

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**10 JULY 2013**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**13/0776/EIS**

**Mount Leven Farm, Leven Bank Road, Yarm**

**Revised outline planning consent with all matters reserved except for means of access, for development of a retirement village including related leisure and social facilities and infrastructure.**

**Expiry Date 27 June 2013**

**SUMMARY**

Members may recall that recently an outline planning application was submitted for a similar form of development, i.e. that of a retirement village and associated facilities (ref; 12/1546/OUT). This application was refused by the Planning Committee due to the impact of the development on the green wedge and its impact on highway safety. The applicant has lodged an appeal against this decision, which is due to be heard at a Public Inquiry, opening on the 23rd July 2013.

Outline planning consent is again sought for a retirement village that would consist of 350 retirement dwellings and a 100 bedroom care home. The application seeks to establish only the principle of the development and the means of access into the site, all other matters are therefore reserved for a future submission. The proposal does however allow for a revised layout which includes increased landscaping provision and a revised transport assessment, both of which are aimed at addressing the previous reasons for refusal.

The application site forms part of the Mount Leven Farm site, which encompasses a group of former farm buildings and a series of agricultural fields. The existing group of buildings sit on the plateau close to the valley edge and is probably most visible from Leven Bank Road. The site itself is fairly level with only small fluctuation across the site as a whole, before sloping down (from south to north) as the land meets with the River Tees or steeply rising to the east as it meets the Leven Valley. To the west of the site lies a variety of residential properties which form the edge of the more modern and suburban properties of Yarm. To the south of the site also lie a small group of residential properties.

Again is recognised that there are some benefits to the proposed development in terms of boosting the supply of housing, addressing some needs of the Tees Valley's growing older population, the wider public benefits resulting primarily from increased public access along the Leven Valley and the economic benefits the scheme would bring to the area in terms of investment and job creation.

However, in weighting up the revised scheme against the planning policy constraints and benefits of the proposed development would offer, it is not considered these would be sufficient enough to outweigh these conflicts with the adopted development plan policies. Furthermore the Head of Technical Services remains of the opinion that satisfactory access arrangements cannot be provided to ensure safe access and egress into the site.

## **RECOMMENDATION**

### ***Planning application 13/0776/EIS be Refused for the following reasons***

#### **Green Wedge/landscape character:**

- 01** *In the opinion of the Local Planning Authority the proposed development represents an unjustified incursion into the Leven Valley green wedge and by virtue of its scale and nature would have an unacceptable detrimental impact on the open character and visual amenity of the area and thereby harm the separation that exists between the settlements of Ingleby Barwick and Yarm, contrary to saved policies EN7 and H03 of the Local Plan and policies CS3(8) and CS10(3) of the Core Strategy.*

#### **Highway Safety:**

- 02** *In the opinion of the Local Planning Authority the applicant has failed to provide sufficient information to satisfactorily demonstrate that appropriate access arrangements could be provided and the proposed access arrangements would therefore have an unacceptable detrimental impact on highway safety and the proposal is therefore contrary to guidance within saved policy HO3 of the Local Plan and paragraph 32 of the National Planning Policy Framework (NPPF).*

## **BACKGROUND**

1. In the early 1990's two outline planning applications were submitted for a residential development on the site. The first application sought permission for residential development alongside a new roundabout (ref; 90/1690/P) This application was refused on the basis that the additional access would have created an undue hazard to other road users and that the Cleveland Structure Plan identified the area as a substantial landscape area which has also been identified as a green wedge between Yarm and Ingleby Barwick.
2. A later application again sought outline permission for residential development although this time alongside a leisure/recreational development which included a 9 hole golf course (ref; 91/0585/P). Appeals against the decision of the first application and on the non-determination of the second application were lodged. In the intervening period the Council had resolved that they were minded to refuse the second application on the same grounds of the first (i.e. highway safety and landscape/green wedge) and upon the opening of the public inquiry the appeal against the first application (ref; 90/1690/P) was withdrawn.
3. In dismissing the appeal the inspector had taken the view that the different characters of Yarm and Ingleby Barwick required adequate separation to prevent their visual coalescence, furthermore the view was given that the wooded slopes of the River Leven valley would not achieve the degree of separation required. It was however, considered that a new junction of an appropriate design could be accommodated to serve the development.
4. Members may also recall that recently an outline planning application was submitted for a similar form of development, i.e. that of a retirement village and associated facilities (ref; 12/1546/OUT). This application was refused by the Planning Committee due to the impact of the development on the green wedge and its impact on highway safety. The applicant has lodged an appeal against this decision, which is due to be heard at a Public Inquiry, opening on the 23rd July 2013.
5. Other development proposals are related to smaller scale extensions and alterations to existing buildings in and around the complex of former farm buildings (App ref; 5385, S431A, 5431C, S1430/77, S1661/78, S1420/79, S739/81, S2730/81, S620/85, 92/1209/P, 99/1919/P, 00/0819/P, 00/1716/P, 01/1077/P, 01/1078/P, 06/0751/FUL & 07/3035/FUL).

## **SITE AND SURROUNDINGS**

6. The application site forms part of the Mount Leven Farm site, which encompasses a group of former farm buildings and series of agricultural fields. The existing group of buildings sit on the plateau close to the valley edge and is probably most visible from Leven Bank Road. This group of buildings is shown as being retained on the submitted drawings. The site itself is fairly level with only small fluctuation across the site as a whole, before sloping down (from south to north) as the land meets with the River Tees. Opposite the site at the junction of the river Tees and River Leven lies the Round Hill scheduled ancient monument.
7. To the east of the site lies the River Leven valley that rises steeply to either side, until it gradually begins to lower as it meets with the River Tees at the northern edge of the site. The river and its valley bound the site to the east and north and creates a 'pinch point' within the centre of the site. The residential properties of Ingleby Barwick lie beyond to the east and in some instances are extremely close to the valley ridge, adding to their prominence.
8. The north/north-west of the site and the surroundings are dominated by a series of open agricultural fields on either side of the rivers, these areas create and form the green wedges that surround and separate the western boundary of Ingleby Barwick, the northern boundary of Yarm and eastern edges of Egglecliffe village and Eaglescliffe. To the west of the site lies a variety of residential properties which form the edge of the more modern and suburban properties of Yarm, these dwellings range in size and design and as a result have no particular architectural character or style. To the south of the site lie additional fields with a small group of residential properties. A variety of mature trees lie within this area and bound Leven Bank Road.

## **PROPOSAL**

9. Outline planning consent is sought for a retirement village that would consist of 350 retirement dwellings and a 100 bedroom care home. The application also details associated infrastructure and leisure/community facilities for the use of residents such as swimming pool, bowling green, restaurant/cafeteria and convenience store. The application seeks to establish only the principle of the development and the means of access into the site. All other matters are therefore reserved for a future submission and would be subject to separate consideration should outline permission be granted.
10. This proposal differs only in that there is a revised layout which includes greater landscaping provision following from a revised landscape and visual assessment and also includes an enhanced transport assessment. Indicative drawings are provided to demonstrate the layout of the site. These have since been revised and supplemented to take into account the archaeological features that exist on the site and to clearly demonstrate the extent of the proposed landscaping.
11. As part of this submission the applications have also clarified aspects relating to the inward investment. The application details that this would be worth £100 million from the UAE (United Arab Emirates) based company Enshaa PSC. This is alongside those benefits offered as part of the draft heads of terms which includes the provision of 19 hectares of land for public access a local labour agreement, 20% affordable housing as well as a footbridge to Ingleby Barwick.

## **CONSULTATIONS**

12. The following consultation responses to the development proposal were received;

### **Adult Strategy**

No comments received

### **Council For The Protection Of Rural England – Norman Douglas**

In our view, it does not appear to be significantly different to the previous Application, to which we were opposed. This, as you are aware, was rejected by your selves and is now the subject of an Appeal.

We therefore detail our objections as follows:

- The massive proposed incursion into the Tees Heritage Park.
- Unnecessary major development on Green Wedge Land
- Its non-selection, as a suitable place for future housing development in the current Stockton Preferred Options proposals,
- The exacerbation of the serious traffic problems in the area
- A retirement village "ghetto" concept.  
Disturbance of a known wildlife corridor  
Consistency in Council Planning decisions.

In addition, we feel that any temporary economic benefits resulting from such a development are far outweighed by the damage to the Heritage Park itself. The Park is a "game changer" as far as the image of Stockton on Tees and Teesside in general is concerned. It is the antithesis of the current erroneous and outdated image. The appalling atmospheric pollution and many of the redundant industrial eyesores have gone for ever, but the image remains. It is critical that this image is changed. In many experts' views, it is the single most important element that is holding back economic development in the Teesside area. Teesside otherwise, has many economic advantages, eg good communication infrastructure - road, rail, airport and Ports, a skilled workforce and land available for development, to mention but a few.

When the Friends of Tees Heritage Park was set up by CPRE Stockton Group, the core Tees and Leven river valley between Stockton and Yarm was still (just) intact. However this was a very close run thing. Numerous applications had been made to develop parts of it, some of them successful. In conjunction with Stockton Council and with all party and executive support, the boundaries of the Heritage Park were drawn up. Were this development to be permitted it would represent the largest incursion into the Park since these boundaries were agreed and a blatant failure of protection for a popular, massively successful and still improving, community led project.

The guidance for any development on Green Wedge land in SP4 is very clear. This Application does not even come close to fitting into any of the categories detailed. It is only in the most exceptional instances that these guidelines should be over-ridden. This is not such an instance.

The community has already been given the opportunity to comment on Stockton Borough Council's Preferred Options for future housing development. These options (many of them controversial) already include land that is green field (but not green wedge) and outside the limits to development. Some of these options are currently being vigorously opposed. To suggest building in a Community Heritage Park, on land that is Green Wedge and not selected as a Preferred Option by the Council, should be unacceptable to both Stockton Borough Council and the community at large.

When you have a known serious existing problem with traffic in Yarm, that is basically insoluble without the construction of a new river bridge and bypass, it would be folly to consider exacerbating

it with further development, close to Yarm, on this scale. Mitigation schemes are only ever partially successful. We have been advised that the Arup Traffic Report shows that, with the recently approved developments, traffic at Green Lane and Yarm centre is close to tipping point.

As regards the Retirement Village concept itself, we had understood it was the policy of Stockton Borough Council to encourage older residents to remain within their established communities, as long as was practical and not to encourage segregation by age or anything else.

The wildlife corridor running through the Mount Leven Valley site is important, both from an ecological and also from an economic point of view. Image changing, as previously referred to, and the development of Tourism are important aims of the Council.

The Council, to its credit, has protected the Tees Heritage Park in the past from inappropriate development. It has rejected, this Application's predecessor, the building of a Comprehensive School at Preston Hall (the heart of the Heritage Park), and plans for a major Sports Complex in one of the most scenic sections of the Park. It has discouraged Wind Turbines in the river valley. In addition, the Handley Cross decision (not in the Park, but very close to Mount Leven), was recently upheld by the Inspector at Appeal. Some of the same issues that arose there are also relevant here. I am sure you will agree the Council has been, and must continue to be, consistent in its advice.

Taking into account all of the above, we request that you recommend rejection in your report to Planning Committee.

#### **Council for The Protection of Rural England – Robert Mullen**

CPRE Stockton wishes to object to the above planning application. We detail our objections as follows -

Unnecessary and inappropriate development on Green Wedge land.  
Loss of open space/green wedge/contrary to Stockton Council planning policy. This green space has not been identified as a suitable site for future housing development in the draft Stockton Council LDF Preferred Options.  
Incursion into the boundary of the prestigious Tees Heritage Park.  
Loss of tranquillity to the area.  
Disturbance of a wildlife corridor as defined in the Tees Valley Biodiversity Action Plan.  
Site not included in the LDF Preferred Options Policy H1 housing allocations.  
The need to maintain consistency in Council planning decisions.

Below are valid reasons for our objections.

1) CPRE Stockton consider that the open character and amenity of this part of the Green Wedge would be irrevocably changed by this development, changing the landscape from one of an open agricultural field to inappropriate housing and garaging.

2) Core Strategy Policy 10 (CS10) is based solely around Environmental Protection and Enhancement and criterion 3i) sets out that the separation of settlements and quality of the urban environment will be maintained through the protection and enhancement of these areas, including those which are identified as Green Wedges.

It is also recognised that Strategic Gaps and Green Wedges form part of wildlife corridors that helps to create added value to the borough. The protection of the natural environment is also seen as a core element of the definition of sustainable development and forms a key part of guidance within the National Planning Policy Framework.

3) Section 11 of the NPPF sets out the governments objectives in terms of conserving and enhancing the natural environment. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment through amongst others, protecting and enhancing valued landscapes. It goes on to state that distinctions should be between the hierarchy of international, national and locally designated sites ensuring that protection is commensurate with their status and gives appropriate weight to their importance and contribution to wider ecological networks (Para 113). Paragraph 123 also states that planning decisions should aim to "identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value". This site, although privately owned and not available for recreation, offers a considerable amenity value to the adjacent urban area.

4) Furthermore, Objective 8 of the adopted Core Strategy is 'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees.' Including in the associated explanatory text is 'The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.

5) Stockton Council's draft Strategic Policy 4 (SP4 - Green Wedge) within the Regeneration and Environment DPD Preferred Options draft, outlines the categories of development that would be supported on land designated as Green Wedge. These include activities such as agriculture, recreation, forestry and burial grounds and this proposal for residential development does not fall into any of these categories.

6) The proposed development will intrude into the already established Tees Heritage Park boundary at this location. The Park is a key part of Stockton Council's Core Strategy and is effectively protected by the Stockton Council Green Infrastructure Strategy. The Park is also designated in the Stockton Council Local Plan - Regeneration and Environment, Local Development Document, Preferred Options - as being outside the limits to development and within green wedge boundaries agreed with Stockton Council. The Council has already shown its commitment to the Tees Heritage Park by previously protecting it from inappropriate development. CPRE Stockton would expect a similar level of protection to be shown to this key area at the head of the Leven Valley.

7) A River Tees Heritage Park has been an aspiration of Stockton Borough Council since the 1997 Local Plan was published. Working together Stockton Council, Friends of the Tees Heritage Park and CPRE Stockton have succeeded in making it a reality. It is this kind of joint approach that exemplifies what the government is trying to achieve with "the Big Society". Were this application to succeed it could seriously affect such partnerships in the future. CPRE Stockton are confident that, given Stockton Council's commitment to the Heritage Park and protection of Green Wedges, you will reject this totally inappropriate application.

### **Tees Archaeology**

The applicant has submitted the results of an archaeological field evaluation in the form of reports on geophysical survey and trial trenching. These reports are sufficient to understand the significance of heritage of assets of archaeological interest and meet the relevant information requirements (NPPF Para. 128).

In summary, archaeological features were noted in two areas. To the north-west of Mount Leven Farm a pair of Iron Age enclosures (c.400BC-50BC), containing several round houses were identified. Well preserved deposits were noted including organic material (i.e. animal bone). A second concentration of archaeological features was identified to the south of the farm. These appear to be similar in date to the Iron Age enclosures, although the form of some of the geophysical anomalies is more reminiscent of Romano-British occupation.

The archaeological sites are of regional importance and can either be designed out of the development to avoid impact (NPPF Para. 132) or archaeologically excavated in advance of development (NPPF Para. 141) to advance our understanding before they are destroyed. A combination of both approaches could be taken. The first option might have an impact on the yield of the development and the second would carry a cost implication to the developer which might be significant.

The options to physically preserve or record could be made a condition of any planning consent. I attach the suggested wording for the conditions.

Recording of a heritage asset through a programme of archaeological works

A) No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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

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

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

Preservation of heritage assets during construction

No development shall commence until fencing has been erected around the heritage assets to a design approved by the Local Planning Authority in writing. No works shall take place within the area inside that fencing unless approved in writing by the Local Planning Authority.

Preservation of heritage asset through design

No development shall commence until details of the ground levels, to include a detailed design and method statement, are submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains at a known depth of 300mm which are to remain in situ.

The wording for these conditions is derived from a series of models recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

### **Northern Gas Networks**

No objections

### **Spatial Plans Manager**

Whilst I note the revised nature of the proposed development and in particular the changes to the layout of the site, I consider that the considerations in respect of planning policy remain as set out in my previous comments, as detailed below;

### The supply of deliverable housing land

The Council has produced a report entitled '5 Year Deliverable Housing Supply Final Assessment: 2012 -2017'. The Report concludes that the Borough has a supply of deliverable housing land of 3.98 years. The Council is not therefore able to demonstrate a 5-year supply of deliverable housing land. This is a significant material consideration in relation to this application.

The National Planning Policy Framework (NPPF)

The NPPF states (paragraph 14) that at the heart of the NPPF is the presumption in favour of sustainable development which is a 'golden thread running through both plan-making and decision-taking'. For plan-making this includes local planning authorities positively seeking 'opportunities to meet the development needs of their area'. For decision-making it means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or Specific policies in this Framework indicate development should be restricted.'

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or that specific policies in the NPPF indicate it should be refused. Other policies in the development plan that are relevant to the application remain up-to-date and are referenced in these comments.

### Achieving sustainable development and core planning principles

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

The NPPF states that a set of core land-use planning principles should underpin both plan-making and decision-making. Included in these principles are that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. For the reasons set out in the environmental protection and enhancement section of these comments I consider that the application conflicts with taking account of the role and character of the area and with the environmental dimension of sustainable development.

Also included in the core land use principles is 'Every effort should be made objectively to identify and then meet the housing, business and development needs of an area, and respond positively to wider opportunities for growth'. The proposal would assist in addressing the identified need for housing and thus fulfil both a social and an economic role. However, for the reasons set out in the sustainable tourism and town centres sections of these comments I consider that there are also significant economic costs associated with the proposal and for the reasons set out in paragraph 30 of these comments I consider that there are also significant social costs associated with the proposal.

### Relationship to the adopted Development Plan

The development plan currently comprises the North East Regional Spatial Strategy, the Stockton-on-Tees Core Strategy LDD (March 2010), the saved policies of the Stockton-on-Tees Local Plan 1997, and the Tees Valley Joint Minerals and Waste LDD (September 2011). It should be noted that the Government intends to abolish regional spatial strategies but pending the enactment of a



revocation order the Regional Spatial Strategy remains part of the development plan. Sustainable transport and travel

The proposal will need to be assessed in relation to Core Strategy Policy 2 (CS2) Sustainable Transport and Travel.

#### Community facilities

Point 1 of Core Strategy Policy 6 (CS6) - Community Facilities, states 'Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for'. The proposal includes a number of community facilities. However, I do not consider that the Leven Valley is a suitable location for the provision of such facilities. The relationship of the Leven Valley to the neighbouring communities is that of providing visual relief, separation and an environmental resource.

#### Open space provision

Point 3 of Policy CS6 states: 'The quantity and quality of open space, sport and recreation facilities throughout the Borough will be protected and enhanced. Guidance on standards will be set out as part of the Open Space, Recreation and Landscaping Supplementary Planning Document 'The Open Space, Recreation and Landscaping SPD includes quantity standards which identify the level of demand caused by new development. Combined with this are minimum acceptable size thresholds which identify when a development becomes large enough to require the provision of on-site open space. Based on the figures within the Design and Access it is anticipated that 1.1 ha of amenity green space and 0.65 ha of allotments would be required onsite.

The concept plan submitted as part of the proposal includes open space in the form of village greens and green corridors linking spaces within the development, leisure facilities (including a gymnasium, swimming pool, tennis court, bowling green and village hall) and the transfer of land within the River Leven Valley to the Council for use as a Country Park. Generally the proposal provides open space, sport and recreation beyond that required by the Open Space, Recreation and Landscaping SPD. However, consideration could be made to provide an element of allotment space in line with identified standards.

#### Housing mix and affordable housing provision

As the applicant will provide 20% affordable housing this aspect of planning policy has been met.

#### Environmental Protection and Enhancement

The site forms part of Tees Heritage Park. The supporting text for Objective 6 states that Tees Heritage Park will 'provide a high quality setting for recreation in the rural section of the river corridor, with Preston Park and its Hall developing into a regional attraction'. I regard the scale of the proposed development is such as to be incompatible with the vision for Tees Heritage Park and therefore, the vision for the Borough.

Objective 8 of the adopted Core Strategy is 'To protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity, taking advantage of the Borough's special qualities and location at the mouth of the River Tees.' Including in the associated explanatory text is 'The strategic gaps and green wedges that prevent the coalescence of built-up areas will be retained as important components, forming part of wildlife corridors and these will be improved and managed to strengthen their value.' The scale of development proposed is in conflict with Objective 8 as it will significantly erode the green wedge that prevents the coalescence of Yarm and Ingleby Barwick.

Adopted Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement, states at Point 3i) 'The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of Green Wedges within the conurbation including Leven Valley between Yarm and Ingleby Barwick'.

The proposal is contrary to Point 3i) of Policy CS10. Green Wedge is a local designation. It is therefore, not specifically referenced in the NPPF. However, it is a local designation to which the Council attaches great importance. Its importance is highlighted by the fact that the Council's Preferred Options draft housing allocations do not include any land currently designated as Green Wedge.

The function of the Green Wedges is to prevent the coalescence of communities within the built up area (thus maintaining their individual identities). The Green Wedge in the Leven Valley clearly has a critical role in this respect. A high quality built environment requires the maintenance of a balance between built up areas and green wedges providing visual relief (social role) and the natural environment should be protected and enhanced (environmental role). I consider that the proposed development would therefore, have a major adverse impact and therefore, be in conflict with the social and environmental roles of sustainable development as set out in the NPPF.

#### The quality of the agricultural land

Paragraph 112 of the NPPF states 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. It needs to be taken into account alongside other sustainability considerations when assessing planning applications. Local site specific surveys were undertaken in 1988 and 1999. The majority of the application site is shown classified as grade 2 or grade 3a.

#### Relationship to the Core Strategy Review of Housing Options process

The Council has recognised that because of changing economic circumstances and the reductions in the public funding available to support regeneration schemes, the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. Although the Council retains very strong regeneration aspirations, it is firmly committed to achieving the housing requirement for the Borough to 2029. For this reason the Council decided to undertake a review of housing options. This review encompasses the housing spatial strategy and the housing distribution and phasing policy as well as aspects of the housing mix and affordable housing provision policy. This process formally began with the Core Strategy Review of Housing - Issues and Options, public consultation held over a 12 week period in summer 2011.

#### Draft Preferred Options Housing Allocations

The site is not regarded by officers as suitable for housing. For this reason, the site is not identified in the Core Strategy Review of Housing - Issues and Options document and has not been subsequently identified as a draft allocation. No representation regarding the site has ever been received in relation to the strategic housing land availability assessment or directly through the local plan process. The Council has now published for consultation the Regeneration and Environment LDD Preferred Options draft. This sets out the preferred options for delivering the housing requirement to 2029.

The 1st bullet point associated with paragraph 17 of the NPPF, setting our core planning principles, states that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the area'. The possibility of the development of this site for a retirement village has not in any way been highlighted through the local plan process. Its development would therefore, be clearly fundamentally in conflict with this core planning principle of the NPPF. Relationship to the process of reviewing the limits to development

### Draft Preferred Options Limits to Development

Strategic Policy 4 (SP 4) - Green Wedge, in the Regeneration and Environment DPD Preferred Options draft, states the categories of development which the Council will support on land designated as Green Wedge. The proposal does not fall into any of the categories. It is therefore, contrary to draft Policy SP 4.

39. A number of representations were received to modify the boundaries of green wedge designations and these have been addressed in the 'Review of Limits to Development and Green Wedges' (May 2010) which forms part of the evidence base to the Regeneration and Environment DPD Preferred Options draft. The review did not recommend any alteration to the boundary of the green wedge in the Leven Valley.

### Housing Need and Demand

One of the NPPF core planning principles includes making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' The 1st bullet point of NPPF paragraph 47 states that to boost significantly the supply of housing local plans should 'use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'. As previously referenced the Council is not currently able to demonstrate a five year supply of deliverable housing sites and the TVSHMA identifies an annual deficit in the provision of affordable housing of 560 homes. It is a benefit of this application that it would contribute to the provision of market and affordable housing. This is not withstanding the Council's preference for addressing these issues through a plan-led approach.

The 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) states 'A major challenge for the Tees Valley Councils is to ensure a range of appropriate housing provision, adaption and support for the Tees Valley's growing older population' (paragraph 4.121). This in the context of a projected 52% increase in the number of people across the study area from 94,000 in 2010 to 144,000 by 2033. The study also highlights a shortfall of bungalows across most of the district of Stockton-on-Tees. The proposal clearly has the potential to assist in meeting the housing needs arising from demographic changes. This is a significant benefit that would accrue from the development.

### Summarising comments

It is clearly a benefit of the proposal that it would boost significantly the supply of housing and assist in addressing the needs of the Tees Valley's growing older population. However, it is important to balance this benefit against the other considerations referenced in these comments to consider whether the proposal represents sustainable development.

## **The Environment Agency**

### Environment Agency Position -Flood Risk

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment by JNP Group submitted with this application are implemented and secured by way of a planning condition on any planning permission.

### Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by JNP Group and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site to the equivalent greenfield runoff rates using attenuated storage so that it will not increase the risk of flooding off-site. The rates should be designed to the impermeable areas proposed and not to the area of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

#### Advice to applicant

Under the terms of the Water Resources Act 1991, and the Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 5 metres of the River Leven and Tees, designated as 'main rivers'. This includes the construction of new surface water outfalls.

#### Environment Agency Position - Ecology

The proposed development will be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese knotweed, Giant Hogweed and Himalayan balsam present.

#### Condition

No development until a detailed method statement for removing or the long-term management / control of Japanese knotweed, Giant Hogweed and Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed, Giant Hogweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement.

It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

#### Reasons

This condition is necessary to prevent the spread of Japanese knotweed, Giant Hogweed and Himalayan Balsam which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Each of these species has been found on site and their locations noted in the Ecological Report

The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the otter population found on site is protected.

#### Condition

No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of otter, a protected species under The Wildlife and Countryside Act 1981 as amended and Habitats Directive Annex II, and their associated habitat during construction works and once the development is complete. Any change to operational, including management; responsibilities shall be submitted to and approved in writing by the local planning authority. The otter protection plan shall be carried out in accordance with a timetable for implementation as approved.

## Reasons

This condition is necessary to protect the otter and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Under the Wildlife and Countryside Act 1981 LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. Under section 40 of the National Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

Otter are known to frequent the reaches of the Tees and Leven within the proposal boundary. An otter holt is present on site and is referred to in the Ecological Report.

## Applicant information - survey licence requirements

Note that a licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species.

For further information and guidance on UK protected species and licensing can be found under the DEFRA web pages for the Wildlife and Countryside Act 1981.

The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 5 metre wide buffer zone around the watercourses.

## Condition

No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the River Leven and River Tees shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- o plans showing the extent and layout of the buffer zone
- o details of any proposed planting scheme (for example, native species)
- o details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- o details of any proposed footpaths, fencing, lighting etc.

## Reasons

Development that encroaches on watercourses has a potentially severe impact on their ecological value. For example, artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the

importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

#### Great Crested Newt

Our records show that there could be great crested newt in the area. These are protected under the Wildlife & Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. Further guidance can be found at <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/advice/advisoryleaflets.aspx#newts>.

#### Disposal of Foul Sewage

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

I have sent a copy of this letter to the agent/applicant and a copy of the subsequent decision notice would be appreciated.

#### **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- Site Waste management Plans
- Possible land contamination

#### **Natural England**

Thank you for your consultation dated and received by Natural England on 08 April 2013. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has previously commented on the proposal 12/1546/OUT and made comments to the authority in our letter dated 11 December 2012. The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

The proposed changes to the original application relate largely to layout, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

#### **Northumbrian Water Limited**

I refer to your letter dated 8th May 2013 and Planning Layout included in Flood Risk Assessment. I see no reason to change previous reply but the Application Form indicates foul flow to main sewer. This is not agreed with Northumbrian Water.

Capacity for foul drainage is not available because of pumping station.

### **Stockton Police Station - Eddie Lincoln**

If the development is to proceed consideration should be given to applying Secured By Design principles. Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Current government planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda. Should you wish to apply for Secured by Design certification please complete an application and checklist form, which can be obtained from [www.securedbydesign.com](http://www.securedbydesign.com) Secured by Design SBD New Homes Application Form. Please forward to me at the earliest opportunity

### **Highways Agency**

Offer no objections to the proposed development

### **Head of Technical Services**

I refer to your memo dated: 8 April 2013

#### General Summary

Having reviewed the information submitted by the applicant, Technical Services have a number of concerns regarding the impact of the development and maintain a highway objection to the development on highway safety grounds.

There also remain landscape and visual concerns regarding the developments impact. From a landscape and visual viewpoint it is still considered that the impact of the development cannot be mitigated until the new tree planting screen matures and as such this impact would be significant and adverse for up to 10-15 years (the slight changes to the scheme in terms of removing approximately 5 dwellings and including some additional tree planting are to minor to have any major effect in alleviating these issues). Two key views from the proposed site entrance on Leven Road and Roundhill have not been assessed as part on the Landscape and Visual Impact Assessment submitted with this revised application and as such this assessment is considered incomplete and fails to fully assess the landscape and visual impacts of the proposed development.

The impact of the development on the green wedge and special landscape area would remain substantial with the open agricultural character of the site irrevocably changed.

Therefore Technical Services maintain a landscape and visual objection to this development.

#### Highways Comments

##### Context

The proposed development is for a Continuing Care Retirement Community (CCRC) and nursing home on a site proposed to be accessed from Leven Bank Road. A previous application for the development (12/1546/OUT) was refused planning permission in December 2012 with one of the reasons for refusal being highway safety. This application proposes some revisions to the development which are assessed in detail in this report.

##### Proposed Development

The proposed development includes 350 CCRC units, a 100 bed nursing home and a community hub which would provide facilities (including a gymnasium, swimming pool, tennis court, restaurant and convenience store) for the residents of the site.

A new vehicular access to the development would be formed on Leven Bank Road and given the concerns raised by the Highway Authority on the previous proposal (12/1546/OUT) both a roundabout and signalised junction solution are proposed.

## Internal Layout

The layout of the site is a reserved matter but it should be designed and constructed to the Council's Design Guide and in accordance with Manual for Streets guidance. Parking should be provided for each land-use in accordance with Supplementary Planning Document 3: Parking Provision for New Developments (2011).

Car parking is proposed adjacent to each CCRC unit, with a provision of one space for one and two bed units and two spaces for three bed units (based on the development mix this amounts to approximately 400 spaces for residents). Visitor parking is also proposed, provided at a ratio of one space per five units (approximately 70 spaces).

Cycle parking is proposed within the ground floor of each unit and this is acceptable for residents however there should also be easily accessible cycle parking provided for visitors. Visitors should be notified of additional cycle parking spaces which should be provided for the community hub and could be utilised for visitors to the CCRC units.

A total of 23 parking spaces are proposed for the care home (including 2 disabled bays). The Transport Assessment (TA) notes that a maximum of 30 staff are likely to occupy the care home at any given time. There is also reference to 24 hour care, which implies that there may be resident staff. If so, a total of 27 spaces (including 3 disabled bays) should be provided in accordance with the Council's parking standards, as shown in Table 1.

Table 1: Application of SBC Parking Standards to Proposed Residential Care Home

Standard	Car Parking Spaces Required
2 spaces per resident staff,	2
1 space per 3 members of staff on duty (30 staff)	10
1 space per 8 residents (100 beds)	12.5 (13)
1 space for professional visitor	1
1 space for ambulances	1
Total	27

A total of 30 cycle parking spaces are proposed for the care home and village hub – a total of 25 are required so this is acceptable. A shower and changing room facility is also proposed within the care home.

No car parking is specified for the community hub although the indicative site plan does provide an area of parking close to the community facilities. The layout and quantum of parking for the community hub would need to be agreed as part of a Reserved Matters application. The level of car parking would need to reflect the information submitted for the highway impact assessment i.e. that the community hub is for residents only and any additional car trips and therefore parking demand would be generated by staff working within the facility only.

Electric car charging points are proposed for each dwelling and the community hub. These are welcomed and the provision of electric vehicle charging points should be conditioned if planning permission is granted to encourage residents and visitors to travel by low emission vehicles.

Details of refuse collection and storage would be required along with autotracking of appropriate vehicles around the site. Construction times should be appropriately controlled and the submission of a Construction Management Strategy should be conditioned in order to ensure that no construction works would have a detrimental impact on the highway.

If the application was approved, the developer would be required to enter into a Section 38 Agreement for the additions to the highway which would be adopted by Stockton Borough Council (SBC).



### Highway Safety

The TA reviews accident data for a five year period to March 2012. The data and plan provided within the TA shows that there have been four accidents close to the proposed development site, three of which resulted in serious injuries. The Highway Authority has more recent data which shows an additional two accidents were recorded to March 2013 (one serious and one slight accident).

Although there may not be a common causation factor in the accident statistics, the plan included in the TA illustrates that the accidents are focussed around the length of highway that the proposed access into the development site would be located. This does raise a concern that there are factors in this location that make the highway more susceptible to accidents. Causation factors for accident labelled 11060162 are road layout (bend, hill crest and narrow carriageway) and two of the accidents list 'passing too close' as causation factors for the accidents involving pedal cyclists.

### Highway Impact

A traffic survey was conducted on Leven Bank Road in April 2012 to inform the baseline of the assessment.

Trip rates for the CCRC units have been derived from surveying a similar development in York (Hartrigg Oaks). The trip rates from the York site are shown in Table 2.

Table 2: CCRC Trip Rates (based on York site)

	AM	PM		
	Arrival	Departures	Arrival	Departures
Trip rate (per unit)	0.184	0.283	0.204	0.138
Trips (350 units)	64	99	71	48

The trip rates in Table 2 are low compared to those applied for a standard residential development. The TA notes that this is because the CCRC units would be for people aged 55 and over and therefore the peak hour trip rates would be lower than would usually be expected for a standard residential development. However, it was also acknowledged that the York site is smaller than the proposed development and as the aging population is expected to work longer in the future, there could be a risk that in the long term the lower trip rates could be underestimating the traffic impact.

The applicant was therefore asked to compare the trip rates for the retirement village with trip rates for a standard residential development. The most recently consented residential development within the local area, of a similar scale, is the Morley Carr Farm development. The trip rates that were applied for the assessment of Morley Carr Farm are shown in Table 3.

Table 3: Residential Trip Rates (Morley Carr Farm site)

	AM	PM		
	Arrival	Departures	Arrival	Departures
Trip rate (per unit)	0.177	0.381	0.396	0.227

A comparison of trip rates between the Morley Carr Farm site and the York retirement village show that the York site is forecast to generate approximately 84% of the traffic in the AM peak hour that would be generated if the Morley Carr residential trip rates were applied. Given that an age restriction on the site would be conditioned, the principle of a lower trip rate is considered to be acceptable and a reduction of about a fifth in the trip forecasts (compared to Morley Carr) seems a reasonable assumption for a retirement village.

However, during the evening peak hour the difference in traffic forecasts is much higher and it was therefore advised that the evening peak trip rates be based upon a similar assumption i.e. that the evening peak trip generation equates to approx. 80% of that which would be expected if applying the residential trip rates for the recently consented Morley Carr residential development.

The trip rates for the nursing home have been derived from TRICS. These are shown in Table 4 and are considered to be acceptable.

Table 4: Nursing Home Trip Rates (TRICS)

	AM		PM	
	Arrival	Departures	Arrival	Departures
Trip rate (per unit)	0.183	0.108	0.091	0.212
Trips (100 bed unit)	18	11	9	21

The community hub traffic forecasts have been based on staff numbers. The TA notes that the facilities would only be for the use of residents on the site and therefore the peak hour traffic movements generated by the site would be made by staff only. It is forecast that 12 staff would be on-site at any one time and 9 would arrive by car and 1 by taxi in the peak hours. It would have been beneficial to see a breakdown of the proposed uses by floor area and the number of associated staff trips and delivery/maintenance trips. However, it was agreed that some of the trips would be made outside the network peaks and a target of a Travel Plan for the site should be to minimise peak hour car trips to the community hub. The Travel Plan should also seek to minimise the number of delivery trips by looking at initiatives such as co-ordinating deliveries etc. Therefore, the forecast number of vehicle trips associated with the community hub has been accepted with the caveat that the site actively seeks to reduce vehicle trips to the hub through the Travel Plan process.

Based on the agreed trip rates, Table 5 presents the total number of vehicle trips forecast associated with the site.

Table 5: Mount Leven Retirement Village Vehicle Trip Generation

	AM Peak Hour		PM Peak Hour	
	Arrival	Departures	Arrival	Departures
350 CCRC	65	99	111	64
Nursing Home	19	10	11	17
Community Hub		10	1	10
Total	94	110	123	91

The trips have been distributed on the network in line with existing distributions (informed by the 2012 traffic surveys). This splits the site traffic onto the network at the access relatively evenly – during the morning peak hour there is forecast to be 48 vehicles travelling west towards Yarm and the A1044 (Green Lane) / A67 roundabout and 62 vehicles travelling east towards Ingleby Barwick and the A1044 / Barwick Way roundabout.

Junction assessments within the TA have been undertaken at the following locations on the local highway network:

- A1044 / site access (roundabout and signals);
- A1044 / Barwick Way roundabout; and
- A1044 / A67 roundabout.

The junction assessments take into account committed development traffic from the Tall Trees and Morley Carr developments. Additional assessments have also been undertaken on the strategic network at the A67 / A19 interchange (Crathorne) and the A19 / A174 Parkway interchange. These are subject to review by the Highways Agency.

An ARCADY assessment of a proposed roundabout serving the site access shows that the junction would operate within capacity in the future design year. Similarly, an assessment of a signalised junction at the access within LINSIG shows that the junction would operate within capacity.

At the A1044 / Barwick Way roundabout the eastbound flow would increase by 8.5% as a result of this development. An assessment of the roundabout using the ARCADY software has been undertaken. The ARCADY software assesses the Ratio of Flow to Capacity (RFC) of each arm of the roundabout and the queue lengths. An ARCADY assessment of the roundabout demonstrates that the roundabout would continue to operate within capacity with the development traffic with a maximum RFC value of 0.666 in the AM peak hour on Barwick Way.

The traffic diagrams provided by the applicant show that there are approximately 580 trips towards the A1044 (Green Lane) / A67 roundabout junction during the morning peak hour. An increase of 48 vehicles would therefore equate to an 8% increase. An assessment of the A1044 (Green Lane) / A67 roundabout using the ARCADY software shows that Green Lane (east) is close to capacity in the base assessment (RFC of 0.900, where 1 indicates capacity) and this worsens with development to 0.974. The TA proposes to provide mitigation at this junction in the form of a contribution towards alterations to the road markings on the Green Lane east approach to offer extra lane capacity.

This development is one of a number of local development sites which would impact the junctions within the scope of the assessment. As a result, Technical Services commissioned strategic highway modelling to assess the traffic impacts of this development and others locally. It was previously advised to the applicant that the Council would seek a contribution from developments on a pro-rata basis to fund the level of mitigation required to accommodate the development traffic associated with this site.

The transport model is referred to as the Yarm and Ingleby Barwick AIMSUM Model (YIBAM) and the impact of this development has been tested in the YIBAM on an agreed baseline position that includes committed developments and committed highway improvements in the Yarm and Ingleby Barwick area. Table 6 shows the impact of the development traffic on journey times within Yarm and Ingleby Barwick compared with the committed base scenario.

Table 6: Journey Time Increases: Committed Base and Mount Leven

Route	2022 Committed Base	2022 Committed + Development	Difference (Time)	Difference (%)
AM Peak (08:00 – 09:00)				
Queen Elizabeth Way to Tesco Rbt	02:39	02:31	-00:09	-6%
Tesco Rbt to Queen Elizabeth Way	02:53	02:41	-00:12	-7%
Tesco Rbt to Thornaby Rd / Parkway	06:43	07:04	00:21	5%
Thornaby Rd / Parkway to Tesco Rbt	02:36	02:32	-00:04	-3%
Tesco Rbt to Barwick Way / Low Lane Rbt	02:20	02:22	00:02	1%
Barwick Way / Low Lane Rbt to Tesco Rbt	02:38	02:31	-00:06	-4%
A67 / Green Lane Rbt to Yarm High Street	10:06	09:11	-00:55	-9%
A67 Coatham Vale to Kirklevington Hall Dr	07:10	07:52	00:42	10%
Green Lane eastbound	04:15	04:10	-00:05	-2%
Green Lane westbound	05:35	06:41	01:07	20%
PM Peak (17:00 – 18:00)				
Queen Elizabeth Way to Tesco Rbt	05:32	06:00	00:28	8%
Tesco Rbt to Queen Elizabeth Way	03:42	03:24	-00:19	-9%
Tesco Rbt to Thornaby Rd / Parkway	02:36	02:37	00:01	1%
Thornaby Rd / Parkway to Tesco Rbt	03:22	03:09	-00:13	-6%
Tesco Rbt to Barwick Way / Low Lane Rbt	02:16	02:16	00:00	0%
Barwick Way / Low Lane Rbt to Tesco Rbt	03:17	03:21	00:04	2%
A67 / Green Lane Rbt to Yarm High Street	07:13	07:58	00:45	10%
A67 Coatham Vale to Kirklevington Hall Dr	11:25	11:39	00:14	2%
Green Lane eastbound	04:28	04:20	-00:07	-3%
Green Lane westbound	04:03	04:07	00:04	2%

The greatest impact throughout the modelled area is on the westbound approach to the Green Lane roundabout where journey times increase by 01:07 minutes in the AM peak. The journey time into Yarm improves in the AM and this is likely to be because the traffic is held on Green Lane, as demonstrated by the increase in journey time of over a minute. Similarly, the decrease in journey times from Barwick Way to the Tesco roundabout in Ingleby Barwick in the AM peak hour is likely to be because the addition of a junction serving Mount Leven creates a break in the free flow of eastbound traffic on Low Lane.

The development has an impact on journey times on the west side of Ingleby Barwick in the PM peak, with journey times on Queen Elizabeth Way southbound increasing by 8%. A package of highway improvements works has been designed for the west side of Ingleby Barwick which would mitigate the impact of development traffic. Previous work has concluded that this comprehensive package of highway improvements for the western side of Ingleby Barwick is necessary to accommodate future development traffic. The delivery of these improvements would create highway capacity and the development would benefit from these improvements. This has been demonstrated by the modelling work which has found that adding additional traffic to Yarm High Street would cause existing background traffic to divert onto other routes. This re-routing of traffic is due to Yarm High Street having limited capacity and therefore traffic diverts onto alternative routes, with Queen Elizabeth Way through Ingleby Barwick providing the most likely alternative route for traffic travelling to and from destinations north of Yarm High Street. Any development that adds traffic through Yarm would be adding to this effect.

In early April 2013 it was announced that the extension to the Tesco store in Ingleby Barwick would not go ahead. As part of the planning approval for the Tesco store extension, Tesco were funding part of the Ingleby Barwick west side improvements comprising a comprehensive dualling scheme including Myton Way and Ingleby Way. Dualling both Myton Way and Ingleby Way are required to create highway capacity and without any one of the two main sections of this comprehensive scheme, there would be a bottleneck on the west side of Ingleby Barwick that effectively negates any benefit derived from the adjoining section. It is therefore the priority of the Highway Authority to pursue the implementation of the improvements that would have been delivered by the Tesco extension planning approval to provide the capacity to accommodate new trips on the network. A review of the network within the micro-simulation model in future years shows that as the network becomes more congested, journey times increase exponentially as the amount of available highway capacity becomes more constrained.

Funding to complete the west side improvements is therefore continuing to be sought from any planning application that has an adverse highway impact on the west side of Ingleby Barwick. Such contributions are being sought on a pro-rata basis from each development and calculated on the proportionate impact that each development has on the west side of Ingleby Barwick. This is considered to be in accordance with the SBC Supplementary Planning Document 6: Planning Obligations which notes that in circumstances where cumulative development in an area would require improvements to the local highway infrastructure, the Council may consider pooling developer contributions to allow the costs of providing such infrastructure to be shared proportionally between all related developments.

As identified in Table 6, the development traffic has an impact on journey times on the west side of Ingleby Barwick. On this basis, the maximum impact of this development on journey times on the west side of Ingleby Barwick is 8%. The removal of the Tesco funding leaves a £1.17m contribution outstanding; 8% of this equates to £93,600. This contribution would need to be secured through a Section 106 Agreement if the development is approved. A contribution would also be sought towards improvements at the A67 / Green Lane roundabout.

Furthermore, it has been previously noted that a contribution would be required towards the improvement of car parking within Yarm, should this application be approved. Yarm High Street is

congested and therefore any increase in traffic in the area as a result of development is considered material and should be mitigated by a contribution towards off-street car parking.

A formula for calculating the contribution per property has been developed for sites within Yarm. However, this site is located within the middle of Yarm and Ingleby Barwick and therefore residents travelling by car would have the option to utilise facilities within either local service centre. This is further evidenced by the traffic distribution which is relatively evenly split between east and west. The applicant is also proposing to fund a shuttle bus service to connect to Yarm High Street which should reduce the demand generated by the development for car parking on the High Street. Therefore, the contribution could be reduced accordingly taking these issues into account.

The traffic distribution assumes 44% of traffic travels west towards Yarm. If the contribution was requested from 44% of units it would require a contribution based on 154 properties (350 units in total). Based on the formula of 0.046 spaces to be provided per dwelling, the applicant would need to fund 7 spaces at the cost of £64,936 (cost of £9,166.67 per space). However, given the shuttle service provision (which should be conditioned if permission is granted) and the site location, a reduced contribution would be acceptable. The TA does not provide a person trip analysis and therefore no assessment has been made regarding how many residents are expected to use the shuttle bus service. Furthermore, no information is provided regarding the frequency of the shuttle service and whether it would discourage private car trips to Yarm. In the absence of data, it is considered that the car parking contribution could be reduced but an agreed capped financial contribution should be agreed. The trigger point for payment would need to be agreed and should be secured through a S106 agreement.

It is considered that the request for a financial contribution to a car park solution in Yarm and for the highway works within Ingleby Barwick are CIL compliant both in terms of the Statutory Tests and in terms of limiting the use of 'Pooled' S106 contributions post April 2014 (SBC have not yet adopted CIL). The CIL regulations introduced into law three tests for planning obligations in respect of development that is capable of being charged CIL. Obligations should be: –

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The requested contributions meet the above criteria as they are based on the proportionate impact of the development and are necessary to mitigate the impact of the development traffic on the local highway network.

#### Vehicle Access

The site would be accessed from Leven Bank Road which is a classified route connecting Ingleby Barwick to the east and Yarm to the west. The route is used as a tactical diversion route for the A19 northbound and occasionally southbound. The section of route that would serve the development is subject to a 40mph speed limit and there is no street lighting. Details of a speed survey within the TA show that the 85th percentile, wet weather, design speed on Leven Bank Road was recorded as 41.47mph. Stockton Borough Council undertook speed surveys in December 2011 which confirmed that the 85th percentile speed eastbound was 40.2mph and westbound 46.9mph.

Two junction proposals are put forward to serve the development access road – a roundabout and a signalised junction. The proposed roundabout would have an external diameter of 32m and an island diameter of 12m with a concentric over run area. Street lighting is proposed at the junction in accordance with current standards. The TA notes that the design is in accordance with TD 16/07 using a stopping sight distance of 120m. It is noted within the TA that the introduction of a new roundabout would lead to a reduction in vehicle speeds on Leven Bank Road and thereby support a reduction in the speed limit to 30mph as proposed by the applicant.

Drawing 12001/001C (extract below) shows the proposed roundabout access proposal and illustrates a visibility splay of 120m from the junction. It can be seen from the plan that although 120m forward visibility could be achieved, the visibility splay of a vehicle approaching the roundabout would cross into the opposing carriageway and the drivers visibility would therefore be impeded by vehicles travelling in the opposite direction.

Whilst it is acknowledged that vehicles travelling in the opposite direction would be transient objects, the road is heavily trafficked and an undetermined number of drivers would be impaired which could result in an accident. Leven Bank Road is a tactical diversion route for the A19 and therefore the design standards should not be compromised.

For the previous application (12/1546/OUT) a Stage 1 Road Safety Audit (RSA) of the roundabout access was undertaken in November 2012. The issue of substandard visibility on the roundabout approaches was raised in the RSA. The audit identified that vehicles travelling in the opposite direction would obstruct forward visibility of the stop line for vehicles approaching the roundabout. The RSA noted that obstructions within the visibility splay could result in heavy braking manoeuvres on the roundabout approaches and possible shunt type accidents and goods vehicles shedding their loads. The audit recommended that the roundabout layout be altered so that forward visibility splays are contained within the approach lane and not cross the centre line.

The substandard forward visibility is a result of the substandard approach radii. TD16/07 Cl.7.60 requires that the 'approach curvature should follow the requirements on horizontal radii in TD9'. TD9 requires that the minimum horizontal curvature for a design speed of 70kph (40mph) is 720m. One step below desirable minimum is 510m. The approach radius of the roundabout does not meet this standard with a westbound approach radius of 63m.

It is also reported in the RSA that reducing the speed limit on Leven Bank Road from 40mph to 30mph on the roundabout approach (200m before the stop line) would reduce the visibility splay requirements (stopping sight distance reduced to approximately 70m). Reducing the limit would also reduce vehicle speeds to those more suitable for using a compact roundabout design such as that proposed. It was noted within the RSA that due to the restricted size of the circulating area, the existing 40mph speed limit is considered to be excessive. This could lead to heavy braking manoeuvres for vehicles approaching the stop line leading to shunt type accidents. The RSA reports that the Audit Team witnessed a considerable amount of vehicle platooning at the time of the site visit.

Given the roundabout design and the stopping sight distance requirements, it is therefore concluded that the roundabout proposal would only be acceptable if this section of Leven Bank Road had a 30mph speed limit. Reducing the speed limit from 40mph to 30mph on this section of Leven Bank Road is not supported by the Head of Technical Services. The 40mph speed limit is considered appropriate for this section of route. The TA refers to the speed survey which showed that the 85th percentile, wet weather, design speed was 41.47mph. This suggests that significant speed reduction measures would be required to reduce the design speed to accommodate a reduced limit of 30mph (notwithstanding that the introduction of another junction would in itself reduce speeds on this section of Leven Bank Road to some extent). The existing speeds indicate drivers are comfortable travelling at the current speed limit and it would be difficult to enforce a reduced limit. The road is currently rural in nature and reducing the limit to that more suitable for a built-up, urban area and the installation of traffic calming measures to accommodate a new access is not considered reasonable for this location. The design of the access therefore needs to accord to the standards required for a 40mph limit.

A 30mph speed limit is also usually supported by street lighting and the applicant confirms in the TA that street lighting would be provided and there is already a precedent for providing street lighting on other sections of Leven Bank Road. The cost of implementing the street lighting would have to be met by the applicant. The RSA also noted that failing to illuminate the roundabout could

lead to vehicles failing to stop at the give-way marking or lead to heavy breaking manoeuvres resulting in loss of control or shunt type accidents.

There are a number of concerns regarding the provision of street lighting in this location and no details / drawings have been provided to clarify if street lighting could be accommodated. For example, there is no footway on this section of Leven Bank Road and it would need to be demonstrated that there is sufficient space within the highway verge to accommodate street lighting. The gradient to the east of the junction could also present difficulties. The length of street lighting should be considered and based on the 40mph speed limit, 89m is the minimum length of street lighting that could be considered on the approaches to the junction. To the west of the junction this may require street lighting to be extended to the existing length of road which is lit to avoid issues with driver eye adaptation between adjacent lit and unlit sections in close proximity. There are also concerns that the introduction of street lighting in this location would have an adverse impact on the rural nature of the environment and could have a detrimental impact on ecology.

The RSA also raised the concern that cyclists using the roundabout would be at risk due to the confined road space through the roundabout as a result of a compact roundabout design being used. A shared 3m footway / cycleway has therefore been added to the roundabout design. However, due to third party land ownership, it is not possible to extend the footway / cycleway west or east along Leven Bank Road. Therefore the segregated cycleway would allow cyclists to travel through the roundabout more safely but because it terminates on both sides of the roundabout, cyclists would still be at risk of collisions when rejoining the carriageway in close proximity to the roundabout. Where the cycle lane re-joins the carriageway cyclists would be required to look over their shoulder. The accident statistics presented in the TA indicate that there is an existing issue with vehicles passing too close to cyclists which has resulted in two serious accidents in the last five years. It should also be noted that cyclists who use Leven Bank Road (given the steep gradients) are unlikely to be the type of cyclist who would divert onto a short section of track and would be comfortable following the main line of traffic.

The TA advises that a traffic signal solution could be provided as an alternative to a roundabout. A proposed traffic signal junction has been designed in accordance with TD 50 / 04 using a stopping sight distance of 120m and is shown in Drawing 12001/002C (extract below). A second lane to allow for separately signalised right turn movements is proposed on the westbound approach. Vehicle activated signage on the approach to the junction to warn of potential queuing is proposed together with supplementary signal heads mounted on tall poles to offer greater visibility to approaching drivers. The junction would be lit if required.

As with the roundabout proposal, the main concern with introducing a signalised junction in this location is the lack of forward visibility for drivers approaching the junction. The proposed horizontal curvature at the approach to the signals is substandard. The proposals include non-tangential tie-ins and a 60m radius.

Adding an isolated set of signals in a rural location with low side road flows also has the potential for motorists to disregard the signals and thereby create a further accident potential in view of limited visibility. Whilst the introduction of a signalised junction would need to be supported by new signs, given the winding nature of the road, there would still be a concern that vehicles would approach the junction at speed, resulting in heavy breaking and shunt type accidents.

A signalised junction would require a designated parking area for maintenance vehicles and the speed and nature of the road could present a safety concern for signal maintenance engineers.

Given that there is only one access into the development site, and no alternative emergency access, the need to design a safe junction is a key consideration when reviewing this development.

Should a road traffic accident occur at or close to the junction, access to and from the dwellings, nursing home and community facilities could be restricted.

It can therefore be summarised that the current proposals for the site access, both the roundabout and signal junctions, are not acceptable because:

- The substandard horizontal approach geometry results in substandard forward visibility at the junction approaches based upon the existing 40mph speed limit – this would lead to vehicles breaking suddenly which could lead to shunt type accidents and goods vehicles shedding their loads;
- The Local Highway Authority does not support a reduction in speed limit in this location – the current vehicle speeds indicate that a 40mph limit is appropriate and significant measures would be required to advise drivers of a change in speed limit and junction;
- The Local Highway Authority would not accept a departure from standards on a tactical diversion route for the A19. Furthermore, this is a principal road and there is usually a presumption against any new accesses onto principal roads. If a new access was to be accepted on a route such as this, any highway safety concerns would need to be designed out of a new junction;
- The introduction of additional street lighting would be detrimental to the rural landscape and no details have yet to be provided to demonstrate if street lighting could be installed on this section of Leven Bank Road; and
- The proposed compact roundabout design does not adequately accommodate for cyclists.

The Head of Technical Services would therefore maintain an objection to the access proposals (roundabout and signal solution) as both could have an unacceptable impact on highway safety on Leven Bank Road.

#### Walking and Cycling

Access into the development for pedestrians and cyclists would be provided to the west of the site via two connections. The existing Public Right of Way (PRoW) which runs through the site and links Leven Bank Road and Glaisdale Road would be incorporated into the layout. A second access would be provided in the north of the site and link to Glaisdale Road.

Opportunities to walk to and from the north, east and south of the development site are limited. To access Ingleby Barwick to the north and east of the site, a bridge would be required across the Leven Valley. The TA notes that footway links to the east of the site would be provided up to the site boundary but the sections beyond the boundary would be subject to further discussions with the Council.

The Council has previously aspired to improve walking and cycling connections in this location and would support in principle a bridge crossing to link the communities of Ingleby Barwick and Yarm. However, previous work by the Council has shown that there are significant constraints to overcome to deliver the bridge. The constraints result in high costs and previous estimates for the bridge concluded the bridge construction would cost approximately £3.9 million. There is no available Council funding to support a connection and the applicant is not proposing to fund the full cost of the bridge construction. The development site can therefore only be assessed assuming the bridge is not in place. Without the bridge link the site has limited pedestrian and cycle connections to the east and this significantly impacts on the long-term sustainability of the site.

The provision of bridge at a level at the bottom of the river valley would not be acceptable to providing a sustainable route between the development (Yarm) and Ingleby Barwick – in order to achieve appropriate gradients for the footpath/cyclepath (in accordance with DDA and Cycle Infrastructure Design) the routes to the bridges would require to zig-zag up/down the valley sides. This would result in an increased walking/cycling route, which would discourage its usage as a route between the development and Ingleby Barwick.



Access to Leven Bank Road would be via the existing PRoW. However, the quality of this route is not currently suitable for regular use and would require upgrading. Furthermore, where the PRoW meets Leven Bank Road there is no footpath and pedestrians would be required to cross the road. Provision of an adequately surfaced pedestrian route linking the development site to Leven Bank Road, and a suitable crossing facility to join the existing path on the south side of Leven Bank Road, would be required.

A walking and cycling catchment plan is included within the TA and shows the geographic extent of 2km and 5km catchments indicating walking and cycling distances. This plan assumes the bridge connection is in place. Without the bridge, it is suggested that access to the east towards Ingleby Barwick for pedestrians would be very limited.

#### Public Transport Provision

Bus stops are located on Leven Bank Road but there is no pedestrian connection to these stops from the proposed development site. They are therefore not suitable for intensification of use. There are bus stops on Glaisdale Road which would be accessible to the site. The Arriva X6 service provides a service between Middlesbrough and Yarm via Ingleby Barwick from these stops.

A shuttle bus service is proposed to link the site to Yarm. This service would be free to residents and staff. The provision of this service should be conditioned if planning approval is granted.

#### Travel Plan

A full Travel Plan must be conditioned as part of this application should it be approved.

A Travel Plan Coordinator (TPC) should be appointed during the marketing and recruitment stages of the development to promote the Travel Plan for the site to potential residents and staff members. The contact details for the TPC should be included with the full Travel Plan and any marketing/promotion information. These contact details should also be forwarded to the Councils Sustainable Travel Team.

The provision of a bridge across the River Leven would be essential to provide sustainable links from this development to Ingleby Barwick. Given the lack of infrastructure on Leven Bank, for pedestrians and cyclists, without a bridge link it would not be possible to walk or cycle to Ingleby Barwick – this would have an impact on the Travel Plan measures and targets.

Should this the application be approved a contribution towards a bridge link to Ingleby Barwick should be conditioned.

The provision of a shuttle bus between the site and Yarm High Street is a positive measure to reduce the reliance on the car and especially single occupancy car trips.

Whilst the commencement of the travel surveys, at an occupancy level of 50%, is acceptable the travel surveys are to be repeated on an annually basis but for a 5 year period – not 3 years as indicated in the framework Travel Plan. The Travel Plan targets are to be agreed based on the baseline data collected through the travel surveys.

To ensure the continuation of the Travel Plan a volunteer Travel Plan group should be established.

#### Conclusion

The impact of trips generated by the proposed development on the local highway network is shown to be acceptable subject to mitigation. However, the proposed access into the development is substandard and the local highway authority would not be willing to support the introduction of a substandard access junction on Leven Bank Road. The Head of Technical Services therefore maintains an objection to the proposed development on highway safety grounds. If however the application is considered for approval, the following mitigation would be required:

#### S278 works

- Access junction into the site and street lighting.
- Junction improvements at the A1044 / A67 / Green Lane roundabout junction.

#### S106 Contributions (trigger points for contributions to be agreed)

- A financial contribution (to be agreed) towards off-street car parking improvements in Yarm High Street.
- A contribution of £93,600 towards the Ingleby Barwick west side improvements.
- A financial contribution (to be agreed) towards the provision of a bridge link across the Leven Valley.
- The funding of improvements to the PRoW that links the development site to Leven Bank Road and a suitable crossing facility to join with the existing path on the south side of Leven Bank Road.

#### Conditions

- The highway impact assessment has been undertaken based on the assumption that an age restriction would be in place and this should be secured by condition.
- The proposed shuttle bus service, which would provide a free bus service for residents between the site and Yarm High Street, should be secured by condition. As the service would provide the main sustainable transport link it should be conditioned that it must operate for a minimum of 10 years.
- The submission of the following documents should be secured by condition - full Travel Plan; Construction Traffic Management Plan and Servicing and Waste Management Plan.
- The Reserved Matters application for the internal layout of the development must ensure car and cycle parking is provided in accordance with SPD3 Parking Provision for New Developments.
- The provision of electric car charging points for each dwelling and rapid charging points for the community hub should be secured by condition.

#### Landscape & Visual Comments

Having reviewed the revised information submitted by the applicant, the following landscape and visual comments are made. This includes an updated masterplan allowing for the removal of approximately 5 no. dwellings on the north eastern part of the site and slight increases in the woodland planting within the development and a Landscape and Visual Impact Assessment (LVIA) by Leeming Associates dated 3/3/2013.

#### Environmental Impact Assessment and Illustrative Masterplan

The planning support statement affirms that the development is a mixed scheme with a predominance of single storey dwellings (approximately 4.5m height) together with a two storey leisure and nursing home building which could range from 8-10m in height.

This LVIA considers that the proposed development would result in an initial significant change in landscape character of the development area from one of open agricultural fields to one of a low density built development with substantial native woodland infrastructure. It considers that in the long-term this change could be assessed as a medium negative impact due to low quality of the existing landscape character and the development of the native woodland planting.

There have been slight increases in the provision of the woodland infrastructure on the revised master plan in the north eastern part of the site (villages F and G) where some proposed dwellings have been removed from the scheme and the formal avenue planting on the road that passes to the west of village F has been replaced with woodland planting in an attempt to increase screening. But these increases are very minor and not considered to have a major screening effect of the development. Whilst it is still technically correct that all viewpoints of the development can be screened this will not occur until all the woodland planting is mature. Therefore the proposed

development would dominate the landscape until this planting matures which is considered to be 15 years and not 5 -10 years as highlighted in the LVIA most notably from viewpoint IB9. The removal of approximately 5 no. dwellings in itself is also considered a very minor change in the development which is unlikely to create a major impact in the settlement density of the scheme and the layout of village's A-E remains unchanged.

## Viewpoints

As part of the LVIA nine locations have been selected which offer potential views of the proposed development which are assessed as possible receptors with high sensitivity. However, it is noted that no view has been considered from the A1044 Leven Bank Road (opposite the proposed site entrance). Information was requested on this viewpoint as part of the previous application planning ref 12/1546/OUT when this view was listed as View 1 on the Elder Lester McGregor Architects View points for visual analysis plan ref 1128/015B. The landscape visual impact on this view must be assessed as part of this application. As this is the only entrance into the site and a roundabout is proposed together with the necessary street lighting and related signage, there will be a major visual impact on this location. As regards the required street lighting the highway comments state that 'based on the 40mph speed limit, 89m is the minimum length of street lighting that could be considered on the approaches to the junction. To the west of the junction this may require street lighting to be extended to the existing length of road which is lit to avoid issues with driver eye adaptation between adjacent lit and unlit sections in close proximity.' This would involve extending street lighting into a rural area which would create pollution which would be detrimental to the rural environment. There would be a requirement to create at least a 2 metre wide highway verge in which to position the lighting columns which would require the removal of a large section of hedging especially leading east toward Leven Bridge and to the west of the proposed site entrance this could potentially damage the root system of several mature trees in or near the hedgerow. Further studies that would be required to assess the level of lighting required for the road could conclude that lighting is needed on both sides of the road that would greatly exasperate the problem of rural light pollution. Therefore the provision of street lighting would not be acceptable from a landscape and visual viewpoint. There could also be possible detrimental impacts on ecology such as light pollution interfering with bats which would have to be investigated.

Information was requested on this viewpoint as part of the previous application planning ref 12/1546/OUT when this view was listed as View 1 on the Elder Lester McGregor Architects View points for visual analysis plan ref 1128/015B. The landscape visual impact on this view must be assessed as part of this application.

It is also noted that no view has been considered from Roundhill. This was a major viewpoint in the previous planning application ref 12/1546/OUT listed as View 6 on the Elder Lester McGregor Architects View points for visual analysis plan ref 1128/015B. The development site was considered to be highly visible from this location with the visual impact from Roundhill remaining substantial and adverse even with the benefit of a mature woodland planting buffer as demonstrated in the photomontage provided as part of that application.

As impact of the development on these views (view 1 and view 6 of the previous application ref 12/1546/OUT) has not been considered in this application and thus the LVIA is considered incomplete and fails to fully assess the landscape and visual impacts of the proposed development.

View assessed as part of this LVIA

View Y1 – this view is taken from properties on the west side of Yarm on Battersby Close and Busby way. It is considered that some properties have been missed from the visual envelope on plan 1301.03 the Visual Impact Assessment Plan, but these do appear to have been picked up on plan 1301.01 the Visual Envelope Plan. The assessment should consider all the properties facing

onto and with open views of the site. The LVIA considers that while the initial views of the development would result in a major negative visual impact, as the view would change substantially from one of an open agricultural view to one with buildings in much of the view in the near distance, it also considers that this negative impact would reduce over time as the proposed screen woodland planting matures. It considers that in the long term the visual impact would reduce to minor with just glimpses of views building rooflines above the trees. It is accepted that the visual impact could be effectively screened once woodland planting matured although it is considered that this would be closer to 10 rather than 5 years.

View Y2 - this view is taken from properties on the west side Yarm on Mount Leven Road. These properties currently have views of derelict riding stables in the near distance. It is again considered that the initial views of the development would result in a medium negative visual impact, as the view would change substantially from one of an open agricultural view to one with buildings although the impact would be less than view Y1 as the field around the old stable would remain between these houses and the development. It is accepted that the visual impact could be effectively screened once woodland planting matured although it is considered that this would be closer to 10 rather than 5 years reducing the visual impact of the development to minor.

Views L3 to L6 – these views are taken from Leven Bridge(new Bridgewater housing), Leven Bridge (Meadowbrae and Old Leven Bridge Mill), High Leven/A1044 (Leven Bank Kennels) and High Leven (Fox Covert Pub and adjacent properties respectively). The LVIA considers that only the edges of the site plateau can be viewed from these locations and therefore there will be no negative visual impacts and it is agreed that the site is hardly visible from these locations on account of the intervening landforms (step valley sides) and existing mature woodland therefore there would be no change to view.

View IB7 - the LVIA stipulates that this view corresponds with Design Visualisation Viewpoint 3 (taken from the permissive right of way (near Challacombe Drive) next to the PROW where it enters the Leven bank Caravan park) of planning application 12/1546/OUT and therefore as there are no landscape changes proposed to this part of the development (Village D) in the main view, the previous comments made in respect of Viewpoint 3 would remain. The LVIA considers that the view of the development with no mitigation would be a medium negative visual impact and does not constitute a significant negative visual distracter within the existing view with the view remaining predominantly one the River Leven Valley. This is not considered correct as given its elevated position the application site is highly visible from this viewpoint looking south west to the site. The development proposals without the benefit of mitigation are likely to have a substantial impact – recent crown lifting of existing tree planting within the caravan park has made the view of the site from this location more significant.

A view was submitted as part of application 12/1546/OUT showing tree growth at 10-15 years. A careful study of that view showed that built elements of the development would still be seen and it would therefore be some time before the views of the development could be considered to be fully screened reducing an adverse visual impact to a moderate level. Therefore the statement in this LVIA that the view of the development in year 5 (following planting of the woodland buffer) would only be a minor negative visual impact and in year 10 no negative visual impact is not accepted. It is again noted that some properties have been missed from the visual envelope on plan 1301.03 the Visual Impact Assessment Plan, but these do appear to have been picked up on plan 1301.01 the Visual Envelope Plan. The assessment should consider all the properties facing onto and with open views of the site.

View IB8 - this view is taken from properties on the west side of Ingleby Barwick including Challacombe Crescent, Foreland Point, Washford Close, Heddon Grove, and Ingelby Farm. As with view IB7 the LVIA considers that the view of the development with no mitigation would be a medium negative visual impact reducing to a minor negative visual impact in year 5 following planting of the woodland buffer and in year 10 no negative visual impact. The LVIA states that these properties have clear interrupted views of the site with a lack of boundary vegetation to

screen views of village D at year 1 and this combined with the sensitivity of the receptor would lead to a significant visual impact that would reduce down to moderate impact after 5 years and minor after year 10.

View IB9 - the LVIA stipulates that this view corresponds with Design Visualisation Viewpoint 4 (taken from the permissive right of way just south of 23 Crosswell Park) of planning application 12/1546/OUT), but views from the properties on the eastern edge of the Ingleby Barwick Estate in this area are also considered. Views would be afforded of village F and G within the development and some additional tree planting and less units have been proposed in these villages as already highlighted. However it is considered that the reduction in the number of dwellings on the western edge facing this view by one and the limited additional planting between the proposed dwellings (no increase is made in the width of the woodland buffer) would have a very limited affect of the visual impact of the development in this view. The degree of change combined with the sensitivity of the receptor will lead to a significant and adverse visual impact at year one dropping down to moderate impact after 5 and 10 years. Village G will be particularly difficult to screen from the northern properties in IB9 due to the height differential between the 2 viewpoints. It is considered that it would take 15 years for any buffer planting to create a significant screen for the development from this viewpoint. Therefore the statement in this LVIA that the view of the development in year 5 (following planting of the woodland buffer) would be a medium negative visual impact and in year 10 a minor negative visual impact is not accepted.

E10 – this long distant view is taken from the south west edge of Egglecliffe Village. This was assessed as part of view 11 in the previous planning application and due to its longer distant view, screening by existing trees and the proposal to create a wide belt of tree planting at the northern end of the development, the visual impact of the development on users of this view is likely to be low once the new planting has established.

#### Impact on landscape character

The LIVA provides additional detail regarding the impact on landscape character and recognises the low sensitivity assigned to this plateau area (above the Leven Valley) of land in Stockton Borough Councils Landscape Capacity Study. It is considered however that the assessment fails to acknowledge the magnitude of the change that would occur due to the site being developed as on the day of opening the open agricultural character of this part of the site would be replaced by one of housing. It also fails to recognise that the impact of the proposed tree buffer mitigation would have an impact on the character of the countryside by closing down views afforded over the Leven Valley which is described as having a medium capacity for change. The visual envelope of the site extends across Leven Valley towards the properties in Ingleby Barwick and that the reduction in the open views that would result from the introduction of buffer planting on this site will inevitably have a significant impact upon the landscape character of the Leven Valley.

#### Impact on the Green Wedge, Special Landscape Area and Tees Heritage Park

The aim of the Green Wedge policy is in this location to prevent the merging of the settlements of Yarm and Ingleby Barwick. Clearly until the proposed woodland reaches maturity there would be inter-visibility between the existing settlements and the proposed development and as such the appeal site would be in contravention of the Green Wedge policy. Whilst the sides of the River Leven remain undeveloped in this proposal they are steep and do not read as a feature in some critical views from Ingleby Barwick. As such the valley offers no significant benefit when considering visual separation between Yarm and Ingleby Barwick or Ingleby Barwick and the appeal site.

It is considered that the open character of the green wedge would be irrevocably changed by this development. The open agricultural character of the site would be replaced on day of opening of

the development by housing. On maturity of the tree planting buffer, the character would change again to one of dense woodland (which is necessary to screen of the proposed housing and infrastructure across the development area). Although views woodland would in my opinion be more desirable than that of a built environment this would never the less constitute a significant and unacceptable change in the open character of the site to that of a closed and landscape with confined views.

The Special Landscape Area site designation is designed to prevent development that would not detract from the character of the site, such as agricultural development and this is a saved planning policy from the 1997 Adopted Local Plan. It is considered that development on such a scale would substantially alter the open, agricultural nature of this area as already discussed.

The areas contribution to the Tees Heritage Park would be similarly changed by this development.

#### Environmental Policy Comments

No objections to the proposals.

The application is proposing to use renewables - Solar PV, Air Source Heat and heat recovery are mentioned. Numerical data is required on the estimated total energy demand and total renewable energy supply to ensure compliance with Core Strategy Policy 3 (CS3 - Sustainable Living and Climate Change). CS3 requires 10% embedded renewable energy supply.

No details about carbon footprint are provided at this stage but the approach regarding sustainable construction and renewable energy supply suggests that this will become available as detailed design progresses.

#### Surfaces Water Management Comments

A surface water management plan which would calculate existing drainage characteristics of the site and provide attenuation of the development using sustainable drainage techniques to Greenfield run off rates would be required. Whilst this can be conditioned as part of any consent, the area required to provide any attenuation will have to be factored into the land availability for housing and recreational areas / public open space provision. This may affect the density of development and layout. SUDs should be considered and these could be developed as valuable wildlife habitats. The use of underground attenuation tanks should be avoided if such features were to be considered for adoption by the local authority. Details of adoption criteria would form part of a condition attached to any consent.

#### Flood Risk Management Comments

The submitted Flood Risk Assessment indicates that the proposed development site is situated within Flood Zone 1. The development must not increase the risk of surface water run off from the site or cause any increased flood risk to neighbouring sites. Any run off must not exceed pre-development rates. Any increase in surface water generated by the development or existing surface water / ground water issues on the site must be alleviated by the installation of a suitable drainage system within the development site.

The Council supports the use of sustainable drainage systems particularly systems at ground level such as swales, trenches, ponds, filter strips, permeable paving and retention basins. The developer must consider the area required to provide adequate attenuation for the site as it will have to be factored into the land availability for housing and recreational area/public open space.

A surface water management plan including a detailed design and calculations showing how the drainage system performs in a 1 year, 30 year and 100 year storm and again over the same periods with a 30% allowance for climate change should be submitted to the local authority for consideration. Calculations using the WinDes Software (Micro Drainage) are preferred.

The Rivers Tees and Leven are both main Rivers and therefore the responsibility of the Environment Agency. The developer will require consent from the Environment Agency to discharge into the either the River Leven or Tees.

#### **Private Sector Housing - Mr Dave Dawson**

The Private Sector Housing Divisions has no comments to make on this application but would suggest that Housing Strategy are consulted on the application.

#### **Head of Housing**

The Strategic Housing Market Assessment (SHMA) 2012 has identified an annual affordable housing need in the borough of 560 units, with the majority of need being for smaller properties.

We note the applicant's proposal to develop 10% of the 350 units for affordable housing, however Core strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision states:

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

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

Based on the residential market site scheme of 350 units, 20% affordable housing would equate to up to 70 affordable units. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2012 a high priority will be accorded to the delivery of smaller (e.g. 2-bed) houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on a requirement for 70 affordable units: -

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

Proportion	No. of units	Tenure
70%	49	Rent
30%	21	Intermediate Tenure
100%	70	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	91%	64 units
3 bed	9%	6 units
Total	100%	70 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
64	2 bed	45 x Rented 19 x Intermediate Tenure

6 3 bed 4 x Rented 2 x Intermediate Tenure

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency space/quality standards.

### **Ingleby Barwick Town Council**

Ingleby Barwick Town Council has considered all of the information and plans provided in respect of planning application No. 13/0776/EIS.

The Town Council would reiterate the comments submitted in respect of planning application no.12/1546/OUT and objects to the proposed development on the following grounds:

- The proposal is located within the Leven Valley where development which harms the landscape should not be permitted.
- The location is designated green wedge where development should not be permitted which detracts from the open nature of the landscape.
- The proposed development lies within the Tees Heritage Park, the objective of which is to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity. This proposal will have a detrimental impact on this objective.
- The Leven Valley is an important wildlife corridor and should be protected from inappropriate development such as this.
- Loss of recreational area.
- Loss of amenity.
- Concerns are raised in respect of the large scale of the proposed development.
- Serious road safety concerns are raised with regard to the proposed access to the site which will be located on Leven Bank Road. This will be a potential hazard for road users and will increase the risk of accidents at the location.
- The increased traffic generated from this development will have an impact on the already congested road network in this area.
- The development at Leven Caravan Park will possibly give rise to further issues which need to be taken into account.
- Concerns are raised in respect of the potential issues with anti social behaviour which could arise from the proposed footbridges over the River Leven.

The Town Council hopes that the Planning Committee will give the above concerns raised, due consideration.

### **Yarm Town Council**

Yarm Town Council objects to the revised planning application for the proposed development of a retirement village, plus care home at Mount Leven Farm, Yarm. This site is outside the current limits of development and is a greenfield site. The plans show several road exits onto Green Lane (A1044) and also the A67. The latter is one of the busiest roads in the area and Green Lane itself has a single file section with traffic lights at the site of Yarm Station. This cannot be widened so additional traffic will only exasperate an already serious situation and could cause gridlock. The A67 and Green Lane are already congested with traffic. The A67 is a 'through' road from the A19 to Yarm and Ingleby Barwick. The road is also frequently used as a diversion route from the A19 when there are accidents or road works. There are considerable traffic queues whenever this happens on top of the daily queues. The development would lead to serious drainage and flooding problems which would affect local becks and streams and farm land. There would also be significant detrimental disruption to the wildlife corridor which allows animals to move from the Pennines to the North York Moors. The wildlife corridor runs through the area proposed for housing. Additional buildings and homes would cause serious pressure on the existing infrastructure of Yarm and on Yarm High Street itself. Also local services would be under immense pressure. Having considered this application together with the proposals for the Tees Heritage



Park site, it would appear that we have a developer who wishes to acquire land and a school which doesn't listen to its local community

### **Friends of Tees Heritage Park**

Having examined the new planning application, we see no significant amendments from that previously submitted to alter our fundamental objection to the proposal. We therefore object to the planning application for the following reasons

1) The site is within the Tees Heritage Park - The Tees Heritage Park is included in the Council's adopted Core Strategy Document - Section 13 Environment - Policy 10 (CS10) Environment Protection and Enhancement policy. Sub-section 7 refers to the Council's support for initiatives "to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer, and biodiversity". Only two sites in the whole of Stockton are specifically referred to - Haverton Hill/Seal Sands and the Tees Heritage Park. The Tees Heritage Park is also specifically referred to in the objectives for the Western and Eastern Areas and is clearly shown on the Core Strategy Strategic Diagram. The whole of the area shown in the application is within the boundaries of the Tees Heritage Park as defined in the Council's proposed Local Development Framework and Environment DPD (copy of plan attached).

Over the past six years FTHP and the local communities around the Tees Heritage Park have worked with, and been supported by, Stockton Council to turn the Heritage Park into a reality. To provide the equivalent of a mini National Park as a place to appreciate and celebrate our local Heritage, particularly the natural environment along the river valleys - as a place of peace and quiet away from the ever increasing hustle and bustle of everyday life. On this basis Lottery funding for Phase 1 of the Heritage Park was achieved (with Stockton Council as partners) and the project is currently underway. Further funding is being sought for the enhancement of other areas within the Park to protect and improve the landscape, wildlife and ecology for future generations.

The Heritage Park offers a real, one off opportunity to provide a unique amenity in the heart of the urban area for the benefit of local communities and to improve the image of our area generally. We contend that the current application is totally at odds with the aims and objectives for the Park as agreed with Stockton Council and if approved would fatally undermine its future success and integrity.

2) Green Wedge - In its current policies and the Core Strategy the Council seeks to maintain the separation between settlements, together with the quality of the urban environment, through the protection and enhancement of the openness and amenity value of green wedges within the conurbation - including "River Tees from Surtees Bridge to Yarm" and "Leven Valley between Yarm and Ingleby Barwick" (Policy 10, subsection 3, Core Strategy)

This planning application is clearly in contravention of this policy

3) Ecology/Environment - The Leven Valley is recognised as a very special ecological site and wildlife corridor (highlighted in the River Tees Navigation Strategy 2002). Section 13.7 of the Stockton Council's Core Strategy refers to "...the duty to have regard to the conservation of biodiversity, which was introduced by the Natural Environment and Rural Communities Act.... Conservation of biodiversity is vital in our response to climate change..... Natural habitats are also important in providing corridors to allow mobile species to move in response to changes in climate". There will be no doubt more expert opinions on this matter expressed by other objectors, but clearly the proposal would have a devastating effect on the precious ecology of this part of the Leven Valley.

4) Detrimental Impact on investment and tourism in the area - The Park area has been identified as having a special character representing the area's heritage, landscape and ecology. Its strength is that it enables communities to relate to this part of the Tees Valley as an entity and embrace a

unique part of their history and environment with pride. Furthermore the Heritage Park is proving to be a wonderful vehicle to help transform the image of the lower Tees valley in regional and national terms. The area still suffers severely from its heavy industrial legacy and continues to be seen as an unattractive environment, unappealing to potential investors and employment generators. This is far from the case, which the Tees Heritage Park clearly illustrates ([www.fthp.org.uk](http://www.fthp.org.uk)) and it would be disastrous if the vision was compromised in any way as it gathers momentum.

5) Detrimental to future funding opportunities and community spirit. - In practical terms, Phase 1 of the Park has recently been completed and has been enthusiastically received by all. This first stage was funded by Green Spaces Lottery Funding and has enabled the community to enjoy the tangible benefits of their actions and commitment. FTHP membership has increased substantially and we are now looking at the next phases within the greater Heritage Park area. Further Heritage Lottery funding is also under way for the River Tees Rediscovered project, which includes the whole of the lower Tees valley, including the appeal site. These projects are essentially community driven and very much in the spirit of the Government's policies to involve local neighbourhoods and communities in determining their own future.

6) Loss of green wedge and Heritage Park lands is unacceptable and unjustified. - Recent events have confirmed and encouraged the resolve of FTHP, the community at large and the council to commit to the long term success and sustainability Tees Heritage Park, as a wonderful asset and amenity for now and future generations. The crucial priority at this stage is to ensure that there are no inappropriate incursions into any of the Heritage Park land. We seek to engage with landowners and look to further funding opportunities, but not at the expense of losing any of the existing open space. This has been forcibly demonstrated by local communities in their vehement rejections of applicants offers of "benefits" as part of this proposal and the subsequent school extension application on a nearby site. There is no doubt that the overwhelming opinion of local people is to retain our open spaces and the Heritage Park in its entirety. The Council have shown their support throughout, demonstrated by their previous rejection of this proposal and the planning committee members were unanimous in their rejection of a recent proposal for a private school playing field complex within the Heritage Park area.

We have no doubt that the momentum, enthusiasm and support for the Heritage Park will be irreparably damaged if the Council does not continue to demonstrate its support for the community's aspirations by rejecting this application. The Heritage Park and River Tees Rediscovered projects are also very much within the spirit of Government's vision for Localism and Neighbourhood Planning and should be supported on this basis in an Appeal situation.

There are clearly other areas of concern, such as traffic generation, but we have concentrated our objections on matters particularly pertinent to the Tees Heritage Park. FTHP and the local communities who have been involved with the Heritage Park vision and progress, look forward to the Council's continued support and resistance to proposals such as this - to ensure that the aims and objectives we have all agreed for the Park can be achieved for future generations to enjoy.

## **PUBLICITY**

13. Notification letters were sent to the surrounding residents and local press advertisements being made. Due to the vast number of comments received the names and addresses are displayed within the appendices, whilst the various comments are set out below (in summary). A total of 270 objections and 92 support comments have been received;

### **Objections:**

- The site is green wedge, development would bring Yarm and Ingleby Barwick closer together and contrary to policies EN13/HO3/CS10/NPPF
- The land is a greenfield site

- Proposal is out of keeping with the area
- The site is within the Tees Heritage Park
- Impact on Yarm High Street in terms of parking and traffic bottlenecks.
- General increase in traffic within the surrounding area
- Accident record data is inaccurate
- Further traffic onto Leven Bank, increased danger from proposed roundabout
- Impact on wildlife and wildlife habitats/ Protected species are present in the area including great crested newts
- The site is outside of the boundary for development and is not included in the draft LDD which identifies sites for housing development
- Yarm does not have the infrastructure to deal with additional houses
- Community facilities should be for the benefit of all
- Loss of farm land
- The development would increase the risk of flooding
- The site is unsustainable
- Other retirement villages locally have failed
- The proposed bridges would provide opportunities for crime and antisocial behaviour in the Yarm /Ingleby Barwick areas
- More air and noise pollution
- Drainage methods not deemed appropriate/inadequate infrastructure
- 40% use of local labour insufficient
- Will place high dependence on medical personnel/facilities
- No need for further housing/demand for this type of housing
- Possibility of Archaeological issues
- Viability of adjoining farms and farmland
- Will create a segregated community
- Future development proposals – i.e. housing development
- There are several pipelines running through the proposed Development plot.
- The Localism Act 2011 allows communities to have a say in long term development of the area?
- Planning Inspector stated no further planning on the surrounding land for a minimum of 25 years - a period that has not yet elapsed.
- Quality of information submitted/inaccuracies in information submitted
- No material difference between this application and the one previously refused
- Brings nothing to community
- Will have very serious cumulative impact together with developments in the Yarm and Ingleby Barwick area
- A number of "Care Homes" in the area are closing down.

#### **Support comments :**

- Similar projects seen elsewhere which are a great success
- Interest in moving into the village
- Opportunity for older people to purchase a smaller house within a safe community of people of similar age
- Allows single elderly people to meet new people or those caring for partners, whilst maintaining independence.
- Would provide a range of convenient services for elderly people in a community and mean limited need to travel
- Provide economic benefits as a result of investment and jobs within the area
- Leven Valley would not be harmed
- No experience of significant traffic problems along Leven Bank
- Main travel from the site would not be at peak periods

- The development would help to release family housing elsewhere
- A better option than a retirement home as will allow residents to remain at the heart of a community
- Would be a high quality development for Teesside and the North East
- Yarm needs a retirement facility of this quality
- Applicant has proven record for providing High quality development
- Suitable for aging parents
- Would provide unique views
- Land would be built on at some point or other
- Elderly population is expected to grow
- This development will be beneficial for provision of elderly care & the local economy/community
- Inward investment of c.£100m
- Construction of new and sustainable housing resonate with Government policy
- Considers the development in line with local policies and law
- Great asset to the community
- Provide inclusive homes for the ageing population of Teesside, where they will have their dignity, independence, and security.
- The developer is taking a realistic and sensitive approach to this development.
- There will be no harm to Leven Valley and I ask you to approve this application.

## **PLANNING POLICY**

14. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
15. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
16. The following planning policies are considered to be relevant to the consideration of this application:-

### **Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel**

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact

of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

### **Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

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

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

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

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

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

### **Core Strategy Policy 4 (CS4) - Economic Regeneration**

8. Additionally, support will be given to:

i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification; ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies; iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;

iv) Growth in sustainable tourism, particularly in the following locations:

a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;

b. Preston Park;

c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and

d. Saltholme Nature Reserve.

v) The creation of employment and training opportunities for residents by developers and employers.

### **Core Strategy Policy 5 (CS5) - Town Centres**

2. Stockton will continue in its role as the Borough's main shopping centre. Up to 2011, the need for additional capacity can mostly be met through committed developments and the

occupation and reoccupation of vacant floorspace. Beyond 2011, there may be a requirement to bring forward new retail developments within the town centre in the first instance, to improve quality and widen the range of the shopping offer in the Borough. The creation of specialist roles for Stockton, for example as a sub-regional historic market town, or through the concentration of a mix of ethnic retailers or small independent chrysalis stores, will be supported. Other initiatives will include:

- i) Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
- ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
- iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- iv) Improving pedestrian links to the riverside.

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

### **Core Strategy Policy 6 (CS6) - Community Facilities**

1. Priority will be given to the provision of facilities that contribute towards the sustainability of communities. In particular, the needs of the growing population of Ingleby Barwick should be catered for.

2. Opportunities to widen the Borough's cultural, sport, recreation and leisure offer, particularly within the river corridor, at the Tees Barrage and within the Green Blue Heart, will be supported.

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

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

- \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- \_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- \_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

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

provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

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

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

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

ii) Green wedges within the conurbation, including:

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

iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;

ii) Tees Heritage Park.

### **Saved Policy EN7**

Development which harms the landscape value of the following special landscape area will not be permitted:-

- (a) Leven Valley
- (b) Tees Valley
- (c) Wynyard Park.

### **Saved Policy EN29**

Development which will adversely affect the site, fabric or setting of a scheduled ancient monument will not be permitted.

### **Saved policy EN30**

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

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

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

### **Saved Policy HO3**

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

- (i) The land is not specifically allocated for another use; and

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

### **National Planning Policy Framework**

17. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;
18. For decision-taking this means:
- approving development proposals that accord with the development without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
    - specific policies in this Framework indicate development should be restricted.

The following sections of the NPPF are considered to be relevant to the determination of this application;

Section 1. Building a strong, competitive economy

Section 2. Ensuring the vitality of town centres

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 8. Promoting healthy communities

Section 10. Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

### **MATERIAL PLANNING CONSIDERATIONS**

19. The main planning considerations of this application are compliance with planning policies and the impacts of the proposed development on; the vitality and viability of defined centre; the visual amenity/character of the area; the setting of scheduled ancient monuments; levels of residential amenity; highway safety; features of archaeological interest; flood risk; protected species; crime and anti-social behaviour and other matters arising out of consultation responses.

#### **Principle of development**

20. Given that the proposed development is of a large scale and as a result of the site is being subject to a number of designations (through either saved policies within the Local Plan, the Core Strategy and some draft planning policies within the emerging Environment and regeneration LDD) there are a number of planning policy issues that need to be considered;

#### **Housing need and supply**

21. One of the NPPF's core planning principles includes making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' As members will be aware the Council has produced a report that demonstrates that its current housing land supply stands at 3.98 years, as such it is unable to provide a 5-year supply of deliverable housing land as required by the National Planning



Policy Framework (NPPF). As a consequence the policies in the development plan that specifically deal with housing supply are out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in paragraph 14 of the NPPF. Paragraph 14 clearly sets out that planning applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or that specific policies in the NPPF indicate it should be refused.

22. In terms of affordable housing, the 2012 Tees Valley Strategic Housing Market Assessment (TVSHMA) identifies an annual deficit in the provision of affordable housing at 560 homes and it is a benefit of this application that it would contribute to the provision of market and affordable housing. This is notwithstanding the Council's preference for addressing these issues through a plan-led approach. The study also highlights a shortfall of bungalows across most of the district of Stockton-on-Tees; clearly this scheme has the potential to in part assist in meeting the housing needs arising from demographic changes. This is a significant benefit that would accrue from the development.
23. Equally it is acknowledged that there are brownfield areas within the Tees Valley and the Borough that could accommodate a similar scale of development. However, the NPPF is clear that if a five supply is not available within a Local Authorities area, housing sites must be brought forward through either the development plan process and/or through planning applications, not definite distinction is made between brown and greenfield sites.

#### The NPPF, achieving sustainable development and core planning principles

24. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The NPPF then sets out a number of core planning principles which include that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'. Also included in the core land use principles is 'Every effort should be made objectively to identify and then meet the housing, business and development needs of an area, and respond positively to wider opportunities for growth'.
25. The proposed development therefore needs to be assessed against these and other elements of the NPPF and judgements made as to whether the benefits of the proposed development fully met the aims and objectives of sustainable development or whether there is significant harm that would mean the development is contrary to these aims.

#### Housing need and supply

26. One of the NPPF's core planning principles includes making every effort to 'identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.' As members will be aware the Council has produced a report that demonstrates it is unable to provide a 5-year supply of deliverable housing land as required by the National Planning Policy Framework (NPPF). As a consequence the policies in the development plan that specifically deal with housing supply are out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in paragraph 14 of the NPPF. Paragraph 14 clearly sets out that planning applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or that specific policies in the NPPF indicate it should be refused.
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The study also highlights a shortfall of bungalows across most of the district of Stockton-on-Tees; clearly this scheme has the potential to in part assist in meeting the housing needs arising from demographic changes. This is a significant benefit that would accrue from the development.

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30. The proposed development therefore needs to be assessed against these and other elements of the NPPF and judgements made as to whether the benefits of the proposed development fully met the aims and objectives of sustainable development or whether there is significant harm that would mean the development is contrary to these aims.

Environmental Protection & Green wedges

31. Paragraph 4.1 of the adopted Core Strategy sets out the Council's vision for the borough. This includes 'The diversity, quality and character of the natural and built environment, together with the Borough's unique historic assets, are valued, protected, enhanced and optimised for the benefit of everyone'. Criterion 8 of the adopted Core Strategy seeks to protect and enhance the Borough's natural environment and to promote the creation, extension and better management of green infrastructure and biodiversity. The protection of the natural environment is also seen as a core element of the definition of sustainable development and forms a key part of guidance within the National Planning Policy Framework.
32. Core Strategy Policy 10 (CS10) is based solely around Environmental Protection and Enhancement and at criterion 3i) sets out that the separation of settlements and quality of the urban environment will be maintained through the protection and enhancement of these areas, including those which are identified as green wedges. It is also recognised that these strategic gaps and green wedges form part of wildlife corridors which helps to create added value to the borough.
33. Green Wedges are a local designation which the Council attaches significant importance, Core strategy policy CS10(3) seeks to maintain the separation between settlements as well as the quality of the urban environment, specific reference is made in this policy to the Leven Valley between Yarm and Ingleby Barwick, The green wedge at this particular point encompasses the Leven Valley from the residential properties on the edge of Ingleby Barwick and stretches across to those on the fringes of Yarm, as a result the whole of the application site is covered by the green wedge allocation.
34. A recent appeal decision recalled by the Secretary of State in August of this year (2012) in Coalville, Leicestershire (ref; APP/G2435/A/11/2158154) also related to residential

development within the green wedge. Whilst it is fully acknowledged that this site is also not directly comparable to the applicant site, there are some similarities particularly in terms of the policy context and the attempts that the appellant went to minimise the impact of the development through its layout with the intention of minimising the impact on the green wedge. The inspector noted that the site provided a variety of pleasant and unobstructed views and offered an appreciable degree of rural tranquillity. Whilst the inspector acknowledged that the scheme would not lead to the complete coalescence of these two settlements (Coalville and Whitwick) the overall effect of the scheme would still be “tantamount to the (undesirable) coalescence of Coalville and Whitwick” and the proposed development would have been on such a scale that it would have eroded the Green Wedge to a very large extent. The resulting effect would have been to harm the purposes, identity and character of this part of the green wedge.

35. Similarly and although now a dated decision, the 1991 appeal decision for this application site is still a material planning consideration and although the wider planning policy context has changed significantly the inspector reached a view on the green wedge and its purpose. As the purpose of the green wedge has not changed the planning inspectorates view on this is still considered to be relevant to this current application. As part of this decision the inspector concluded that Yarm has a very different character to that of Ingleby Barwick and as a result it is important adequate separation is maintained. It was not considered that the width of slopes of the Leven Valley by itself was sufficient to achieve this aim. It is acknowledged that the previous decision related to a different type of housing development and that the current proposal is different in its nature. A more recent decision with respect to a much smaller development at the nearby Handley Cross site also reflects this approach (see appendices). Equally the benefits of the scheme and policies within the NPPF also represent a change from the previous scheme.
36. Whilst the applicant has taken a sensitive design approach, which has been further revised following on from a more detailed landscape and visual assessment, maintaining and enhancing the substantial landscape buffer that would assist in screening the proposed development, it does not alter the fact that much of the site and green wedge would be lost to development. Although landscaping could be incorporated to provide some screening of the development it would still severely limit the existing width of the green wedge and narrow the sense of openness that prevails within the area, It is for these reasons that the proposal is considered to cause significant harm to the Green Wedges function and thereby bring about the visual coalescence of the settlements of Yarm and Ingleby Barwick.
37. Objections have been raised that the proposal would create a precedent and that once the principle of housing has been established this would not necessarily prevent alternative developments coming forward and that other sites between the existing dwellings and proposed development may also come forward for development and be difficult to assist. Although controls could be imposed to ensure that the nature of any development is limited it would not prevent future applications being made. In both cases future applications would need to be assessed on their own merits and impacts.

Tees Heritage Park:

38. The site also forms part of Tees Heritage Park of which the aim is to provide an attractive setting for recreation along the river corridors. Although the number of objections raising the issue are noted, the Tees Heritage Park is not itself a policy designation, although its value is recognised in adopted policy through the references to it in the adopted Core Strategy Policy CS10 and its role and function is both consistent and compatible with the Green Wedge. It also forms an integral part of the Strategic Green Infrastructure Network. As outlined above there is some conflict with these aspirations.
39. However, it is acknowledged that one of the aspirations of the Tees Heritage Park is to provide access for recreational opportunities, the benefits of which add to sustainable tourism offer of

the borough. Significant investment has been invested within the Tees Heritage Park through lottery funding and increased access has been achieved through improved or new footpath creation and the establishment of permissive rights of way. As detailed later in this report part of the proposal would assist in furthering these networks through the land transfer of land which form part of the River Leven Valley. However, these benefits would need to be balanced against the overall scale of the proposed development, its compatibility with the surrounding land uses and the urbanising effect of the site and its impact on the current tranquil character of the area.

40. The objection from the Friends of the Tees Heritage Park are duly noted, and whilst the potential impacts of the proposed development on future investment, funding and community spirit are reasonable concerns, they are not considered to carry significant weight to sustain a refusal of the application.

Retirement living;

41. Although the retirement living concept is not new to this country and there are many smaller examples elsewhere, particularly in the south of England, few are of this scale and offer the extent of services put forward by this application and as a result it is a fairly unique concept. The applicant claims that as a result of people moving into the development family housing would be freed up and become available for families wishing to move up the property ladder. Comments from objectors in relation to 'first-time buyer' housing being required are noted, however, it is considered that it would be difficult to make any clear statement or judgement regarding how much housing would be freed up within the Borough as the development may not solely appeal to those current residing in Stockton on Tees Borough.
42. Many objectors have raised concerns in relation to the need for such housing, whether such a concept is likely to be successful and future development intentions. Although such comments are duly noted it is not the purpose of the planning system to specifically question the need for a 'retirement village' As outlined earlier the Borough has a shortage of housing land over the 5 year time frame and this housing development would help to address this issue. The number of older residents in the Borough is continuing to grow and such a scheme caters specifically for such housing need. The concept of the proposal and its likely success would be a matter for the applicant and should it be necessary controls could be imposed to limit the nature of the development similar to that proposed through either planning conditions or through a section 106 agreement, such aspects may need to include limits on dwelling heights and age restrictions. The fears with respect to future/further developments are also noted but each application must be assessed on its own merits and against the development plan at that moment in time.
43. As a result there is no justifiable objection to the principle or concept of a retirement village with a range of services and care provision on planning grounds and the considerations are based on the proposed location and whether this is an appropriate site for such a development, in view of all the relevant planning considerations.

Housing mix and affordable housing provision;

44. It is recognised that the proposed scheme is aimed at the 'over 55's' of the community and that the properties will be offered for sale on the open market with a proportion being offered as affordable housing. The scheme ultimately proposes 'independent houses' with varying degrees of 'supported living' that would be tailored to the individual needs of each resident as required. As a result the proposal should predominately be classed as a C3 use (dwelling house) and assessed against the relevant housing policies of the development plan.
45. Core Strategy Policy 8 (CS8) states 'Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more'. Given the site is a greenfield site with no known exceptional site

development costs in an area attractive to the market, the relevant target within the target range is 20%. This is the contribution recently agreed in relation to the Morley Carr Farm application (also a greenfield site in an area attractive to the market) other housing sites. The recently produced affordable housing SPD also reflects this approach and it is considered important to apply the intentions of the policy consistently. The applicant has offered affordable housing provision at 20% and accordingly this aspect of planning policy has been met. Should the application be considered for approval then this would need to be secured through a section 106 agreement.

The quality of the agricultural land:

46. The majority of the application site is shown classified as either grade 2 or grade 3a agricultural land, paragraph 112 of the NPPF states 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. 'The best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. It is noted that the applicant has stated the economic climate has made farming activities on the land unviable, however, the land classification relates to the land quality and arguably therefore the viability of the land could improve as and when the economy begins to recover.

Sustainable living and climate change:

47. In order to accord with criterions 1,2 & 5 of policy CS3 the residential aspects of the proposal would meet with level 4 level of the code for sustainable homes while the commercial facilities would need to reach BREEAM rating 'excellent'. In either case it may be acceptable for alternative building control standards of equal sustainable construction methods to be used. In addition the proposed development would need to provide 10% renewable energy on site. As all these elements could be controlled via planning conditions, it is considered the proposal could accord with this aspect of planning policy

Community facilities:

48. Core Strategy Policy 6 (CS6) criterion 1 sets out that priority will be given for facilities that contribute towards the sustainability of communities and in particular those residents of Ingleby Barwick. The proposal includes a number of community facilities intended to serve the population of the proposed development. Whilst these would provide some improvement to the sustainability of this development, it is not considered that they offer any wider benefits to the existing communities of Yarm or Ingleby Barwick.

Draft Preferred Options Policy designations:

49. As members will be aware the Authority has recently consulted on its preferred option as part of the Environment and Regeneration LDD. Whilst the policies within this document are still open to review and further consultation they do carry a degree of weight, albeit limited at this moment. Several of these policies are considered relevant in the determination of this application. These include housing designations and the limits to development and are discussed below;

*Housing designations;*

50. It should be noted that the site is not identified in the Core Strategy Review of Housing - Issues and Options document as suitable for housing. Furthermore, no representations regarding the site have ever been received in relation to the strategic housing land availability assessment or directly through the local plan process. Paragraph 17 of the NPPF, setting our core planning principles, states that planning should be genuinely plan-led, empowering local people to shape their surroundings. The possibility of the development of this site for a retirement village has not been highlighted through the local plan process and could be deemed to conflict with this core planning principle of the NPPF.

*Limits to Development;*

51. Strategic Policy 4 (SP 4 - Green Wedge), within the Regeneration and Environment DPD Preferred Options draft, outlines the categories of development that would be supported on land designated as Green Wedge, these include activities such as agriculture, recreation forestry and burial grounds, the proposal does not fall into any of these categories. Whilst representations were made to have the boundaries of the green wedge designations modified, the 'Review of the Limits to Development and Green Wedges' (May 2010) review did not recommend any alteration to the boundary of the green wedge in the Leven Valley.

**Economic/Regeneration benefits;**

52. As alluded to earlier (Para 27) a key benefit of the proposed development is that it would help to meet the boroughs 5 year housing supply whilst also providing a type of housing (bungalows) that is in short supply. Along with the potential for freeing up further housing as a result of persons moving into the development this is a key consideration in favour of the development.
53. Within the planning inspectors report to the Secretary of State in 1991 it was recognised that the proposal had some wider benefits. Although that scheme included a 9 hole golf course this was not seen to provide an important contribution to local sport. However, it was deemed that allowing public access to the wooded slope of the Leven Valley subject to management agreements preventing ecological damage) would be a significant public gain particularly if it could be linked to the country park on the opposite bank of the river. This remains true within the current application; although a further benefit would also be achieved through the applicants offer to provide a footbridge across the Leven Valley to link with Ingleby Barwick. Although any connections, its position and scale have yet to be defined or agreed, there remains potential for a suitable solution to be agreed and this would need to be secured via s.106 agreement. By achieving such linkages and in the current context of the Local Plan and Core Strategy it could be argued that improved and increased access from the River Tees, along the River Leven that would (in part) help to meet with the aims of the Tees Valley Heritage Park. Like the inspector concluded in 1991, it is again considered that all of these aspects would carry significant public benefit, although as with any planning application these aspects need to be weighed and balanced against any short coming the scheme has from the planning policy perspective.
54. The proposed development is of a large scale and the applicant suggests this investment is worth approximately £100m of inward investment. The 'development partner' is named as the Enshaa PSC and it is envisaged that this scheme would act as the pilot for other similar developments across the UK. The significance of the financial is recognised and as a result of both its scale and the phased approach to development, would take a number of years to be built out, providing a number of jobs in the short to medium term. It is also reasonable to assume that such benefits may come from the supply of services and material as well as through construction jobs. This therefore complies with the economic role of the National Planning Policy Framework.
55. In view of the above, it would be remiss to not recognise that the proposal in meeting an identified need for housing would provide and fulfil a social and an economic role that favours the proposed development. However, it is important to balance these benefit against the other material planning considerations set out within the report.

**Vitality and viability of defined centres;**

56. Policy CS5 of the Core Strategy sets out the councils retail planning policies, with the aim of maintaining and enhanced the defined retail centres of the Borough as they provide convenient access to everyday shops, services and local community facilities. Criterion 1 Policy CS5 states that no further allocations for retail development will be made other than in or on the edge of Stockton Town Centre during the life of the Core Strategy, while Point 3 states that

Billingham, Thornaby and Yarm will continue to function as district centres. In line with policy CS5 of the Core Strategy new retail development and town centre use (which includes high trip generating uses) requires a sequential approach to site selection, i.e. a town centre first approach; this is also echoed within the NPPF. The only exception to this is where any such use or uses could be classed a truly ancillary to a development. As part of the proposal the applicant has set out that such facilities would be for residents only and that the 'estate' would 'subsidise' such facilities to ensure their long term viability.

57. At this stage it is also difficult to determine how significant any impact would be on the defined retail centres as the supporting information sets out the intention that the proposed facilities are to be ancillary to the main retirement village development. Given the scale of the uses and their indicated central position within the development it is considered it would be unlikely that these uses would cause any significant harm to the Boroughs defined retail centres. It is however, acknowledged that it would be difficult to control the use of such facilities to 'residents only' through any planning control. As part of any reserved matters application it would therefore be necessary to ensure that the scale of these uses remained appropriate and to ensure they seek to meet the local need only.
58. Equally it is accepted these services would provide a degree of sustainability to the development as a whole, particularly in helping to meet some of the day-to-day needs of any future residents. Travel to other services is inevitable and the applicant has offered some travel provision as part of the scheme, notwithstanding this, it is not considered this would be significantly different to those existing residences within the immediate locality and as a consequence it would not be sufficient to justify the development as unsustainable in its own right. Concerns in relation to whether some of the proposed services would provide similar offers to other established businesses would be a matter of competition and this is not a material planning consideration.

**Visual amenity/Character of the area;**

59. The topography of the site is currently gentle with rolling sloping fields with the land to the north and east steeply sloping down to the River Leven. The area is classified as urban fringe pasture in the Stockton Borough Council Landscape Character Assessment which considers that the majority of the site has a medium landscape capacity for development, whereas the area separating the site from Ingleby. The site is also covered by a Special Landscape Area designation which alongside the green wedge policy seeks to prevent the coalescence of Ingleby and Yarm.
60. The revised information submitted by the applicant, the following landscape and visual comments are made. This includes an updated masterplan and slight increases in the woodland planting within the development. The planning support statement affirms that the development is a mixed scheme with a predominance of single storey dwellings (approximately 4.5m height) together with a two storey leisure and nursing home building which could range from 8-10m in height.
61. The Landscape Impact Visual Assessment (LIVA) provides additional detail regarding the impact on landscape character and recognises the low sensitivity assigned to this plateau area (above the Leven Valley) of land in Stockton Borough Councils Landscape Capacity Study. It is considered however that the assessment fails to acknowledge the magnitude of the change that would occur due to the site being developed as on the day of opening the open agricultural character of this part of the site would be replaced by one of housing. It also fails to recognise that the impact of the proposed tree buffer mitigation would have an impact on the character of the countryside by closing down views afforded over the Leven Valley which is described as having a medium capacity for change. The visual envelope of the site extends across Leven Valley towards the properties in Ingleby Barwick and that the reduction in the open views that

would result from the introduction of buffer planting on this site will inevitably have a significant impact upon the landscape character of the Leven Valley.

62. It is considered that the open character of the green wedge would be irrevocably changed by this development. The open agricultural character of the site would be replaced on day of opening of the development by housing. On maturity of the tree planting buffer, the character would change again to one of dense woodland (which is necessary to screen of the proposed housing and infrastructure across the development area). Although views woodland would in my opinion be more desirable than that of a built environment this would never the less constitute a significant and unacceptable change in the open character of the site to that of a closed and landscape with confined views. The Special Landscape Area site designation is designed to prevent development that would not detract from the character of the site, such as agricultural development and this is a saved planning policy from the 1997 Adopted Local Plan. It is considered that development on such a scale would substantially alter the open, agricultural nature of this area. The areas contribution to the Tees Heritage Park would be similarly changed by this development.
63. The Open Space, Recreation and Landscaping SPD include quantity standards which identify the level of demand caused by new development. The development will place a demand upon open space, sport and recreation facilities and it is therefore necessary to ensure that the development provides adequate open space, sport and recreation facilities to meet the needs of the residents. Based on the figures within the Design and Access it is anticipated that 1.1 ha of amenity green space and 0.65 ha of allotments would be required onsite. The concept plan submitted as part of the proposal includes open space in the form of village greens and green corridors linking spaces within the development, leisure facilities (including a gymnasium, swimming pool, tennis court, bowling green and village hall) and the transfer of land within the River Leven Valley to the Council for use as a Country Park. Generally the proposal provides open space; sport and recreation go beyond that required by the Open Space, Recreation and Landscaping SPD. However, consideration could be made to provide an element of allotment space in line with identified standards, the level of this provision could be controlled via planning conditions or through a section 106 agreemen

#### **Setting of Scheduled Ancient monument**

64. The Round Hill Monument is situated at the junction of the River Tees and Leven, set back from the river edges by approximately 100 and 90 metres respectively. The surrounding land is formerly agricultural in nature and is due to be handed to the Council as a result of the Betty's Close Farm development, meaning there would be limited change in its immediate setting. Although the proposed housing would result in development being closer to the monument, it would remain set back from the River edge and would not be as close as the existing housing of Valley Drive (Yarm). The proposed landscaping would also provide a degree of screening, which over time would further limit any views, although some views of housing rising up the bank would remain.
65. Given that the scheduled monument would retain an acceptable buffer immediately around it, that the proposed development would also maintain a buffer adjacent to the River Tees, the monument would still be seen within the context of the Tees and Leven Valleys, with only more distant views of the proposed development resulting from southern views. As a result there would be a limited impact on the setting of the scheduled monument and it is not considered that the proposal would cause any significant conflict with saved policy EN29 in respect of the setting of the Round Hill Scheduled Ancient Monument.

#### **Residential Amenity;**

66. The concept drawing indicates that the separation to the closest property on the eastern fringe of Yarm would be 60 metres although more typically these range from 70-100 metres, Similarly



those properties which front onto Leven Bank Road are also approximately 60 metres from the indicative areas of new housing. The properties on the western fringes of Ingleby Barwick (on the opposite side of the Leven Valley) would be approximately 200 metres from the proposed development at the nearest. The properties within the Bridgewater development (formerly the Cross Keys public house) are located approximately 100 metres and situated at the base of Leven Bank Road, any potential for overlooking into these properties is therefore severely limited. Whilst the final details of any proposed scheme would be a matter for future consideration, the separation distances and the potential for future landscaping of the site are considered sufficient to ensure that the proposed development would not have any significant impacts on the amenity of the neighbouring residents of either Yarm or Ingleby Barwick in terms of loss of daylight, appearing overbearing or a loss of privacy that would justify a refusal of the application on planning grounds.

67. Details regarding the final site layout and positioning of the dwellings and associated facilities would also be submitted as part of a future reserved matters application and the internal relationships between properties would be assessed at this time. However, the indicative drawings do provide enough detail to demonstrate that the proposed 350 retirement dwellings, care home and associated facilities could be accommodated on site and given assurances that acceptable levels of amenity could be provided for the future residents of the proposed development.
68. The short-medium environment impacts such as dust, noise and general disturbance during any associated construction activity could be minimised and controlled through planning conditions should the development be approved and it is not considered that this is sufficient enough to justify a refusal of the application.

#### **Highway Safety;**

69. The Head of Technical Services has reviewed the information provided by the applicant, including the revised access arrangements and upholds a highway objection on the grounds that at present the applicant has not satisfactorily demonstrated that suitable access arrangements into the site could be provided. These concerns are based upon the following issues;
70. Two junction proposals have been put forward to serve the development a roundabout and a signalised junction. Whilst the proposed roundabout access would provide a visibility splay of 120m from the junction, the visibility splay of a vehicle approaching the roundabout would cross into the opposing carriageway and the driver's visibility would therefore be impeded by vehicles travelling in the opposite direction. Whilst it is acknowledged that vehicles travelling in the opposite direction would be transient objects, the road is heavily trafficked and an undetermined number of drivers would be impaired which could result in an accident. This is considered to be more significant in view of the fact that Leven Bank Road is a tactical diversion route for the A19 and therefore the design standards should not be compromised. The roundabout design and the stopping sight distance requirements would only be acceptable if this section of Leven Bank Road had a 30mph speed limit. Reducing the speed limit from 40mph to 30mph on this section of Leven Bank Road is not supported by the Head of Technical Services. The 40mph speed limit is considered appropriate for this section of route and significant speed reduction measures would be required to reduce the design speed to accommodate a reduced limit of 30mph (notwithstanding that the introduction of another junction would in itself reduce speeds on this section of Leven Bank Road to some extent). Furthermore a 30mph speed limit would need to be supported by street lighting. There are a number of concerns regarding the provision of street lighting in this location and no details / drawings have been provided to clarify if street lighting could be accommodated.
71. Although a traffic signal solution could be provided as an alternative to a roundabout, the main concern with introducing a signalised junction in this location is again the lack of forward

visibility for drivers approaching the junction as the proposed horizontal curvature at the approach to the signals is substandard. Adding an isolated set of signals in a rural location with low side road flows also has the potential for motorists to disregard the signals and thereby create a further accident potential in view of limited visibility. Whilst the introduction of a signalised junction would need to be supported by new signs, given the winding nature of the road, there would still be a concern that vehicles would approach the junction at speed, resulting in heavy braking and shunt type accidents.

72. It can therefore be summarised that the current proposals for the site access, both the roundabout and signal junctions, are not acceptable because:

- The substandard horizontal approach geometry results in substandard forward visibility at the junction approaches based upon the existing 40mph speed limit – this would lead to vehicles breaking suddenly which could lead to shunt type accidents and goods vehicles shedding their loads;
- The Local Highway Authority does not support a reduction in speed limit in this location – the current vehicle speeds indicate that a 40mph limit is appropriate and significant measures would be required to advise drivers of a change in speed limit and junction;
- The Local Highway Authority would not accept a departure from standards on a tactical diversion route for the A19. Furthermore, this is a principal road and there is usually a presumption against any new accesses onto principal roads. If a new access was to be accepted on a route such as this, any highway safety concerns would need to be designed out of a new junction;
- The introduction of additional street lighting would be detrimental to the rural landscape and no details have yet to be provided to demonstrate if street lighting could be installed on this section of Leven Bank Road; and
- The proposed compact roundabout design does not adequately accommodate for cyclists.

73. The Head of Technical Services would therefore maintain an objection to the access proposals (roundabout and signal solution) as both could have an unacceptable impact on highway safety on Leven Bank Road.

### **Features of Archaeological Interest**

74. Tees Archaeology have confirmed that the applicant has submitted the results of an archaeological field evaluation through a combination of reports on geophysical survey and trial trenching. These reports provide sufficient detail to understand the significance of the heritage of the assets and meet the relevant requirements outline within the NPPF.

75. Such reports have identified a pair of Iron Age enclosures (c.400 BC-50 BC), containing several round houses and deposits that included organic material. A second concentration of archaeological features was identified to the south of the farm and produced anomalies more reminiscent of Romano-British occupation. The archaeological sites are of regional importance and can either be designed out of the development to avoid impact (NPPF Para. 132) or archaeologically excavated in advance of development (NPPF Para. 141) to advance our understanding before they are destroyed. A combination of both approaches could be taken. The first option might have an impact on the yield of the development and the second would carry a cost implication to the developer which might be significant.

76. Such matters could be controlled via planning conditions and as a consequence it is considered that the proposed development would not have a detrimental impact on features of archaeological interest so as to justify a refusal of the application and thereby accords with saved policy EN30 of the Local Plan and guidance within the NPPF.

**Flood risk;**

77. The Environment Agency has considered the impact the proposed development would have on flood risk. They have no objections to the proposed development provided that a planning condition is imposed on any approval granted, to ensure consistency with the submitted flood risk assessment. The proposed development is therefore considered to meet with the requirements of the National Planning Policy Framework and does not pose any significant threats to flood risk.
78. Further advice is offered in respect on invasive plant species (Japanese Knotweed & Giant Hogweed); appropriately worded informatives could be placed on any planning approval and/or secured through planning conditions where appropriate.

**Protected Species;**

79. Advice from Natural England notes that the changes to the original application relate largely to layout, and are unlikely to have significantly different impacts on the natural environment than the original proposal, to which they had no objection. In view of the above, it is considered that satisfactory evidence and mitigation has been provided to adequately demonstrate the proposed development would not have a detrimental impact on protected species.
80. The Environment Agency have also offered advice and suggested planning conditions with respect to Protected species. These should be imposed on any grant of planning permission.

**Crime and Antisocial-behaviour;**

81. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well maintained developments so that a sense of shared ownership and responsibility is created.
82. The Police's Architectural Liaison Officer has considered the application and has advised that consideration should be given to applying Secured By Design principles, that planning policy strongly supports this principle and makes clear that community safety is an integral part of the design agenda. The final design of the scheme is yet to be established and opportunities for designing out crime would need to be fully considered at the reserved matters stage of the application.
83. Whilst concerns with respect to increases in anti-social behaviour either side of the river as a result of the proposed footbridge are noted, there is no evidence to suggest that this would occur and careful consideration would need to be given to the layout and design of footpath links and any lighting (to ensure minimum disruption to wildlife and surrounding residents) as part of any reserved matters application.

**Residual issues;**

84. Several objectors have also raised the issues of the impact of the development on health services and medical personnel. Although the comments of the Council Adult Strategy division are generally supportive of accommodation that offers the opportunity to downsize within a supportive environment, there are concerns that the initial impact of an inward migration of older people will have a more immediate impact on primary care services. Whilst noted, it is not considered this would be sufficient to justify a refusal of the application. Given the existing care home provision within the borough it is also noted that there is not necessarily a requirement for a new facility, however, the issue of competition is not a material planning consideration and cannot be considered as part of this application.
85. An objector has raised the issue of there being several pipelines that run through the site one of which is thought to carry gas. Although there are a number of pipelines that run through the

site, none are considered to be hazardous by the Health and Safety Executives mapping information and as a consequence there is not considered to be any significant risk to public safety in this respect.

86. Comments in relation to the development being funded by foreign investment are not a material planning consideration. This is a matter for the developer and the proposed development must be assessed on its own merits and against relevant planning policies.
87. Several objectors have raised concerns in respect of loss of equity and the devaluation of property, whilst these comments are duly noted the impact of the development on property value it not a material planning consideration and cannot be considered as part of the determination of this application.
88. Several objectors have raised concerns in relation to the proposed method of foul drainage (i.e. package treatment plants), however, the applicant has confirmed that they have approached Northumbrian Water and would seek to connect to the main surface and foul drainage supplies. Consequently the concerns and objections to the treatment package plants are considered to have been addressed.
89. Comments in relation to increased air and noise pollution are noted, however, the environmental health officers are satisfied that the proposed development does not cause any significant impacts in this respect to justify a refusal of the application.

## **CONCLUSION**

90. Clearly there are many benefits to the proposed development in terms of the requirements of the NPPF in boosting the supply of housing, addressing some needs of the Tees Valley's older population, the wider public benefits resulting primarily from increased public access along the Leven Valley and the economic benefits the scheme would bring to the area in terms of investment and job creation.
91. Although it is acknowledged that the scheme currently under consideration allows for a revised layout, it is not judged to address the previous concerns and that significant weight should still be attached to planning policy and the harm that would arise out of the urbanisation of the land, the coalescence of the settlements of Ingleby Barwick and Yarm and the open character of the site and green wedge. In weighing up these policy constraints against the economic benefits of the scheme, it is considered that despite the benefits and merits that the proposed development would offer, these would not be sufficient enough to outweigh the conflicts with the adopted development plan policies.
92. Furthermore insufficient information has been provided to satisfactorily demonstrate that there would be no significant harm to highway safety as a result of the proposed access arrangements and this forms an additional reason for refusal. The proposed development is therefore recommended for refusal subject to the reasons outlined earlier within this report.

## **HEADS OF TERMS**

Should members be minded to approve the application consideration should be given to the following heads of terms required as part of any Section 106 Agreement;

- Highway improvements at the junction of A1044 / A67 / Green Lane roundabout junction.
- £93,000 toward Highway improvements within Ingleby Barwick
- 20% Affordable housing provision

- Land transfer within Leven Valley (19 ha) & associated creation/maintenance payments
- Provision of shuttle bus service
- A commuted lump sum towards car parking provision within Yarm High Street.
- Local Labour agreement
- Requirement of over 55's
- Requirement to secure community facilities in perpetuity
- Contribution toward the provision of footbridge across River Leven
- A contribution towards the improvement of the PRow to Leven Bank Road

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Simon Grundy Telephone No 01642 528550**

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillors</b>	<b>Councillor A B L Sherris, Mark Chatburn and Ben Houchen</b>

**IMPLICATIONS**

Financial Implications.

Section 143 of the Localism Act and planning obligations as set out in the report.

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers.

Regional Spatial Strategy  
 Stockton on Tees Core Strategy  
 Stockton on Tees Local Plan Alteration  
 Stockton on Tees Regeneration and Environment DPD (Preferred options)  
 Draft National Planning Policy Framework (NPPF)  
 Planning applications; 90/1690/P, 91/0585/P, 92/0318/P, 92/1209/P, 99/1919/P, 00/0819/P,  
 00/1716/P, 01/1077/P, 01/1078/P, 06/0751/FUL, 07/3035/FUL

Other applications

5385 – Conversion of outbuilding into a single storey agricultural workers dwellinghouse  
 S431A - Addition to existing farmhouse to provide additional dwelling  
 5431C Amended design for dwellinghouse (approved with conditions)  
 S1430/77 outline application for erection of a dwelling house.  
 S1661/78 – Dwelling with garage (Approved with conditions)  
 S1420/79 – Erection of a bungalow (approved)

S739/81 – Erection of extension to building  
S2730/81 – Single storey lodge (approved)  
S620/85 – swimming pool (approved)  
92/1209/P – Sinking of boreholes and installation of ground monitoring equipment (approved)