However, any bus penetration is reliant on a through route being created into the adjacent Little Maltby site. In the event that this development come ahead of the neighbouring site a new bus stop on the western side of Thornaby Road will also be provided. Such matters can be control via a section 106 agreement and are included within the Heads of Terms outline within this report.
22. Whilst the provision of an accessible pedestrian/cycleway connection to Ingleby Barwick is desirable, it is not deemed to be essential planning requirement and such infrastructure was not secured as part of the Local Plan housing site. In view of the these considerations, but primarily due to the facilities now provided and alternative connection links available, the site is still considered to be a sustainable location to accommodate a future housing development.

Social Infrastructure requirements;

23. As with all developments which have an impact on services and infrastructure, the development will need to mitigate its own impacts and make contributions in line with the Council's adopted planning guidance.
24. In this regard the development will need to provide affordable housing in accordance with the terms of the Local Plan, which requires a 20% affordable housing contribution.
25. Public open space will also need to be incorporated into the development, although the final location and final requirements will not be known until the reserved matters stage when the estimated population will be known. A planning condition to require the approval of an open space strategy is therefore recommended.

26. Several of the objectors raise concerns in relation to the impact of the development on school provision, particularly given existing shortfalls in school spaces. Typically on new housing schemes a contribution towards primary and secondary school provision is sought in line with the Council's adopted Planning Obligations SPD. A new primary school is therefore likely to be required and this site needs to ensure that 50% of the land required is provided to enable a school to be built. A contribution towards secondary school provision is expected in line with the Council's adopted formula, such an agreement can be secured through s.106 agreement.
27. In accordance with the terms of policy ENV1 energy efficiency measures will be required as part of the proposed development. A condition is therefore recommended to secure an energy statement and identify how 10% of the predicted energy demand will be reduced by onsite design efficiencies and/or renewable energy equipment.
28. In view of the above considerations, the principle of housing development on the site is considered to be acceptable and is consistent with the requirements of the local plan, the proposal is therefore acceptable in principle but is also subject to those material considerations outlined in the report below.

Visual Impact;

29. Much of the previous considerations relating to the visual impacts of this onsite have centred on the loss of green wedge and coalescence of settlements. However, this scheme has the benefit of an extant consent and following the adoption of the Local Plan is wholly within the limits to development.
30. It is noted that the site forms part of a wider housing commitment and in the coming years there will be significant visual changes as a result of the various consented housing sites in the immediate vicinity. Given that the principle of development has been established and recognising that the overall context of the surrounding area will change it is not considered that a housing development will adversely affect the character of the area.
31. The Council's landscape architects have considered the scheme and noted that substantial additional landscaping has already been undertaken to the eastern landscaping buffer and it is agreed that these advanced planting works will form an acceptable planting buffer to the eastern boundary of the site. Additional comments are made in respect boulevard planting and additional landscaping being provided to filter future views of the housing, however, this would form part of a reserved matters application and would need to be considered at that time. Additionally the requirement for a future a tree survey, arboricultural impact assessment, method statement and scheme of tree protection can be conditioned.

Setting of listed building;

32. Approximately 250 metres to the west of the application site lies the grade II listed Little Maltby Farm. The proposal would remain separated by the existing agricultural fields (and a potential housing developments), therefore it is considered that this proposal will not adversely affect the setting of the nearby listed building.

Amenity;

33. Both Thornington Gardens and Chalfield Close lie to the north of the site, the measurement from the indicative masterplan demonstrate a separation distance of over 90m to the nearest properties which includes the woodland planting within Bassleton Beck. Properties further to the west are in excess of 300 metres from the indicated housing area, (however new residential properties are expected to be built in the future) while the nearby static caravan is approximately 150 metres from the indicative housing. All such distances are well in excess of the Councils minimum separation distances as set out with the Sustainable Design Guide (SPD1).

34. Notwithstanding this, the final details regarding site layout and the external relationships with existing properties would be a matter for future consideration at the reserved matters stage. However, the indicative distances demonstrate that a housing development can be accommodated without there being any adverse impacts on the amenity of the neighbouring residential dwellings. Equally the internal relationships between the proposed dwellings would also be assessed at the reserved matters stage to ensure that acceptable levels of amenity are provided for future residents of the proposed development.
35. The Environmental Health Team have considered the submitted noise report, whilst a further assessment is required to inform mitigation within the built fabric during the night, given the separation to the industrial estate and the intervening Thornaby Road it is not considered that there are any fundamental issues which would affect the existing businesses and their operations or that the proximity to the industrial estate would have any adverse impact on levels of residential amenity for any future occupiers that it would justify a refusal of the proposed development. Such a report and any associated mitigation measures can be conditioned. Equally planning conditions can be imposed to address short to medium term impacts (i.e dust and noise) associated construction activity should the development be approved and is not considered to be sufficient enough to warrant a refusal of the application.

Access and Highway Safety;

36. The Highways, Transport & Environment Manager has assessed the proposal noting that this is a revised application and that it has an extant consent for 200 dwellings. With the main changes relating to the relocation of the vehicular access, which has moved to Low Lane and the removal of the approved pedestrian / cycleway linkage to Ingleby Barwick, the later which has already been addressed in the report above.
37. It is noted that the impact of 200 dwellings from this site on the wider local highway network has previously been assessed and was considered to be acceptable subject to the provision of suitable mitigation.
38. However, the change in the position of the access means the proposal will have a greater impact on the Low Lane / Thornaby Road Signals and the applicant has undertaken an assessment of this junction which shows that the re-location of the site access has a marginal impact on the junction and that it would continue to operate within capacity. The submitted transport assessment has also taken into consideration the provision of an adoptable through route to the adjacent Little Maltby site. In order to provide a coherent form of development. It is considered that this connection to the adjacent Little Maltby Farm site is essential and should the development be approved that an adoptable highway connection is provided up to the defined red line boundary of the application where it abuts the adjacent Little Maltby Farm site as shown on the submitted masterplan, DWG. NO. 5755_201_C.
39. The current proposals seek to provide a new access, as shown on drawing LTP/2691/TS/06.01 Rev B, which will be taken from Low Lane in the form of a signalised junction and this has been accompanied by a submitted road safety audit. The proposed site access arrangements are considered to be broadly acceptable, subject to detailed design and any subsequent further road safety audits (as may be required), which will be undertaken as part of the required section s278 Agreement should the application be approved.
40. Any future reserved matters application will need to ensure that the development is provided in accordance with the Councils adopted guidance. However, it is noted that tree lined boulevards are proposed along the full length of the spine road and any future reserved matters application must provide sufficient space for the spine road, allowing for footpaths, cycleway and minimum 2m landscaped verges. It should also be clarified that the proposed school site has not yet been designed and this proposal does not include the provision of a separate access to it.

41. In view of these considerations the Highways Transport and Design Manager has no objections to the proposed development on highway safety grounds and the scheme is not considered to pose any significant risks to highway safety.

Features of Archaeological Interest;

42. Tees Archaeology have advised that the applicant has previously carried out an archaeological desk based assessment, geophysical survey and trial trenching and as a result of those findings the archaeological potential of the site is low. The proposal is therefore they have no objections and the proposal accords with national and local planning guidance in this respect.

Impact on protected species;

43. The applicant has submitted an Ecological Impact Assessment which concludes that there is no evidence of protected species using the application site and it is found to be of low ecological value with limited suitable habitat present for most protected species.

44. It is known that the woodland area to the north west of the application site (including Bassleton Beck) may be likely to support some protected species. It is therefore considered that the proposed development will not have any significant impacts on protected species or habitats providing a series of mitigation measures are adopted. These have been identified within the submitted report and include the retention of mature hedgerows and trees; a buffer of 10m to the north-western boundary; vegetation clearance to be outside of the bird nesting period (early March and late August), and a pre-commencement walkover survey to check for protected species. Natural England have raised no objections to the application and the proposal does not conflict with their standing advice.

45. Objections comments which raise the impact of the development on surrounding wildlife are noted, however, at this stage there is no evidence that the proposed development would adversely impact on protected species to cause a conflict with Planning Policy guidance. A planning condition will also be imposed to ensure that the identified mitigation within the ecology report is adhered to in the event the application is approved.

Ancient Woodland;

46. The comments of the Forestry Commission regarding ancient woodland have been noted. For clarity Natural England’s mapping tool (Magic) has been reviewed and the site does not contain or affect any ancient woodland. (as demonstrated in fig 1 below).



Fig 1; Ancient Woodland designations (source; Natural England Magic mapping tool)

Flood risk;

47. The applicant has submitted a flood risk assessment which identifies that the site lies within flood zone 1 so the Environment Agency is not a statutory consultee in this instance. However, the Lead Local Flood Authority (LLFA) have been consulted and the Highways, Transport and Design Manager confirms that a viable sustainable drainage solution can be achieved on site. As such matters can be controlled via a condition the proposal is not considered to pose any significant flood risk or surface water run-off issues.

Public Safety;

48. Although Northern Gas Network have commented that a high pressure gas main lies in close proximity to the site, this runs north-south toward Thornaby Road and would be around 150m from the associated housing land.

49. The PADHI+ consultation tool of the Health and Safety Executive has been used to assess the potential risks as a result of the proposed development and the housing area lies outside of the HSE consultation distance meaning that there is little threat on safety grounds to public safety. The proposal therefore accords with policy SD3(5) of the Local Plan,

Residual matters;

50. Northumbrian Water have stated that provided the application is approved and carried out in strict accordance with the submitted "Flood Risk Assessment and Surface Water Management Strategy" they have no issues to raise. As requested a condition has been recommended to address this issue.

51. Whilst it is noted that some residents consider that additional housing will increase crime and antisocial behaviour there is no evidence to suggest that this would occur. Opportunities to design out crime can be assessed at the reserved matters application where factors such as natural surveillance and the appropriate use of lighting would be encouraged to prevent opportunities for crime and anti-social behaviour.

CONCLUSION

52. As detailed in the report above, under the new Local Plan the site forms a housing commitment and no housing will fall within the green wedge which lies to the east of the site. Residential development on the site is therefore considered to be consistent with the development plan and is acceptable.

53. Whilst it is noted that there are some shortcomings of the site with respect to an accessible connection to the wider area, sufficient facilities are provided within the development to serve future residents and meet an element of their day-to-day needs. The access to other community facilities this is also not considered to be substantially different from other areas of Ingleby Barwick or neighbouring housing developments and this is not considered to be significant enough to justify a refusal of the proposed development on these grounds. The scheme also has significant economic and social benefits through the delivery of housing and other commercial/community facilities. When considered in the round, the proposal is considered to be within a sustainable location.

54. In all other respects the site is considered to be visually acceptable, can satisfactorily accommodate a residential scheme without significant impacts on neighbouring occupiers/businesses, does not pose any significant highway safety or traffic impacts and is acceptable in all other regards. A series of planning conditions are recommended to control and outstanding issues although some aspects will fall to the reserved matters application for future consideration.

55. The application is therefore recommended for approval subject to those conditions and heads of terms outlined within the report.

Director of Economic Growth and Development
Contact Officer Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick East
Ward Councillor(s) Councillors Sally Ann Watson; Alan Watson; and Ted Strike

IMPLICATIONS

Financial Implications:

Other than those identified within the heads of terms, there are no known financial implications.

Environmental Implications:

The environment impacts of the proposed development have been fully considered and addressed within the report above. In view of those considerations it is not considered that the proposal has any significant 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

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD1 – Sustainable Design Guide
SPD2 – Open Space, Recreation and Landscaping
SPD3 – Parking Provision for Developments
SPD6 – Planning Obligations
SPD8 – Affordable Housing

This page is intentionally left blank



Appeal Decision

Site visit made on 17 April 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/H0738/W/24/3337958

Middle Fields, Calf Fallow Lane, Norton, Stockton-on-Tees TS20 1PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Paul and Kerry Derbyshire against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/1722/FUL.
 - The development proposed is described as "Erection of a single replacement dwelling".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. As a part of the Framework's revisions, some paragraph numbering changed from that contained within the previous version. In my decision, I have had regard to the most up to date version of the Framework.

Main Issues

3. The main issues are:
 - Whether the appeal site provides a suitable location for the dwelling proposed having regard to relevant policies within the development plan and the National Planning Policy Framework; and
 - The effects of the proposal upon the character and appearance of the area.

Reasons

Location

4. Located beyond the defined limits to development established within the Stockton-on-Tees Borough Council Local Plan (LP), the site lies within the countryside. The site is accessed via a country lane – Calf Fallow Lane, and fields separate it from the nearest settlements. The part of the countryside the site is within is characterised by groups of buildings separated by fields and paddocks. Given its setting, I find the appeal site to be isolated within the countryside.
5. LP policy SD3 establishes that new dwellings within the countryside are unacceptable unless they would be for certain exceptional purposes set out within the policy's criteria. Amongst other matters, policy SD3 further sets out

that support will be given to the replacement of a dwelling in the countryside provided that the replacement would not be materially larger than the existing dwelling and it would be located on the same site or in close proximity. On the basis of the evidence before me, no definitions of “replacement dwelling” or “dwelling”, as referenced within policy SD3, are provided within the LP.

6. The site contains a caravan which the proposed dwelling would replace. The caravan is a twin unit, it is made up of two separate chassis joined together. The use of the caravan for residential purposes is lawful but, given it is a caravan, it is not a building. The replacement would be a brick bungalow with tiled roof.
7. In comparison to bricks and mortar houses, caravans are constructed of shorter-life materials and have greater mobility characteristics. The caravan on site would not have the same degree of permanency as the replacement bungalow would. Therefore, whilst the site may be used for the siting of a caravan permanently, the accommodation itself is not permanent.
8. The caravan will be affording its occupants the facilities required for day-to-day private domestic existence. However, those facilities are not contained within a building. The physical form of the caravan means that it is not a dwellinghouse even if, in function, it is serving as one.
9. In my view, the support offered to replacement dwellings by policy SD3 will be in those circumstances where one permanent dwellinghouse would be replaced by another. For the reasons I have set out, this would not be the case in the proposal. Consequently, the proposal does not constitute a replacement dwelling as referenced by policy SD3. In turn, I find that a new isolated dwelling in the countryside is proposed, and it would not be for any of the exceptional purposes set out at criteria 4 (a) – 4 (d) of policy SD3.
10. Even if I were to adopt the position that the proposal should rightly be considered as a replacement dwelling, the floor area and volume of the proposed dwelling would be considerably greater than that of the caravan. Therefore, even though the proposed dwelling may be of a comparable scale to some nearby dwellings, and smaller than some others, it would be materially larger than that which exists. Consequently, the proposal conflicts with the replacement dwelling criteria within policy SD3 in this respect.
11. I appreciate that these findings diverge from some of those expressed by the Inspector in the Follyfoot Banks appeal decision. I also note that elsewhere in the area planning permissions for dwellings have been granted following the grant of certificates of lawfulness including for caravans. However, appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case.
12. For the above reasons, the appeal site does not provide a suitable location for the dwelling proposed. The proposal conflicts with policy SD3 read as a whole. The proposal also conflicts with advice within the Framework which seeks to ensure isolated homes in the countryside are avoided unless it meets certain exceptional circumstances.

Character and appearance

13. The fields, paddocks, country lanes and the sporadic development groups surrounding the appeal site provide for a rural character. The groups of buildings include dwellings but also buildings which exude an agricultural and equestrian appearance. The agricultural and equestrian type buildings exhibit varied designs but many, given their function, are quite utilitarian in appearance. Next to the existing caravan is a corrugated metal building and a stable block. Therefore, the setting of the caravan also includes utilitarian buildings.
14. The caravan is itself of simple design, and it is quite modestly scaled. It is not particularly attractive, but its scale and appearance means that it is congruent with the buildings next to it, and it is reflective of the varied and utilitarian development in the area.
15. The proposed dwelling would be considerably larger than the caravan and, it would introduce into this part of the countryside a scale of development which exceeds what is presently there. From certain vantage points, including in the east along Calf Fallow Lane, the proposed dwelling would be quite effectively screened by landscaping. There are other views, such as from the tracks to the north, where the site is much more open, and the dwelling's size would be readily appreciable. The result of the caravan's replacement with the dwelling would be that this particular part of the countryside would become more built-up, and its present degree of openness reduced.
16. Furthermore, as the existing caravan's appearance is reflective of the utilitarian buildings beside it and in the area, no enhancement to the character or appearance of the area would result. Instead, the proposal would introduce a permanent and larger residence into this part of the countryside. In turn, it would erode the rural character.
17. I have no objection to the design detailing or material finish proposed to the dwelling, and I appreciate that a bungalow is proposed in order to reflect the scale of the nearest existing dwellings. Despite this, in the round, the building's scale and erosion of the prevailing character means that the development would be harmful.
18. Consequently, I find that the proposal would harm the character and appearance of the area. The proposal conflicts with policies SD5 and SD8 of the LP which seek to ensure that development is of an appropriate scale, would not harm the character and appearance of the countryside and is designed to the highest possible standard, taking into consideration the context of the area. The proposal would also conflict with those policies within the Framework which seek to ensure that development is sympathetic to local character and contributes to and enhances the natural and local environment, including through its recognition of the intrinsic character of the countryside.

Other Matters

19. As a small development, the proposal would also be likely to contribute quickly to the supply of permanent dwellinghouses. However, in providing only a single dwelling, this contribution would be very modest. Some economic benefits would arise from the proposal's construction and occupation. The development would provide for a biodiversity net gain. Though these are benefits of the

- proposal, they are insufficient to outweigh the harm I have identified in the main issues.
20. The accommodation proposed may be of a better standard for the appellants, but I find that this is essentially a personal matter. Planning is principally concerned with land use in the public interest. Moreover, it has not been shown to me that there are not alternative means for the appellant to be better accommodated.
 21. The site has access to a bridleway, providing a recreational route for the dwelling's occupants. The site would not be at risk of flooding nor is it the subject of any site specific environmental designation. The proposal would not harm the living conditions of neighbouring occupiers, it would not result in any effects prejudicial to highway safety and it would make appropriate provision for parking and property servicing. However, these are neutral factors which do not weigh in the proposal's favour and do not outweigh the harm which would arise from the development.
 22. Both appeal parties submit that, as the proposed dwelling would replace a caravan, no additional nutrient loading effects upon nearby Habitats sites would result. If I were minded to allow the appeal I would need to be satisfied that the proposal would have no adverse effects on the integrity of such sites. Given I am dismissing the appeal, there is no requirement for me to undertake this assessment.
 23. The appellant refers to paragraph 11 (d) of the Framework, but the reasons for this are not clear to me. Relevant development plan policies apply and, on the basis of all that is before me, I have no reason to conclude the most important policies should be treated as being out of date.

Conclusion

24. The appeal site does not provide a suitable location for the dwelling proposed, and the proposal would harm the character and appearance of the area. This, and the resulting conflict with the aforementioned development plan policies, leads me to conclude that whilst the proposal would comply with some development plan policies, it conflicts with the development plan as a whole. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR



Appeal Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/H0738/W/24/3339686

9 Spurrey Close, Ingleby Barwick, Stockton on Tees TS17 0SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Pauline Thoburn against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/1466/REV.
 - The development proposed is described as: 'proposed new porch, side and rear single storey extensions, with boundary wall'.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been received from Miss Pauline Thoburn against Stockton-on-Tees Borough Council. That is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site lies within a suburban area that forms part of a large residential development of cul-de-sacs accessed from through routes. These through routes typically comprise of wide roads with grassed verges, street trees and landscape planting. These areas are bounded by the high walls and fences of the side and rear boundaries of dwellings, which typically have driveway access from the cul-de-sacs. The grassed open spaces are an important component of the streetscene and, to a degree, offset the sense of enclosure formed by rear and side boundary walls and fences. The open character extends around the corners at the junction of the cul-de-sacs with these areas typically comprising of grassed areas or landscape planting. As above, side and rear boundaries tend to be set back behind such areas.
5. The cul-de-sacs themselves consist of narrower roads and pavements and dwellings have open frontages with little boundary definition to front gardens and driveways. This, alongside the aforementioned landscaping at the junction with the through routes, gives the streetscene an open character.
6. The appeal property is a semi-detached dwelling located on a prominent corner plot at the junction of Spurrey Close with Avens Way, backing onto the through route of Thornwood Avenue. The rear and side boundary wall of the appeal

property, set back behind grassed open space are therefore highly visible from Thornwood Avenue. From here, and in views looking towards the junction of Avens Way with Thornwood Avenue, the open space contributes to the open feel to the streetscene, consistent with the prevailing character.

7. Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) (the LP) seeks to ensure new development is designed to the highest possible standard, using streetscapes and buildings to create attractive and comfortable places to live, taking into consideration the context of the surrounding area and the need to respond positively to, amongst other things, the quality, character and sensitivity of the surrounding public realm, in particular at prominent junctions; the landscape contributions made by existing trees and landscaping; and the need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment.
8. The Householder Extensions and Alterations Supplementary Planning Document (2021) (the SPD) highlights the importance of existing landscaping and boundary treatments with regard to the character of the area and that such features should be retained where possible in the interests of visual amenity and biodiversity.
9. It is proposed to construct an extension to the side and rear elevation of the dwelling following demolition of the existing boundary wall and detached garage. The side extension would project out onto the open space beyond the existing boundary wall. As part of the proposals, a new boundary wall would be erected and much of the open space would be incorporated into the rear garden, with only a thin sliver of the grassed area remaining.
10. The proposed tall brick wall close to the pavement edge would become an imposing feature of the streetscene, significantly more so than those set back behind landscaped or grassed areas as is characteristic here. This, alongside the loss of the open space would make this prominent corner of the streetscene appear distinctly less open, to the detriment of the prevailing character of landscaped, open corner plots. Whilst the wall would be prominent in views from Thornwood Avenue, its impact would be particularly harmful in views from Avens Way. From here the wall would obscure views of the landscaped areas along Thornwood Avenue and appear uncharacteristically close to the edge of the pavement, in contrast with the open character of the front gardens and driveways opposite. The proposal would consequently result in an incongruous form of development that does not respond positively to the character of the area.
11. For the above reasons, the proposal would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies SD5 and SD8 of the LP which together and amongst other things, seek to ensure development proposals meet high standards of design that conserves and enhances the natural and built environment.
12. The Council has referred to Policy ENV6 in its reasons for refusal and its delegated report. However, within the context of the appeal proposal, this primarily relates to amenity open space defined in the Local Plan. The appeal site does not lie within such an area and therefore the policy has limited relevance to the appeal scheme.

Other Matters

13. Reference is made to alternative proposals suggested by the Council, however my role is to make a decision on the basis of the scheme before me. Whilst I sympathise with the appellant with regard to the littering that has occurred to the appeal site, I am not convinced that the appeal scheme is the only means of resolving this situation.
14. I note the lack of objection from the occupiers of neighbouring properties, however a lack of objection does not necessarily equate to a lack of harm.

Conclusion

15. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

This page is intentionally left blank



Costs Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Costs application in relation to Appeal Ref: APP/H0738/W/24/3339686 9 Spurrey Close, Ingleby Barwick, Stockton on Tees TS17 0SJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Miss Pauline Thoburn for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the refusal of planning permission for proposed development described as: 'proposed new porch, side and rear single storey extensions, with boundary wall'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG sets out that if it is clear that a local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. It is unclear from either parties' evidence whether this was done, however I note that the Council outlined its concerns in relation to the proposed boundary wall and provided advice as to how to address them during the 8 week time limit.
4. As such it is clear to me that there was communication between the Council and the applicant during this time. Whilst there was a delay in determining the application, it is nonetheless apparent that there was reasonably regular contact during the application process and that some of the delay was due to the provision of advice and request of amended plans by the Council in order to achieve an acceptable scheme.
5. Nevertheless, there is no statutory duty on the Council to communicate with an applicant during the period that the application is under consideration, nor is there any requirement to advise the appellants on how to make their scheme acceptable. It is good practice for a Council to clearly outline its concerns prior to issuing any decision, which appears to have been the case here.
6. I accept that the applicant received positive advice from the Council in response to an enquiry that followed an earlier refusal. Whilst the evidence I have in that regard is limited, this does not appear to have been consistent with the later concerns expressed during the application process in relation to the boundary wall. This is regrettable. However, this action has not led to

undue cost at appeal as the Council contacted the applicant informing them of these concerns during the application process and offered the applicant the opportunity to amend their proposal. I note the applicant requested a refusal rather than amend their scheme any further and that the Council issued a prompt decision following that request. I am therefore not convinced that the actions by the Council in this regard have directly caused the applicant to incur unnecessary expense at appeal, nor could an appeal could have been avoided.

7. Whilst I understand the applicant is still waiting for a reply to a letter sent to the Council on 3 February 2023, this relates to the earlier refusal and therefore is not relevant to the appeal before me.
8. The applicant seeks to highlight costs incurred through having to live in and maintain two properties because the appeal property cannot be extended, as well as those incurred by their builder through being unable to start work due to delay in obtaining planning permission. In that regard I would note that the PPG makes clear that costs awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.

Costs

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Martinson

INSPECTOR



Appeal Decision

Site visit made on 17 April 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Appeal Ref: APP/H0738/W/23/3335619

**Land West of New Close Farm, Calf Fallow Lane, Norton, Stockton-on-Tees
TS20 1PF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Georgia Swales against Stockton-on-Tees Borough Council.
 - The application Ref is 23/1003/FUL.
 - The development proposed is conversion of a barn to a dwelling.
-

Decision

1. The appeal is dismissed and planning permission for the conversion of a barn to a dwelling is refused.

Applications for costs

2. An application for costs was made by Georgia Swales against Stockton-on-Tees Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. Following the submission of the appeal against non-determination, the Council has clarified the decision it would have taken on the application if it had been determined within the statutory time period. The Council would have refused the application, and the reasons why have been provided. These notional refusal reasons inform my main issues set out below.

Main Issues

4. The main issues are:
 - Whether the proposal would constitute an appropriate barn conversion within the countryside including in respect of its effects upon setting; and
 - Whether the appeal site provides a suitable location for the proposal having particular regard to its accessibility to services, facilities and sustainable transport modes.

Reasons

The appropriateness of the conversion including in respect to setting

5. The appeal site is located within the countryside, isolated from the nearest settlements. Policy SD3 of the Stockton-on-Tees Borough Council Local Plan (LP) establishes that in such locations new dwellings are unacceptable unless they would constitute a particular form of housing development set out within

the policy's criteria. Relevant to the conversion proposed is criterion (c) which supports the re-use of redundant or disused buildings provided that it would lead to an enhancement of their immediate setting. This is consistent with the advice at paragraph 84 of the National Planning Policy Framework (the Framework). The appropriate re-use of buildings in accordance with these LP and Framework policies is one means of using land effectively to meet the need for new homes.

6. The barn proposed for conversion has been fitted out for horse stabling and storage. However, at the time of my visit the building was empty, and there was no evidence of it being in use. That said, my visit represents only a snapshot in time.
7. The planning statement submitted in support of the application is dated May 2023, and it submits that the proposal would re-use a disused building. However, the site survey undertaken to inform the submitted structural condition and conversion report dates from a little later, in June 2023, and the photographs included show that the barn at that time was housing equipment as well as some straw or hay.
8. Therefore, there is some diverging evidence before me regarding whether the barn proposed for conversion is genuinely disused or redundant. Given the content of the structural condition and conversion report contradicts the assertions made by the appellant about the building, I find the evidence before me that the building is either no longer being used or no longer needed or useful is not compelling. Regardless, to comply with LP Policy SD3, and paragraph 84 of the Framework, the proposal is required to result in a setting enhancement.
9. The part of the countryside the appeal site is located within is characterised by groups of buildings accessed by tracks and separated by fields and paddocks. Some of these buildings are residential, but others are of an agricultural or equine appearance. The barn sought for conversion is one of a group of four quite closely positioned buildings. Each exude the appearance of being for agricultural or equestrian purposes. Abutting the barn is a paddock. This was being grazed at the time of my visit. Therefore, this building group, and its surroundings, are very reflective of the local area. Each of the buildings within the group, including those proposed for conversion and demolition, are in decent condition, and they cause no detriment to the character or appearance of the area.
10. Altogether, the porch and fenestration proposed to be introduced to the barn and the demolition of the building beside it would domesticate the appearance of the building group and erode its present rural character. These effects would result even if any domestic paraphernalia which would arise from the development was well screened and irrespective of whether the section of boundary wall proposed could be erected under permitted development rights or its design amended.
11. Given the existing barn and the buildings close-by to it comprise of an enclave of development entirely congruous to the area and with little sign of decline, no enhancement to the character or appearance of the site or its immediate surroundings would be derived from the proposal's domesticating effects. On the contrary, the domesticating effects would be unsympathetic and, thereby, harmful.

12. The woodland proposed within the paddock would contribute to the delivery of a biodiversity net gain, and it would put land to use with positive effects in ecological terms. If I adopt a broad interpretation of what is meant by a setting enhancement, it is fair to consider such ecological betterment as constituting one.
13. However, this woodland would also reduce the area of grassland and, in so doing, diminish the extent to which the land exhibits the appearance of a paddock. In this site's particular context, where land exuding equine usage is part of the prevailing character, such effects would be detrimental and would serve to temper the woodland's ecological benefits.
14. Therefore, I have firstly found that the evidence that the barn is redundant or disused is unpersuasive. Secondly, and despite the proposed woodland's contribution to an overall biodiversity net gain, the development would alter a building and land in a manner which would be unsympathetic to their character and appearance and, in turn, to that which typifies the area. A mix of different positive and negative effects would arise from the development but, in the round, I find that upon completion of the development no enhancement to immediate setting would result. The proposal would not, therefore, constitute an appropriate barn conversion within the countryside.
15. Consequently, the proposal conflicts with policy SD3 of the LP and the advice at paragraph 84 of the Framework. The proposal conflicts with policy SD5 of the LP which, amongst other matters, requires the re-use of buildings in the countryside to provide for the development identified within policy SD3. The proposal also conflicts with policy SD8 of the LP which requires 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 character of surrounding buildings and the landscape. Similarly, conflict with policy advice within the Framework arises as it sets out that development should be sympathetic to local character, including the surrounding built environment, and to landscape setting.

Accessibility

16. Isolated from the nearest settlements and accessed via meandering rural access tracks without dedicated footpaths or street lighting, the appeal site is inconveniently located to access services, facilities and sustainable transport modes. To access the typical range of services that they would be likely to require frequently, I expect that the future occupiers of the development would be heavily reliant on the use of a private car.
17. The opportunities to maximise sustainable transport solutions do vary between urban and rural areas, and the opportunities in this case will be more limited than within a more built-up environment. However, isolated housing in the countryside should be avoided. The harm which can be derived from it includes harm to the intrinsic character of the countryside, but it can also result in houses being built in inaccessible locations. Isolated housing can, nevertheless, be acceptable in certain circumstances.
18. However, in my first main issue, I have set out the reasons why the proposal would not constitute an appropriate barn conversion within the countryside nor form one of those particular types of isolated housing developments which accords with LP policy SD3 or paragraph 84 of the Framework. In not

constituting one of those accepted exceptional forms of isolated housing under the provisions of the LP and the Framework, the proposal would facilitate housing within a location with poor accessibility credentials and a high car dependency, without the exceptional reasons for justifying doing so.

19. The appellant refers to the permitted development rights afforded by Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which relates to the change of use of agricultural buildings to dwellings. That permitted development right does not apply a test in relation to the sustainability of a site's location. The statutory requirements relating to the lighter touch prior approval procedure are, deliberately, much less prescriptive than those relating to planning applications.
20. However, the evidence before me demonstrates that the permitted development right cannot be exercised in this case. As such, the permitted development rights afforded by Class Q do not represent a real alternative prospect to deliver the development proposed. Accordingly, they also do not provide a fallback position of any meaningful weight. In this case, planning permission has been applied for, and the lighter touch prior approval procedure does not apply. It is appropriate to consider the accessibility credentials of the site.
21. I accept that, with just a single dwelling proposed, vehicular movements associated with the development would be modest and the effects of it upon the local road network would not be severe. Nevertheless, and for the reasons given above, I find that the appeal site does not provide a suitable location for the proposal having particular regard to its accessibility to services, facilities and sustainable transport modes. Consequently, the proposal conflicts with the advice of the Framework which seeks to ensure that planning decisions create accessible places.

Other Matters

22. The development would make a contribution to housing supply. However, in providing only a single dwelling, this contribution would be very modest. Some economic benefits would arise from the proposal's construction and occupation. Though these are benefits of the proposal, they are insufficient to outweigh the harm I have identified in the main issues.
23. The site may not be at risk of flooding nor be the subject of any site specific environmental designation, whilst the proposal's design would incorporate energy efficient measures and make appropriate provision for parking. I have had regard to these matters but, again, they do not outweigh the harm which would arise from the development.
24. The appellant refers to paragraph 88 of the Framework, but this relates to the growth and expansion of businesses within rural areas and not housing. Therefore, that paragraph of the Framework is of very little relevance to my decision.
25. Wastewater arising from the development could result in nutrient loading effects upon the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site. The woodland planting proposed would serve as mitigation. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the Habitat site's integrity. Given I am

dismissing the appeal, there is no requirement for me to undertake this assessment.

26. The appellant submits that the proposal would enable their family to move out of an existing caravan within which they reside and into more spacious accommodation. However, I have very limited information before me on the family's present situation or what alternative accommodation options have been explored. In the circumstances, I can only attach limited weight to the matter and given the harm that I have identified in the main issues, it is proportionate and necessary to dismiss the appeal.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR

This page is intentionally left blank



Costs Decision

Site visit made on 17 April 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2024

Costs application in relation to Appeal Ref: APP/H0738/W/23/3335619 Land West of New Close Farm, Calf Fallow Lane, Norton, Stockton on Tees TS20 1PF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Georgia Swales for a full award of costs against Stockton-on-Tees Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the conversion of a barn to a dwelling.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this case the Council failed to give notice within the prescribed period of a decision on an application for planning permission. The PPG advises that if it is clear that the Council will fail to determine an application within the time limits, it should give the applicant a proper explanation.
4. The evidence before me indicates that during the planning application process the Council were, at times, unresponsive and that it could have communicated more effectively. As a part of this, more proper explanations on delays could have been provided.
5. Despite these deficiencies, and even though the applicant did not agree with the reasoning, the Council did set out why it considered revised plans and additional notification was necessary and that the application required determination at Planning Committee. I have no substantive evidence before me which demonstrates to me that the Council were incorrect in its pursuit of the additional submissions or the proposed determination procedure. Therefore, some delay to the application's progression was justified.
6. Moreover, on more than one occasion during the application process, Council Officers informed the applicant that they objected to the proposal. During the appeal, the Council have clearly explained why it would not have granted planning permission had the application been determined within the relevant period. I have since dismissed the appeal. Therefore, even with more proactive

- communication, the appeal could not have been avoided nor would it have been very likely that the pertinent issues would have been narrowed.
7. Whilst the use of conditions may moderate the effects of domestic paraphernalia the proposal would, regardless, domesticate the appearance of the building group and erode its present rural character. Conditions would not sufficiently mitigate the harm the proposal would cause overall and would not enable the proposed development to go ahead.
 8. The Council has substantiated its reasons why the proposal would not lead to a setting enhancement. Each case should be determined on its own merits having regard to the specific site and proposal circumstances. Furthermore, I find nothing within the Council's approach to the assessment of setting effects to be clearly at odds with the decisions of the other Inspectors to which the applicant refers. Therefore, the Council has not persisted with objections which Inspectors have previously indicated to be acceptable.
 9. In the second main issue of my appeal decision, I have set out the reasons why it is appropriate to consider the accessibility credentials of the site. In raising objections on the grounds of accessibility the Council have, therefore, not acted contrary to prevailing Government advice or policy.
 10. The applicant submits that the manner in which the Council dealt with the planning application was inconsistent with other applications in the area. However, I have very little information before me in relation to the other applications or the detail of the alleged inconsistencies. Therefore, I cannot conclude that the Council have unreasonably been determining similar cases in an inconsistent manner.
 11. Finally, I have concluded that the proposal conflicts with policies within the development plan and would be inconsistent with advice within the Framework. It follows that the Council's actions have not prevented a development which, having regard to the development plan, national policy or material considerations, should clearly have been permitted.
 12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Jones

INSPECTOR