

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**30<sup>th</sup> July 2014**

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

**14/0807/OUT**

**Land Off Busby Way, Mount Leven, Yarm**

**Outline application for residential development of 14no. units with associated access from Busby Way**

**Expiry Date: 3 July 2014**

**SUMMARY**

Outline planning permission is sought for a residential development on land off Busby Way in Yarm. Being outline, the application only seeks permission for the principle of development for 14 dwellings and for the access into the site. Other matters are reserved for later submissions. The development would require the demolition of an existing dwelling off Busby Way through which the access would be gained.

A number of objections have been raised against the application which relate mainly to there being no need in Yarm for further housing in view of recent permissions, the likely impact on the green wedge and on the Tees Heritage Park, the impacts of the additional traffic, the impacts on wildlife movement and the impacts on the privacy and amenity associated with nearby properties.

The Head of Technical Services has considered the point of access for the scheme and the anticipated impacts of traffic on the surrounding area and considers that these are both limited and satisfactory.

The proposal to carry out a residential development in the green wedge and within the Tees Heritage Park is contrary to policy. The proposal of 13 additional dwellings is of limited benefit to the 5 year supply requirement and in its own right, being a development beyond a clearly defined boundary between the urban area of Yarm and the green wedge, it is considered that the benefits of this development are of insufficient weight on their own to justify the incursion and detriment to the green wedge. However, taking into account the approved Mount Leven scheme, it is considered that this would result in a greater and more intrusive incursion into the green wedge at this point. The approved Mount Leven scheme is a material planning consideration and is considered to be sufficient to justify the approval of this scheme. However, should the Mount Leven scheme not be commenced then arguably, this scheme should similarly not be commenced. The Section 106 Agreement is intended to prevent this scheme being constructed before the Mount Leven scheme is commenced, thereby limiting the wider visual impacts of this development. Without the completion of a Section 106 agreement, the proposed development could be considered premature and Officers would not be in support of the proposals.

The outline application has adequately demonstrated that 14 properties could be constructed on site whilst achieving adequate spacing for privacy and amenity for existing and future occupiers of properties, providing adequate access, parking and private garden areas.

There is no evidence of any notable ecology or wildlife associated with the site although precautionary conditions are recommended in respect to nesting birds and bats. Tees Archaeology consider there to be no likelihood of impacts on archaeological remains whilst matters of drainage, levels, affordable housing, renewables would all be dealt with by condition. Contributions would be made in line with supplementary planning guidance requirements in respect to Open Space, Recreation and Landscaping as well as Education.

## **RECOMMENDATION**

That planning application 14/0807/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms as detailed below;

### **01 Approved Plans**

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>21<sup>st</sup> March 2014</i>
<i>ALA223L01</i>	<i>10<sup>th</sup> June 2014</i>
<i>ALA223L02</i>	<i>10<sup>th</sup> June 2014</i>

*Reason: To define the consent.*

### **02 Reserved Matters - Details**

*Approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans*

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

### **03 Reserved Matters - Time Period for submission**

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

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

### **04 Period for Commencement**

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

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

### **05. Renewables or Fabric First**

*No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or*

design efficiencies. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

*Reason: In the interests of promoting sustainable development.*

**06. Code 4 Construction**

*The dwellings hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.*

*Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3 and in the interest of compliance with National Planning Policy Framework.*

**07. Affordable Housing**

*A total of 15% - 20% of housing provision within the site shall be affordable in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The details shall include but not be restricted to including the precise units to be affordable and the nature of tenure.*

*Reason: In accordance with the requirements of Core Strategy Development Plan Policy CS8 (5).*

**08. Drainage**

*No development hereby approved shall be commenced on site until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.*

*Reason: To prevent the increased risk of flooding from any sources in accordance with the guidance contained within the National Planning Policy Framework.*

**09. Highway Works**

*Notwithstanding the details hereby approved, the access into the site and the associated footpaths will be provided in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority prior to works commencing.*

*Reason: To provide a suitable form of vehicle and pedestrian access into the site in accordance with the requirements of saved Local Plan Policy HO3.*

**10. Levels**

*The development hereby approved shall be built in accordance with a scheme of finished floor levels which has been submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. The scheme shall detail existing land level and levels of nearby properties as necessary as well as the finished floor levels of the proposed properties.*

*Reason: In order to prevent undue impact on residential properties and to ensure*

**11 Structural Landscaping**

*Structural landscaping shall be provided around the site in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being brought into use.*

*Reason: To ensure adequate off site landscaping is provided to mitigate the impact of the development on its surroundings in accordance with the general requirements of saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.*

**12. Structural Landscaping Management Plan**

*No property hereby approved shall be sold until a Structural Landscaping Management Plan has been submitted to and approved in writing by the Local Planning Authority. The land forming the area of Structural Landscaping shall be retained as such and maintained in accordance with the approved scheme in perpetuity.*

*Reason: To ensure any landscape areas of open space are maintained in accordance with the general requirements of saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.*

**13. Means of Enclosure**

*No property hereby approved shall be occupied until a scheme detailing all means of enclosure for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.*

*Reason: In order to provide a quality of development as required by saved Local Plan Policy HO3 and Core Strategy Development Plan Policy CS3.*

**14. Unexpected Land Contamination**

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

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

**15. Bat Survey**

*Prior to any demolition works to the house within the site a bat dusk emergence survey shall have been carried out between May and August, carried out by two surveyors and all bat activity shall be recorded and submitted to the Local Planning Authority for consideration. The house shall not be demolished until written agreement to this has been issued by the Local Planning Authority. In the event that Bat roosts are established further survey work shall be undertaken to the written satisfaction of the Local Planning Authority along with a mitigation scheme. The demolition shall be carried out in accordance with any agreed scheme.*

*Reason: In order to protect wildlife in accordance with the requirements of the National Planning Policy Framework.*

**16. Demolition and landscaping removal works**

*Any landscaping removal works and building demolition works within the site shall be undertaken outside of the bird breeding season (March to August) unless a nesting bird survey has first been undertaken and submitted to the Local Planning Authority and the Local Planning Authority has confirmed agreement to any proposed removal.*

*Reason: In order to take account of wildlife within the site in accordance with the requirement of the National Planning Policy Framework.*

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### Informative 1: National Planning Policy Framework

The application has been considered against the implications of the National Planning Policy Framework.

### Informative 2: Sewer connection

If sewer is the only option for dealing with foul water from the site the developer is urged to contact Niki Mather (tel. 0191 419 6603) at Northumbrian Water to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

### Informative 3: Secure by Design

The developer should consider the benefits of designing out crime in relation to the specific comments made by the Police Architectural Liaison Officer and the opportunity to build these into the scheme and the long term benefits that they result in.

### Informative 4: Limit to residential curtilages

The extent of residential curtilages is limited to the land within the red line boundary as submitted with the application and does not include the area of structural landscaping.

### Informative 5: Sustainable Transport Welcome Packs

The developer is encouraged to produce sustainable transport welcome packs for the occupiers of the new properties which details sustainable transport options in the surrounding area such as bus services, cycle routes and footpath links.

### Informative 6: Scale of properties

The site is at a high point within the surrounding area and surrounded by low height bungalows. As such, careful consideration will be made of any forthcoming reserved matters applications. Proposing properties of 2 or more stories on the site will need to be adequately demonstrated that they would not be at odds with their surroundings.

## **HEADS OF TERMS**

### ***Open Space, Recreation and Landscaping***

A total contribution of £36,799 is being sought towards the provision of off-site works to support the provision or enhancement of open space, recreation and landscaping in the surrounding area.

Monies are intended to be spent at two locations;

- Leven Park (approximately £23,900); and
- Land near to the River Leven (£12,899)

The monies will be used in connection with the provision of additional items of play equipment and environmental improvements at Leven Park and Environmental Improvement works on land near to the river Leven to assist with public access.

Trigger: Payment of £23,900 prior to the occupation of the 5<sup>th</sup> house and payment of the remainder following the occupation of the 10<sup>th</sup> house.

### ***Education***

Precautionary Education Contribution to provide primary/secondary school places should they be required at the appropriate time in line with the council's standard formula.

### **Commencement of Development**

*No development shall be commenced on site until the already approved housing scheme under application 13/0776/EIS (Mount Leven Scheme) has been commenced on site or a revised scheme to that approval. Should the Mount Leven Scheme lapse and not be replaced with a new permission then the development hereby approved shall not be implemented.*

### **BACKGROUND**

1. 92/2169/P – Outline application for one dwelling. Approved.
  2. 95/0897/P – Erection of two storey detached dwelling and stable block. Approved
- Adjacent site history regarding the Mount Leven retirement village
3. 12/1546/OUT - 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. Refused for reasons relating to green wedge and highway safety.
  4. 13/0776/EIS. 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. Approved contrary to officer recommendation.

### **SITE AND SURROUNDINGS**

5. The application site is located at the southern end of the borough, adjacent to the eastern side of Yarm's urban edge. The site consists of a residential dwelling and its associated curtilage and an adjacent paddock area which is part of a wider swathe of open rolling agricultural land which forms the Leven Valley and which allows views between Yarm and Ingleby Barwick on the opposing side of the valley.
6. There is a small stable block within the paddock and a steel sheet building exists within the adjacent field. The paddock has no notable landscaping within it. Residential gardens are adjacent to the western site boundary which have a mix of hedges and fences forming the boundary with the paddock. A semi mature planting buffer exists to the south of the site which runs along the side of existing properties.
7. Open fields currently lie to the north, east and south of the site although the recently approved Mount Leven Scheme (350 retirement dwellings and 100 bed care home) will surround the site once developed. See appendix. ref. 3.

### **PROPOSAL**

8. Outline planning permission is sought for a residential development of 14 dwellings on land off Busby Way, Yarm. Being outline, only the principle of development and the access are being sought at this stage, with matters of scale, layout, landscaping and appearance being reserved for approval at a later date via a further application/s.
9. The access into the site is shown taken from a turning head within a cul-de-sac of Busby Way, through an existing residential plot, the property to which would require demolition to achieve the scheme. The indicative site layout shows 14 properties laid out around a cul-de-sac arrangement with woodland planting forming a buffer around the site.

10. The application has been submitted with a Planning Statement, Transport Assessment, Ecological Survey, Archaeological Evaluation Report and a Statement of Community Involvement.

## **CONSULTATIONS**

Consultations were notified and comments received are summarised below:-

### Yarm Town Council

Objects to this planning application and would seek clarification as to why the original application has been changed to 14 units when previously in pre consultation it was discussed that the demolition of the house would be replaced with two storey buildings and landscaping. This no longer appears to be the case.

Yarm Town Council further feels that the increased traffic on an already narrow road would lead to even more traffic congestion causing problems on Glaisdale Road as well as Busby Way and on the grounds of over development of the site.

### Councillor Sherris

Increase in vehicular movement of upwards of 40 extra cars onto Busby Way and Glaisdale Rd.

Detrimental to the amenity value of neighbouring bungalows in Busby and Battersby.

Will have little effect to boost the 5 year supply.

The previous pre application consultation leaflet indicated 2 + storey properties.

The site is in the `gap` between the Northern and Southern section of the Mt Leven development and therefore open to direct view from Ingleby.

Planting screen is minimal and does not offer sufficient protection to neighbouring properties.

If consent were to be approved it should be for a lesser number of bungalows.

Has a landscape and visual assessment been carried out?

Loss of a perfectly good house

### SBC - 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.

Open burning

Construction Noise

Unexpected land contamination

### SBC – Spatial Plans

Thank you for consulting the Spatial Planning team on this outline application (14/0807/OUT) for the proposed residential development of up to 14 units with associated access at Land off Busby Way, Mount Leven, Yarm. As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise.

All matters with the exception of access are reserved for consideration as part of a further application. This response focuses on the key spatial and housing planning policy issues which relate to the application.

The Development Plan - overview

The development plan currently comprises the:

Stockton-on-Tees Core Strategy DPD (March 2010),  
Saved policies of the Stockton-on-Tees Local Plan (1997)  
Saved policies of the Local Plan Alteration Number One (2006), and  
The Tees Valley Joint Minerals and Waste LDD (September 2011).

The application site is designated as green wedge on the 1997 Local Plan Proposals Map. Green wedge designations have not been altered on the Core Strategy Strategic Diagram.

You will also be aware that the Council consulted on the Regeneration and Environment LDD preferred options document and associated documents including the policies map in the summer of 2012. The policies map shows that the site is designated as green wedge in the emerging LDD.

Point 3 of Core Strategy Policy CS10 'Environmental Protection and Enhancement' is a key consideration as the site is located within the green wedge.

#### Planning history

The most significant development approved within the green wedge is a retirement village at Mount Leven Farm (adjacent to the site of this application). Two applications for a retirement village have been considered by planning committee. The first of which (12/1546/OUT) was refused and the latter approved (13/0776/EIS).

The Planning Officer's report to the latter application (13/0776/EIS) concluded that there were significant 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.

#### The National Planning Policy Framework (NPPF)

The NPPF is a significant material consideration in the determination of planning applications. Paragraph 14 states 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 NPPF provides that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' (Para 49).

#### 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. The three dimensions of sustainable development are economic, social and environmental.



The NPPF core planning principles include 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'. The proposal would assist in addressing the identified need for housing and thus fulfil both a social and an economic role.

#### The supply of deliverable housing land

The Council has produced a report entitled 'Five Year Deliverable Housing Supply Final Assessment: 2014 – 2019'. The Report concludes that the Borough has a supply of deliverable housing land of 4.08 years with a 20% buffer added (with the shortfall being 669 dwellings).

The guidance in the NPPF states that a 5% or 20% buffer must be added to the supply of deliverable sites, depending on whether or not there has been a record of persistent under-delivery of housing. The issue of whether to add a 5% or a 20% buffer was debated at the Low Lane, Ingleby Barwick Public Inquiry. The inspector commented on this in his report as follows: 'Over the CS plan period, the Council agreed that there has been persistent under-delivery' (paragraph 11.3). In the context of the Inspector's Report it is now considered necessary to add a 20% buffer to the requirement for a five year supply of housing sites.

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.

The application is contrary to points 2 and 3 of Core Strategy Policy 1 - The Spatial Strategy and to Core Strategy Policy 7- Housing Phasing and Distribution. However, relevant policies for the supply of housing are not up-to-date if the authority cannot demonstrate a five year supply of deliverable housing sites. Other policies in the development plan that are relevant to the application remain up-to-date and are referenced in these comments.

#### Relationship to the NPPF and the adopted 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.

##### Sustainable living and climate change

The proposal will need to be assessed in relation to Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change. The 1st bullet point of point 8 of Policy CS3 states that proposals will 'Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geo-diversity, 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'. The case officer will need to assess whether the proposal is consistent with Policy 3.8.

##### Landscape and Visual Impacts

The Stockton-on-Tees Landscape Character Assessment and Capacity Study (July 2011) provides the evidence base to consider the proposal in landscape terms. The Landscape Capacity Study divides the Leven Valley into two Landscape units; Landscape unit 51 and Landscape unit 54.

The application site is located within Landscape unit 54. Landscape unit 54 is an area with medium landscape capacity (Site SLCA0054 – Landscape Capacity Assessment). Landscape capacity is the ability for the landscape to accommodate change without significant impact.

Although the application site is not located within Landscape unit 51, the Spatial Planning team consider that the assessment for Landscape unit 51 is directly relevant to the application as both landscape units in combination comprise the Leven Valley. The assessment for Landscape unit 51 shows that it has very low landscape capacity and high visual sensitivity. The Spatial Planning team consider that this is a significant negative material consideration.

Land constituting the Leven Valley is of high landscape quality and high visual sensitivity; owing to this the site was identified within the landscape capacity study as having very low landscape capacity. The highly sensitive nature of Leven Valley should not be seen to lessen the importance of the agricultural land to the west of the green wedge as this forms an essential part of the openness between the settlements and development within this area would be detrimental to the character and identity of the green wedge.

It is also relevant that part of the application site falls within the Leven Valley Special Landscape Area. Explicit reference is made to the importance of protecting valued landscapes within section 11 'Conserving and enhancing the natural environment' of the NPPF. This includes paragraph 109, 'The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes'. Saved Local Plan policy EN7 'Special Landscape Areas' seeks to protect the landscape value of these areas and is therefore fully consistent with the NPPF and significant weight can be attributed to the policy.

It is proposed that Policy EN7 'Special Landscape Areas' will be replaced within the Regeneration and Environment LDD by a policy which seeks to protect valued landscapes by ensuring that information contained within the Stockton-on-Tees Landscape Character Assessment and Capacity Study has been used to inform development proposals and assess the impact of proposals on the landscape.

#### Development on unallocated sites

The proposal will need to be assessed in relation to saved Local Plan policy HO3: Development on unallocated sites. The policy states that residential development may be permitted and then lists the criteria that this is subject to. The following criterion is not met by the proposal:

The land is not specifically allocated for another use

With regard to the other criteria the case officer will need to assess these. It is understood that the land is not used for recreational purposes (it is fenced off). Regarding whether the scheme is sympathetic to the character of the locality, the case officer may consider that the issues highlighted at Para. 34 of these comments are relevant.

#### Environmental protection and enhancement

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 will introduce development within the green wedge which will impact upon the openness and amenity value of the green wedge at this location. Therefore, the proposal is contrary to point 3 of Core Strategy policy CS10 and saved Local Plan policy HO3.

The applicant's supporting Planning Statement states 'in our view, the green wedge policy should be given diminished weight in the consideration of this application' (Para. 5.9) and that 'the green wedge policy is out-dated and weight should instead be given to guidance set out in the NPPF' (Para. 47).

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. The Spatial Planning team regards the green wedge policy within CS10 is an environmental policy. It is not a housing supply policy. It is part of the adopted Development Plan and fully up-to-date. The absence of a five year supply of housing land does not lessen the value that should be attached to the role and function of the Leven Valley green wedge.

Clearly an assessment of the application in the context of the impacts on the Green Wedge needs to be cognisant of the Secretary of State for Communities and Local Government's determination of the recovered appeal for application 12/2517/OUT for a Free School and housing at Low Lane, Ingleby Barwick. The Report of the Inspector to the Secretary of State stated at paragraph 11.1:

*'Put simply, the main issue to be considered in this case is whether any harmful impacts that would be caused by the proposals, in terms of the green wedge, the character and appearance of the area, and recreational opportunities, in particular, are outweighed by any benefits'.*

Taking this into consideration it will be necessary to consider the harm caused by the development. In considering the harm that would be caused by the proposal, it will be necessary to consider the impact of the proposal on separation and openness, amenity value, landscape quality, the natural environment and the historic environment.

It is acknowledged that the principle of development within the western part of the Leven Valley green wedge has been accepted. However, this is specifically in the context of the grant of planning permission for a retirement village. The benefits identified by Members are unique to the scheme. Officers of the Council continue to consider this location a vitally important part of the green wedge and consider that the land should remain designated as such. In doing this the benefits of this application have to be weighed against green wedge policy.

If the view is taken that it is appropriate to assess the application in the context of the currently unimplemented planning permission then the following factors are relevant:

The application site is adjacent to a relatively open part of the boundary for the retirement village. There would currently be no built development at this part of the retirement village site as it forms a landscaped footpath corridor linking the two major elements of built development that will comprise the retirement village.

The layout for the retirement village includes a substantial buffer for screen planting. Consideration should be given to the desirability of maintaining this buffer in the context of this application.

Relationship to the NPPF and the emerging Development Plan  
The Regeneration and Environment Preferred Options

The Council has recognised that because of changing economic circumstances the housing strategy in the adopted Core Strategy will not deliver the housing requirement for the Borough. For this reason the Council decided to undertake a review of the strategy which was incorporated in to the draft Regeneration and Environment LDD preferred options consultation (2012).

#### Emerging Strategic Policy SP4 – Green Wedge

Strategic Policy SP4 – Green Wedge continues the approach to green wedges found in Core Strategy Policy 10. The policies map that accompanies the LDD shows the site as green wedge. The application is contrary to emerging policy SP4. However, due to the number of objections to the policy and the statement in paragraph 216 of the NPPF, only limited weight can be attached to the policy. It should also be noted that the council have sought to remove the green wedges from the limits to development to increase the protection afforded to the green wedges. This was undertaken as a direct result of responses made to the Regeneration DPD Issues and Options.

#### Plan-led approach

The NPPF states that planning should be genuinely plan-led and empower local people to shape their surroundings and set out a positive vision for the area (Paragraph 17). Furthermore, strong community support has been expressed through the responses to the consultation on the Regeneration DPD Issues and Options for retaining green wedges and strengthening their designation.

The site is designated as green wedge in the adopted development plan and this designation is being carried forward through the emerging development plan and this has community support. There is clearly a tension between releasing the site for housing development and the core principle in the NPPF that states that planning should be genuinely plan-led. However, recent decisions by the Secretary of State suggest that this principle is being accorded less weight than the need to demonstrate a five year supply of deliverable housing sites.

Although it is guidance, not policy, it is also relevant that the national Planning Practice Guidance states *"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination ..."*

#### Summarising comments

The starting point for consideration of the application is the adopted development plan. The application is contrary to the adopted development plan. However, the Council accepts that it is not able to demonstrate a five year supply of deliverable housing sites with a 20% buffer added. Paragraph 47 of the NPPF stresses the importance the Government attaches to boosting significantly the supply of housing and paragraph 49 of the NPPF sets out that where a five year supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date.

The 2nd bullet point of paragraph 14 of the NPPF makes clear that where the development plan is absent, silent or out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

The benefits of the application within a housing context are that it would boost the supply of housing; if implementation begins within a five year timeframe it would make a contribution towards the five year supply of housing. Meeting housing need and demand is clearly a key national priority.

Turning to the potential adverse impacts, the proposal is contrary to the following adopted development plan policies:

Saved Local Plan Policy EN7  
Point 3 of Core Strategy Policy 10.  
Point i of Saved Local Plan Policy HO3

The case officer will need to consider whether the proposal is contrary to the following adopted development plan policy.

Point 8 of Core Strategy Policy 3

However, it is clear from the Inspector's Report for the Low Lane appeal that, in the context of NPPF paragraph 14, the key issue in relation to these policies is not the fact that there is conflict with these policies but the degree of conflict. The identity/character of the green wedge is predicated by the Valley and open farmland to the east of Yarm. Development to the east of Yarm would impact negatively upon this identity and character of the green wedge. The case officer will need to carefully consider the degree of conflict with the role and function of the green wedge, the character and appearance of the area and recreational opportunities and whether the harm outweighs the benefits of the proposal.

#### SBC - Head of Technical Services

The Head of Technical Services has no objection to the development subject to:  
Commitment by the applicant to enter into a Section 278 Agreement for the alterations to the highway on Busby Way;

This development requires a landscape buffer of minimum size 4 m width around the site to soften the scheme. Further detailed comments are made regarding the planting within the development as detailed in the landscape and visual comments below.

#### Highways Comments

The proposed development is for 14 residential units with all matters reserved except access. The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).

#### Access

The access into the proposed development would be located on Busby Way. Busby Way connects to Glaisdale Road which provides access into the existing residential estate from Green Lane. The Council are currently considering a scheme to reduce speed limits within the residential estate from 30mph to 20mph. The scheme is designed to bring the facilities in the estate up to current development standards, providing a safe route to schools and community facilities and to provide safe crossing points. The proposed speed limit reduction is not to address an existing road safety issue but is proposed to encourage walking and cycling around the estate and to and from local schools.

Busby Way is 5.5m wide with footways on both sides of the carriageway. The proposed access would extend Busby Way and result in the creation of a T junction with the road that provides access in-between properties 2 and 16 Busby Way. The development would therefore alter the road layout and change the nature of the road. Vehicles exiting the access road in-between properties 2 and 16 Busby Way would have to give-way to vehicles travelling to and from the development. This may require changes to the road, including the addition of road markings, to make users aware of the changes in traffic priorities. Whilst

the access proposals are acceptable in principle, the detailed design of the layout would have to be undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement. All costs of the highway works would have to be met by the applicant.

#### Development Layout

The application is in outline only with all matters except access reserved. The proposed plan is therefore indicative only and the detailed design of the development should be designed and constructed in accordance with the Councils Design Guide and Specification and in accordance with Manual for Streets (Department for Transport, 2007) guidance.

Car and cycle parking for each dwelling would need to be in accordance with Supplementary Planning Document 3: Parking Provision for New Developments, 2011. Each incurtilage parking space should be 6m in length to ensure that parked cars do not overhang the footway. In accordance with the parking standards, a garage will only be counted as a parking space if it meets the minimum internal dimensions of 6m x 3m.

Any Reserved Matters application for the detailed elements of the site would also need to be supported by information on refuse collection and storage along with autotracking of large vehicles around the site. A Construction Management Plan would be required in order to ensure that construction works do not have a detrimental impact on the highway.

The applicant would need to enter into a Section 38 Agreement for the highway and footpaths which would become highway maintainable at the public expense.

#### Traffic Impact

The trip generation of the proposed development has been ascertained using average trip rates from TRICS, a national trip generation database. The trip rates and associated trips are shown in Table 1. The trip rates have been reviewed against those applied at other local developments and are considered to be acceptable.

Table 1: Trip Rates and Trips

	Arrivals		Departures	
	Trip Rate	Trips	Trip Rate	Trips
Weekday AM Peak Hour	0.286	4	0.588	8
Weekday PM Peak Hour	0.556	8	0.346	5

Table 1 shows that the proposed development would result in an extra 8 vehicles leaving the estate on a morning peak and 4 additional inbound trips. Whilst it is accepted that the local road network experiences peaks in traffic flow, the additional traffic generated by the proposed development would not add significantly to the traffic flow to warrant a highway objection.

#### Sustainable Links

Bus stops are located on Glaisdale Road and the Transport Statement outlines that the nearest stop is approximately one minutes' walk from the site. The site is located on the edge of an established residential estate and therefore it does benefit from existing public transport connections and local facilities.

The Council are proposing a scheme to reduce speed limits within the estate to encourage walking and cycling. The site would benefit from these improvements.

The quantum of development on this site does not warrant a Travel Plan. However, it is recommended that the development provides welcome parks for new occupants which should provide details of sustainable travel options (bus timetables / cycle route map) to encourage sustainable travel behaviour amongst residents from the outset of the development.

#### Summary

In terms of the National Planning Policy Framework and the capacity of the local highway, the scale of the development and the additional traffic associated with this site would not be sufficiently harmful to make the planning proposal unacceptable in transport terms. Therefore subject to the applicant entering into a Section 278 Agreement with the Highway Authority for the alterations to the highway, there would be no highway objection to the development.

#### Landscape & Visual Comments

The development is adjacent to the approved Mount Leven Retirement Village application planning ref 13/0776/EIS which lies to the west. This development however cannot rely on buffer planting provided as part of the Mount Leven scheme should this scheme not proceed. If the Mount Leven scheme did not go ahead this development would potentially be seen as development within a retained green wedge and buffer planting would have to be provided on the northern, eastern and southern site boundaries to soften views of the site.

A planting plan dwg. ref. ALA223L02 has been provided with the application. It is considered that a landscape buffer of minimum size 4m should be provided around the site boundaries. It is noted that the landscape buffer on the northern edge is only 2m width in places. This should be increased to 4m. The landscape buffer alongside the existing housing could be reduced to accommodate this increase. The matter of the landscaping strip being in the ownership of residents but not part of their residential curtilage is accepted on this relatively small scheme although is not an ideal situation in terms of long term pressures on the planting from future occupiers. As such, a condition will need to ensure the buffer planting is retained in perpetuity and that the land is not residential curtilage.

Regarding the species selection the following comments are made;

The avenue trees should be of a type such as *Tilia cordata* at the estate entrance providing a strong formal avenue approach and the smaller trees within plot gardens should include for small maples, cherries, pears etc. as well as the *Liriodendron* selected for variety. Plant sizes should be a minimum 16-18cm girth. The specimen trees in groups are taken to be the trees within the woodland buffer and the types and sizes selected are acceptable as native trees within a native mix but some evergreen scots pine should also be provided. The native woodland edge mix which makes up the bulk of the landscape buffer should comprise some evergreen species notably Holly. A native planting buffer that suites the character and ecology of the local area should be provided and to this effect *Euonymus europaeus* and *Viburnum lantana* should not be used. *Rosa canina* can be a fast growing thorny species that could 'invade' private gardens and is best left out of the mix. The sizes of the plants selected are acceptable but a planting density is required.

The landscape buffer should be kept open where it faces the Mount Leven site to give a natural open edge to the planting.

Provided the landscape buffer were amended to reflect these comments it is considered that the development would be acceptable.

#### Environmental Policy

The planning application currently lacks commitment to Code for Sustainable Homes Level 4 and to meeting 10% of energy supply from embedded renewable sources.

Core Strategy Policy 3 (CS3 – Sustainable Living and Climate Change) requires the development to achieve 10% embedded renewables. Details are therefore required at Reserved Matters stage, supported by data, on predicted energy demand and commitment to provide at least 10% of energy from renewable energy.

There should be an approach to a development of this type to provide low energy cost homes and this must be demonstrated as part of any future Reserved Matters application.

#### Flood Risk Management

The development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any runoff 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.

The Council supports the use of sustainable urban drainage systems and welcomes that pending legislation. The detailed design and calculations showing how the drainage system performs in a 1 year, 30 year and 100 year storm event and again over the same periods with a 30% allowance for climate change must be submitted to the Local Authority. Calculations using the WinDes Software (Micro Drainage) are preferred.

If the applicant proposes to dispose of surface water via the main sewer, this will need agreement from Northumbrian Water.

#### Northumbrian Water Limited

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

Condition: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-Soakaway, Watercourse, and finally, Sewer

#### Tees Archaeology

The application contains a report on an archaeological evaluation. This correctly points out that significant archaeological remains of Iron Age and Romano-British date exist to the immediate east. The developer has tested the possibility of these remains extending into the current site by means of trial trenching. Both trenches were negative. In addition a pair of trial trenches excavated in the field to the north were also blank. It seems unlikely that the proposal will have a negative impact on archaeological remains and I have no objection or further comments to make.

#### Stockton Police Station



## Legislation and National Planning Guidance

National Planning Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder

## Secured by Design

Secured by Design is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes and commercial premises to adopt crime prevention measures in these new developments. The principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance and defensible space.

## Crime Pattern Analysis

This can be provided if required.

## Access and Movement

The aim is to create places with well defined routes, spaces and entrances that provide for convenient movement without compromising security. Boundaries to open land must be close boarded fencing min of 1.8m with 200mm boxed trellis topping any horizontal support rails placed on the private side of the fence. Fixing of horizontal wire to the fence will deter damage. Side gates should be the same height as surrounding fencing fitted as close to the front building line as possible. This gate must be capable of being securely locked.

## Structure

The structure of a development is in a way it is laid out, to minimise conflict between different uses and avoids creating "dead spaces" that can be under used or ill cared for. The Development meets this requirement

## Surveillance

Crime and anti social behaviour are more likely to occur if criminals can operate, including travelling to and from a location, without the fear of been seen.

No apparent problems with surveillance ensure any proposed tree planting does not conflict with street lighting and reduces natural surveillance.

## Ownership

Clear demarcation between private and public space gives people the opportunity to personalize their own space. Crime and anti social behaviour are more likely to occur if it is unclear whether the space is public or private

## Physical Protection

Crime and ant-social behaviour are more likely to occur if the target hardening measures such as doors, windows and gates set out by Secured by Design are not selected to be appropriate to the security of the building and to the crime risk faced

## Door Security

Should be certified to PAS24:2012, STS201 issue4:2012, LPS1175 Issue7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2. Any glazing within the door must have one laminated pane meeting the requirements of BS EN356:2000 class PIA. A door chain or limiter should be fitted along with door viewer between 1200mm and 1500mm from the bottom of the door.

## Window Security

All ground floor windows and easily accessible windows should be certified to PAS24:2012 Security Lighting to Dwellings

Lighting is required to illuminate all external doors, car parking and garage areas. Lighting must be provided by using a photo electric cell with a manual override.

Intruder Alarms a 13amp non fused switched spur, suitable for an alarm system must be installed. If the full system is installed it shall comply with BS EN50131&PD6662 wired system or BS6799 wire free system

#### Shed Security

Not aware if sheds are to be provided if so owing to crime risk I will require to be consulted on security requirements

#### Activity

Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times

The development meets this requirement

#### Management

Places that are designed with management and maintenance in mind to discourage crime in the present and the future.

Landscaping in public areas should be maintained and the area kept free from litter to give the impression is cared for.

#### Valuable Metal Theft

Although not a Secured by Design requirement I would recommend where possible to use replacement materials instead of valuable metals particular easily accessible copper and lead which will be at high risk of been targeted.

If the above recommendations are implemented I see no reason why this development cannot achieve Secured by Design Accreditation

#### SBC - Private Sector Housing

The Private Sector Housing Division has no comments to make on this application.

#### Friends of Tees Heritage Park

Object. We are conscious that the objections listed below were also considered when a site adjoining the current application received permission for a Retirement Village last year. The Planning committee overturned, by a casting vote, officers' clear recommendations, supporting our objections, to refuse. A previous application for the village had been refused on similar recommendations and we believe the subsequent approval to be totally at odds with Stockton Council's stated policies to protect green wedge and the Tees Heritage Park. We therefore submit our objections on the basis that the approval granted on the adjoining land was an aberration of Council policy and intent and should in no way be seen as a precedent for unacceptable proposals. The reasons to refuse inappropriate developments with the Tees Heritage Park and green wedge must be maintained. Otherwise the communities who try so hard to improve their environment and the well-being of future generations will feel slapped in the face again.

#### Objections

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.

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 this phase is now complete. 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.

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). The purpose is to maintain the current limits of development and prevent any incursions into the green wedge. This planning application is clearly in contravention of this policy

Ecology/Environment - 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". The site of this application is an integral part of the Leven valley and the proposal would have a seriously detrimental effect on the precious ecology of this locality and its function as part of this wildlife corridor. Particularly as more as the valley area has already been significantly reduced.

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. It's 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 continues to be compromised by sporadic developments such as this. Walks, tours and activities are already underway to raise awareness of this wonderful facility on our doorstep

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. 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. The recent approval for the Retirement Village within the Leven Valley has severely dented community moral and belief in the Council consistency to support such initiatives as the Tees Heritage Park, with consequent damage to funding confidence for the future. Refusal of this application will help restore some hope that the previous approval was indeed an aberration.

We have no doubt that the momentum, enthusiasm and support for the Heritage Park will be continue to suffer if the Council does not continue to demonstrate its support for the community's aspirations by rejecting these applications. 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, which will be addressed by others, 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.

#### Campaign for the Protection of Rural England (CPRE)

At the time of the England-Lyle Consultation, CPRE (Stockton Group) responded by stating that in our view this was an opportunistic proposal, piggybacking on the Retirement Village Application and that it would be vigorously opposed should it proceed to a Planning Application. The original Mount Leven Retirement Application was, as you will be aware, disgracefully approved against Planning Officer advice, due to unique Planning Committee circumstances (certain members having absented or disqualified themselves without appointing substitutes).

The strongest single issue is that the Green Wedge Site lies within the Tees Heritage Park. CPRE (Stockton Group) has received repeated assurances, from the highest level, that the Heritage Park is a key aim and objective of Stockton on Tees Borough Council.

All Organisations with a Planning interest in this area are watching to see whether the Council Planning Department will once again stand by its policies and defend the green wedge Heritage Park and recommend refusal. We are confident that you will do so!

The combination of the approved Free School housing, Mount Leven, Tall Trees and Morley Carr will put severe strain on Highways and services in the south of the Borough. It is inevitable that it will exacerbate further the existing insoluble serious traffic problems within Yarm. To add on any further housing, however small in number, can only make the situation even worse.

As you will be aware CPRE invented the concept of Green Belt. We have repeatedly been assured by the Council that Green Wedge will be protected in the same way. Notwithstanding any current Government guidelines, it also is a concept worth defending.

#### **PUBLICITY**

Neighbours were notified. All representations were objections and comments are summarised below:-

Representations were received from the following;  
Mr Shane Sellers, 2 Eggescliffe Court Eggescliffe  
Mr Geoffrey Mundy, 28 Crosswell Park Ingleby Barwick  
Mrs Janice Graham, 10 Battersby Close Yarm  
Mr Peter Thomas, 30 Crosswell Park Ingleby Barwick  
Mr Keith Robinson, 54 Mount Leven Road Yarm  
Mrs Christine Mundy, 28 Crosswell Park Ingleby Barwick  
Mrs Karen Evans, 1 Kingsdale Close Yarm  
Mrs Valerie Robinson, 60 Mount Leven Road Yarm  
Mr James Davis, 74 Mount Leven Road Yarm  
Mrs Anne Heather, 4 Busby Way Yarm  
Mr Robert Horner, 21 Battersby Close Yarm  
Mrs Heather Boarse, 14 Busby Way Yarm  
Mr Simon Tranter, 12 Bulmer Close Yarm  
Mrs Julie Long, 20 Manor Farm Close Copmanthorpe  
Mr Edward Johnson, 16 Busby Way Yarm  
Mr And Mrs Steve Payne, 1 Busby Way Yarm  
Thomas Dunn, 20 Battersby Close Yarm  
Mr Andrew Wortley, 43 Glaisdale Road Yarm  
Mr Malcolm Robinson, 60 Mount Leven Road Yarm  
Mr Ross Cousin, 14 Battersby Close Yarm  
Mrs Julie Rock, 32 Crosswell Park Ingleby Barwick  
Mrs Carolyn Casey, 9 Kingsdale Close Yarm  
Mrs Jan Robinson, 54 Mount Leven Road Yarm  
Mrs Paula Cousin, 14 Battersby Close Yarm  
Mr James Horner, 21 Battersby Close Yarm  
Mr Richard Daniels, Lea Close, High Lane Maltby  
Mr Richard Finch, 15 Stevenson Close Yarm  
Mrs Marion Coleman, 29 Enterpen Close Yarm  
Miss Emma Horner, 21 Battersby Close Yarm  
Mr And Mrs Wright, 22 Battersby Close Yarm  
Mrs Ray Elizabeth Rutherford, 19 Battersby Close Yarm  
Mrs P Caldwell, 6 Staindale Close Yarm  
Mr And Mrs Hindmoor, 18 Battersby Close Yarm  
Glenda Brette, 11 Busby Way Yarm  
Kay Watt, 23 Battersby Close, Yarm  
Mr & Mrs Moorhouse, 11 Braeworth Close, Yarm  
Louise Baldock, 8 Cribyn Close, Ingleby Barwick

***Objections are based on the following;***

There is a lack of health facilities and school places in the area.

Being greenfield development, this will reap the greatest profits for the developer.

The scheme is opportunistic, taking advantage of the recently approved Mount Leven scheme.

This proposed development site is within a stone's throw of the recently approved Mount Leven Farm retirement village, both of which will sit within a Green Wedge and The Tees Heritage Park. Stockton Council has previously stated that they are in full support of The Heritage Park and the benefits it brings to the local area and communities but have

spectacularly failed in their attempt to protect this jewel due to inconsistent decisions being made by the planning committee.

The council should demonstrate a consistent approach to refusing applications within the Green Wedge and The Heritage Park (with the exception of Mount Leven Farm) as the planning committee has recently done for applications at Ingleby Barwick.

The proposed executive are not in keeping with the local area and do not fit in with the proposed retirement village approved on Mount Leven Farm.

The site would, in my personal view, be intrusive to the local environment and would have a detrimental effect on the visual impact of the Leven Valley, the Green Wedge and The Tees Heritage Park. Although ignored previously when the retirement village was approved, this is still an incursion into the Tees Heritage Park, wildlife corridor and Green Wedge.

The intended access to the development at Busby Way which will result in a reasonable extension to the current cul-de-sac may only be viewed as a small development however by today's standards of living, up to an additional 28 cars can be expected to be added to the thoroughfare traffic of Glaisdale Road and Busby Way itself. This is extra traffic that will inevitably access and egress the estate onto Green Lane/Leven Bank; a highway that will not even be able to sustain the additional cars from the four developments already approved at Mount Leven Farm, Green Lane, Tall Trees and Morley Carr!

The cumulative effect of traffic on Yarm and its surrounding area by developments recently approved will be felt by residents and businesses now and in years to come and these proposed houses will only add to those pressures. Neither Stockton Borough Council nor developers have yet demonstrated any reasonable mitigation for the future traffic congestion Yarm will experience and, for that reason alone, this proposal should be refused. There would be an increase in traffic from these houses which would not be acceptable in a small road like Busby Way or in the surrounding estate roads.

The development is on a strip of land which is supposed to act as a buffer zone to the Retirement Village & the residents of Busby Way, Battersby Close & Mount Leven Road.

The 2 storey dwellings proposed would not be in keeping with the already approved Retirement Village which are to be 1 storey or with the existing bungalows in the area, especially if the house at the head of the cul-de-sac is demolished. This property was granted permission to be built in the first place with the intention that it should be the last house in a small cul-de-sac & to prevent such a scheme as this being proposed.

This development, if granted, would set a dangerous precedent with regard to opening up other pockets of land behind similar cul-de-sacs.

No solution has been given regarding the public drainage & water supply.

I believe Yarm has already provided in excess of its share of the 5 year housing plan & I therefore strongly urge you to reject this application.

The Mount Leven retirement village for 350 dwellings plus 100 bed care home is already overkill for an area designated as a wildlife corridor, the last thing that this location needs is more housing.

If this proposal is to be approved it would open the floodgates for further developers to gain planning application from a very weak Stockton Council planning dept. noted for its weak backbone when it comes to consistency for similar developments on this land. The most

obvious concern that Stockton Council will not face up to is that Leven Bank could not cope with sort of congestion, ever been behind a school bus at peak time on this bank ?.

It should also be pointed out that although ignored previously when the retirement village was approved this is still an incursion into the Tees Heritage Park, wildlife corridor and Green Wedge. I note from the ecology reports attached to this application that it discounts that any protected wildlife species are traversing the land in question, I can testify this is not the case and have photos taken within that vicinity.

Braeworth Close has been flooded in the past and this development will make that situation worse.

As warned previously in residents objections to the Mount Leven retirement village that should it be approved which unfortunately it was, that it would set a dangerous precedent for other land owners within the Leven Valley. The approval of the retirement village was one of the worst decisions that this current planning committee have passed their judgement upon, the ignorance of the committee in side stepping issues of such relevance as, Green Wedge, Tees Heritage Park, previous site history of refusals from the Planning Inspectorate and Highway Safety defy logic. As a result the consequences are devastating for the Leven Valley and for existing residents in the locality. This latest development should it be approved at 2 storey properties will set another precedent and the depressing prospect of having an influence upon the final retirement village dwelling size which is yet to be finalised at reserved matters planning stage.

The size of dwellings matters greatly in this sensitive location, Ingleby Barwick is already an imposing site on the opposite side to Mount Leven and should never have been allowed so close to the valley. Having already granted approval of the retirement village Stockton Council need to ensure that any further impact upon the valley line is mitigated by stipulating that the retirement dwellings and any other applications are restricted to one storey only. Two wrongs will not make a right and the unstable sides of the valley need to be considered if approving dwellings of significant weight close to the valley ridge.

There is also the uncertainty of what if the retirement village does not proceed in the manner expected as in full completion or even not at all if the access to the site cannot be resolved, then there would be an uneven appearance to the Glaisdale Estate development on the Yarm side of the Leven Valley with this application jutting out on its own. The fact that there are two different developers involved is not helpful or conducive to producing a co-ordinated development in terms of appearance in an area that is currently a place of natural beauty. Residents are relying upon Stockton Council and the planning committee to ensure such co-ordinated construction takes place should they be mindful to approve it. However given the recent performance in the handling of the spate of developments approved in Yarm and Eaglescliffe you will be hard pushed to find a resident who trusts Stockton Council to enforce the conditions attached to an application.

Yarm has far outstripped its contribution to the 5yr housing supply and enough is enough, Yarm does not want to become another Ingleby Barwick.

The road networks already at saturation point with peak flows in particular, will be at tip over and at gridlock once the approved developments to date are constructed without adding more.

The proposed dwellings will be overlooking into existing nearby properties.

I would remind planning committee members before imparting their decision making upon this application that they have demonstrated their willingness to go to appeal by refusing

housing on Little Maltby Farm, Ingleby Barwick TWICE recently on the basis it is within a Green Wedge which is separating Thornaby and Ingleby Barwick. Need I point out that Mount Leven and the Leven Valley is an even greater definition of a Green Wedge and a Strategic Gap separating Yarm and Ingleby Barwick and with greater implications for wildlife which begs the question (still) as to why one has consistently been rejected yet the other was given approval for a retirement village! The Busby Way application on the back of an already grave error of judgement has no grounds for approval and one hopes that some sense is restored to a clearly flawed decision making procedure by refusing this application.

The application form section 17 states a gain of 14 proposed houses, but fails to list the loss of 1 existing market housing, that of 15 Busby Way.

I notice from the Neighbour Consultation List that the owner of this piece of land has not been consulted. This owner lives in Battersby Close, but their house number was not included on the list.

Neither has the owner of Mount Leven Farm.

It also claims that the only access to the site is via 15 Busby Way, yes maybe on foot by walking through their property, but there is another right of access from Mount Leven Farm. Surely as this is already being changed from agricultural land to residential land it would seem a more suitable access.

There is not a sufficiently good reason to get rid of a perfectly good house.

In section 4.3 it states the proposal would create another cul-de-sac within Busby Way but would not allow access to the adjacent proposed retirement village. I am sorry but unless SBC can impose a water-tight legal agreement on this, I think many of us are thinking that we wouldn't be surprised if the developer once given outline planning permission for this land, offered it to the owner of Mount Leven Farm for the right price of course, after all he is only in this for the money.

This must not be allowed to happen. This cannot become an access point to the village in lieu of the roundabout on Leven Bank Road. In section 4.4 it states this proposal is for a low density of approx. 14 dwellings across the 1.8ha site to complement the surrounding developments. If 15 Busby Way is demolished there will then be a line of bungalows running along the adjacent line to the field comprising of those in Busby Way and Battersby Close. On the other side will be the consented bungalows of the retirement village. How then can two storey and two and a half storey houses complement the surrounding developments? If 15 Busby Way is demolished these houses would be sandwiched in between bungalows on one side and the bungalows of the retirement village on the other. They will stand out like a sore thumb.

They have not indicated in the planning statement that these units are to be houses, but I do not believe anybody would infer bungalows from the description they give in section 5.48 which is high quality detached family housing with a generous supply of landscaping. I had asked during the community consultation phase for a more detailed description of the proposal and I was told by the agent, they envisaged two storey and two and a half storey housing. So why haven't they chosen to state that in this application? How the idea that any form of landscaping can hide a two and a half storey house immediately behind a bungalow is quite ridiculous and very condescending to the people who live in those bungalows.

The town is in grid-lock now at many times of the day and that is before any of the 1500+ homes in Yarm recently approved have even been built. Please think very carefully about the detrimental impact this proposal will have on those residents in Busby Way and Battersby Close, especially those in the bungalows immediately located either side of this



proposed access point into the site. In the Planning Statement section 5.11 they try to infer that this is simply a little bit of land left over and that it no longer functions as a green wedge and serves no purpose as such. How arrogant they are. This is absolutely not true, this piece of land and that adjacent to it that I spoke of earlier, now serves as a very important piece of green wedge, providing much needed relief for those residents of Busby Way and Battersby Close, against the retirement village. Allowing planning permission on this site will surely promote other land owners to try and do the same on these small wedges of land that run all the way down to Mount Leven Road and the River Tees.

SBC's Planning Committee have recently shown they are finally listening to local residents when refusing the extra homes at Little Maltby Farm and good on them. Let us hope they continue to listen to local residents now and refuse this development which is not wanted, not needed and provides no benefits at all to the local community. SBC should be promoting and encouraging developers where housing is badly needed elsewhere in the Borough by not pandering to these small time developers who want to make a fast buck and then as always, walk away and leave everybody else to deal with the aftermath. It is quite ironic that these outline applications always talk of seeking permission in principle, but it seems to me that there is a complete lack of principles involved.

I grew up in Busby Way and enjoyed playing safely in the quiet cul-de-sac. I can see from the proposed plans that Busby Way would be turned into a busy access route, totally changing the nature of the Close and I'm sure reducing the residents enjoyment of their homes.

I recently returned to Yarm and was shocked by the level of housing that has been built on this side of the town (and the massive Ingelby Barwick extension). I thought that the traffic levels were horrendous and much worse than can be found in cities like York and Leeds. I cannot see how the infrastructure can support further housing.

These proposed houses will have an adverse impact on our living environment and will impact on our present privacy.

Early sunrise light will be obscured from our gardens. The demolishing of a perfectly good house to gain access to the site seems like sacrilege, and the thought of extra traffic into Busby Close and out into Glaisdale Road must fill the residents with dread. This traffic will probably filter into Lingfield Road as the main route into Yarm centre, adding to the congestion there.

It is to be expected that the traffic along Busby Way will increase by a minimum of 100% if this development goes ahead. The dangers to children will increase by a similar amount. This in the very area where children-designed posters urge road safety measures.

The destruction of a building (stable) behind the above -mentioned house. This building it is reported is occupied by Bats. A protected species!

The effect on other wild life that has been gradually returning to the area. For instance, a Deer was to be seen, on Easter Monday, grazing on the proposed development site. Such wild life will be driven from the area.

If the proposal to allow building is to be considered thought should be given to alternative means of access to the site. It would appear that there is an alternative that would not affect any roads or housing on the Priory Park Estate.

This will result in an additional 26 cars (at the very least) within the street from residents alone. This street is fairly narrow and we struggle at times with access when cars are parked on the roadside - which is a regular occurrence.

This issue will be considerably worsened with increased vehicle access to the street, in addition to the building and delivery vehicles that will be involved in the development. As well as risk to damage to our vehicles I believe it is also a safety risk to our children, and others'.

Busby Way and its immediate vicinity currently experiences regular problems with local drains - high water table / blockage which can cause foul smells, etc. Northumbrian Water has been required to regularly deal with these blockages in the last few years. This shows that the infrastructure cannot cope with the existing residential demand so adding an additional 14 properties to this system is only going to accentuate this issue.

Another major concern is that we feel that the current proposal is very vague, and leaves open the possibility for 'one less' house to be built - creating further opportunity for extended access from our road into the proposed Retirement Village, making our road a potential main access route or 'rat run' into the retirement village. This will further, significantly, increase the passage of traffic passed our front door creating a noisy and less safe environment which will lead to depreciation in the value of our properties.

In addition to the above, we do not relish the prospect of living on a building site for the next 1 to 2 years. This is going to cause considerable upset to our quality of life - with the noise, regular passage of heavy vehicles (with risk to our own parked vehicles, and road safety risk to children and pets in addition to damage to the road itself from constant passage of heavy vehicles), constant dirt and films of dust from the building site covering cars, windows, outdoor furniture, etc. This will result in an inability to hang out washing, leave windows open and enjoy any outdoor living, the latter being a key reason for moving to our property in the first place.

The Council have already approved planning applications for around 2000 properties in and around Yarm. This is destroying the very nature of our town.

The plans seeking approval are for large houses not in keeping with the other houses and bungalows on the estate, look what happened on Leven Road when a developer has been allowed to overdevelop a small site.

There will be subsequently a cul-de sac leading from a cul-de sac.  
Will the road drainage be able to accommodate such a development???  
What about emergency access i.e. 2 cul-de sacs merging together - not sensible.

Wasn't this land previously proposed for an allotment but due to public outrage the proposal cancelled & a dwelling erected to avoid access onto the land???

How close would the entry road be to the neighbour's house

The land to be used for the proposed development is a relatively small area, on which, in my opinion, it would be difficult to build 14 dwellings with substantial landscaping as shown on the original leaflet distributed by the developer.

There would be severe loss of privacy to the affected properties in Busby Way and Battersby Close. My own garden will be directly overlooked by the proposed two or three storey dwellings as proposed in the original leaflet.

## **PLANNING POLICY**

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

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

### ***National Planning Policy Framework***

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

### ***Core Strategy Policy 1 (CS1) - The Spatial Strategy***

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

### ***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.
4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:
  - i) The Tees Valley Metro;
  - ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
  - iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
  - iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

**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. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
3. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
4. 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.
5. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
8. Additionally, in designing new development, proposals will:
  - \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

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

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:
  - i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
  - ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
  - iii) The priority accorded to the Core Area;
  - iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.
  
2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.
  
3. Areas where land will be allocated for housing in the period 2016 to 2021:
 

Housing Sub Area	Approximate number of dwellings (net)
Core Area	500 - 700
Stockton	300 - 400
Billingham	50 - 100
Yarm, Eaglescliffe and Preston	50 - 100
  
4. Areas where land will be allocated for housing in the period 2021 to 2024:
 

Housing Sub Area	Approximate number of dwellings (net)
Core Area	450 - 550
Stockton	100 - 200
  
5. Proposals for small sites will be assessed against the Plans spatial strategy.
  
6. There will be no site allocations in the rural parts of the Borough

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

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).
  
2. A more balanced mix of housing types will be required. In particular:
  - \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
  - \_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
  - \_ In the Core Area, the focus will be on town houses and other high density properties.
  
3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and

Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.
  5. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.
  6. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.
1. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.
  2. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.
  3. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

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

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.
4. 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.

5. 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.
6. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.
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:
8. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.
9. When redevelopment of previously developed land is proposed, assessments will be required to establish:
  - \_ the risks associated with previous contaminative uses;
  - \_ the biodiversity and geological conservation value; and
  - \_ the advantages of bringing land back into more beneficial use.

***Core Strategy Policy 11 (CS11) - Planning Obligations***

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

Emerging Strategic Policy SP4 – Green Wedge  
 Emerging Strategic Policy SP3 – Limits of Development

**MATERIAL PLANNING CONSIDERATIONS**

11. Outline permission is sought for a development of 14 residential properties on land to the east of Busby Way, Yarm. The site is majority green-field apart from the area providing access which is a residential property and its associated curtilage and this would require demolition as part of the development.
12. The site is within the limits of development as defined under saved Local Plan Policy EN13 and within green wedge as designated under Core Strategy Development Plan Policy CS10. The site also lies within the Tees Heritage Park. The main considerations of this application therefore relate to the impact of the development on these designations, the sites layout, design and highway related provisions as well as the impacts on surrounding properties and ecology. These and other material planning considerations are considered as follows;

### ***Principle of Housing***

13. The site lies within the 'Limits of Development' as defined within the Local Plan where residential development would, under normal circumstances be supported. Core Strategy Policy CS7 (Housing Distribution and Phasing) indicates the need for a 5 year supply of housing, priority being accorded to the Core Area and the aim of seeking 75% of development on Brownfield sites. It further indicates that no new allocations will be made before 2016. This proposal seeks permission for housing on a mainly green-field site out-with the core area prior to 2016 and as such would be contrary to this policy. Notwithstanding this, the guidance within paragraph 49 of the NPPF states that housing policies within Local Development Plans should not be considered as being up to date where the authority cannot demonstrate a five year supply of deliverable housing sites. The Council is only currently able to demonstrate a 4.08 year supply of deliverable housing and as such, in accordance with the NPPF, the housing based policies within the Core Strategy have to be considered as being out of date and therefore afforded no weight. The principle of housing development is therefore considered to be in accordance with the principles of the National Planning Policy Framework.
14. Objectors to the scheme suggest that the scheme would have little effect in boosting the 5 year supply of housing for the Borough which is accepted and this is a matter considered elsewhere within the report when balancing the impacts of the scheme.
15. Within the emerging Stockton on Tees Core Strategy Regeneration and Environment LDD, the site would fall outside of the limits of development, however, this is emerging policy and is only at a preferred options stage at the moment. Whilst it adds some weight to the argument for restraint, this must only be limited at the current time.

### ***Principle of residential development within the green wedge***

16. The site is allocated as green wedge within the core strategy and the proposal would therefore be contrary to saved Local Plan Policy HO3(i) which removes general support for housing sites where land is allocated for another use and contrary to Core strategy Development Plan Policy CS10 relating to the preservation of the green wedge. Other relevant policy guidance is contained within the NPPF which seeks to conserve and enhance the natural environment by '*protecting and enhancing valued landscapes*' (para. 109). The Regeneration and Environment LDD preferred options document and associated documents including the policies map show that the site is designated as green wedge in the emerging LDD.
17. The protection of green wedges is more specifically detailed within one of the 12 objectives (no.8) of the Core Strategy Development Plan (CSDP);
  - a. *'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.'*
18. This is further expanded upon in CSDP Policy CS10(3) which indicates that;
  - a. *'the separation of settlements, together with the quality of the urban environment will be maintained through the protection and enhancement of the openness and amenity value of'*
  - iii) *Green Wedges within the conurbation, including;*
    - i. *Leven Valley between Yarm and Ingleby Barwick'*
19. Housing development within the green wedge is therefore contrary to the core strategy and this needs to be balanced against the lack of a deliverable 5 year housing supply in



Stockton Borough. This balancing needs to take account of the value of this area of the green wedge, i.e. its form and function and its relationship with the surrounding settlements.

20. The site is relatively small and located at a high point when taking into account the wider Leven Valley and being beyond the existing edge of built form means that the development of the site will stand out when viewed from close quarters and result in an awkward arrangement. When viewed at distance however, due to the limited scale of the site in the wider context and viewed against the backdrop of Yarm it is considered that the proposal would not significantly affect the significance or integrity of the green wedge as much, depending on the final form of development on the site (heights etc). It is considered that the lack of a 5 year housing supply would be insufficient reason to outweigh this policy of restraint due to the scheme having such limited numbers. However, in reaching a decision on this application account also has to be had of how this site relates to the recently approved but not yet commenced decision for Mount Leven which is detailed at appendix 3 and which shows how the two sites interact. The Mount Leven scheme will wrap a development of 350 properties and a 100 bed care home around this site to the north and south and will project further into the green wedge. Although this site is set within a gap within the Mount Leven scheme, it is considered that it would have limited if any impact on the purpose of the green wedge beyond that of the Mount Leven scheme.
21. If Mount Leven is developed out as approved then this current scheme becomes acceptable in respect to its impact on the green wedge, however, were Mount Leven not to be built out then this current scheme would have an unacceptable impact. In view of this, a control is being placed within the Section 106 Agreement to prevent the commencement of this development until the Mount Leven Scheme has commenced and to prevent it being built should the Mount Leven permission lapse.
22. This consideration also takes into account the proposal being contrary to emerging Strategic Policy SP4 'Green Wedge' which continues the approach to green wedges found in Core Strategy Policy CS10 and which the council's Spatial Plans Manager has advised can itself be given limited weight due to the amount of objection to it.
23. Objection has been received suggesting that the planning committee's decision to overturn officer recommendation and subsequent approval of the Mount Leven scheme should in no way affect the recommendation for this application. Whilst noted, an approved scheme has to be a material planning consideration.
24. Objectors have raised the point that the site is in the 'gap' which is formed from the northern and southern areas of development which form part of the approved Mount Leven scheme and there would therefore be direct views from Ingleby onto the site. This is the case, however, it is considered that the planting associated with Mount Leven and the position of dwellings would prevent this development having any additional adverse impacts on the function of the green wedge.

***Impact on the Tees Heritage Park***

25. The site is located within the Tees Heritage Park as defined under Core Strategy Development Plan Policy CS10 and as detailed within one of the 12 objectives of the Core Strategy Development Plan which states;
  - a. *'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'.*

b. *'The provision of leisure and recreation facilities as part of the Tees Heritage Park will provide more open space accessible to the public, improve the opportunity for water based facilities and enhance the areas landscape and biodiversity. A high quality network of urban parkas and green spaces within the conurbation will contribute to a better quality of life for all'*

26. Core Strategy Development Plan Policy CS10(7) gives support for initiatives which improve the quality of the environment in key areas (including Tees Heritage Park) where it may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity.
27. Objection has been raised that the scheme is within the Heritage Park which they indicate as being an area where protection is given to improve the landscape, wildlife and ecology for future generations and that lottery funding was achieved with the indication that further funding is to be sought for other areas of the park.
28. It is considered that the loss of the site to residential development would not constitute an improvement as detailed in CS10 and as such, the proposal would be contrary to this Policy. However, this site is at the far side of the Tees Heritage Park, away from the river and the associated water based facilities, within private ownership. As such, the impacts of this development on the core area of the Tees Heritage Park are likely to be limited.
29. Similarly to the issue of the green wedge, due to the small scale of the site and its location relative to the existing urban area and the approved Mount Leven scheme, it is considered that this development would not unduly affect the remaining Tees Heritage Park were the Mount Leven Scheme to be implemented and the impact on the heritage park is therefore considered to add insufficient weight against the principle of development on the site.

**Site Layout, scale and appearance**

30. The site undulates, having a high north-west point and slopes down towards the east and south. Once the property at the access to the site is demolished, the majority of immediately adjacent properties would be low height bungalows as is intended within the adjacent Mount Leven scheme. In view of the nature of surrounding development and the site being at a high point in the green wedge, it is likely that two or more storey properties would become particularly visible within the immediate surroundings and therefore be out of character. This consideration concerns and objections raised by residents. The scale of development is not part of this outline application and careful consideration of the heights and levels of properties will therefore need to be undertaken in considering any reserved matters application.
31. Yarm Town Council and residents have objected to the scheme on grounds of over development of the site, however, the illustrative site layout plan shows the provision of an access, internal road, driveways, front and rear gardens and peripheral planting. As such, it is considered that the development could be achieved without resulting in overdevelopment.
32. Landscaping is proposed around the perimeter of the site which will align with the landscaping that would be achieved via the approved Mount Leven housing scheme. The extent of landscaping would be detailed within a reserved matters application and officers consider that there is sufficient space on site to achieve a level of landscaping suitable for the development and its position. It should be noted however that the landscaping buffer is out-with the redline boundary for the site. Whilst it is anticipated the buffer planting would be owned and maintained by individual property owners, it would not be residential

curtilage and would remain as buffer planting as required by condition. Smaller scale planting internal to the site and front gardens is also achievable.

33. It has been suggested that if permission is granted, it should be for a lesser number of bungalows. Whilst core strategy policy highlights the need for the provision of 2 and 3 bed bungalows, the lack of such from a scheme is considered to be insufficient reason to justify refusal of the application. Notwithstanding this, the application is outline only and this would be a matter which would be determined via a reserved matters submission.

#### ***Highway related matters***

34. The scheme seeks to define the access as part of this application, showing it being taken from the existing turning head in Busby Way, through the existing residential plot (to be demolished) and into the main part of the site.
35. Objectors have raised concerns over the impacts of additional traffic on the immediate road network and on the wider network taking into account recent permissions for residential development elsewhere.
36. The Head of Technical Services has advised that the access is acceptable in principle subject to a scheme of road alterations / markings being undertaken which would be achieved via condition. Further to this, vehicle parking and cycle storage would be defined by reserved matters applications but the layout is considered to be sufficiently spacious to allow adequate provision. Vehicle tracking would also be dealt with by reserved matters. It is noted that the southern footpath of the proposed access would not connect to the existing footpath in Busby Way, although the northern one would. In view of the limited scale of the cul de sac and the northern footpath providing a continuous link, adequate pedestrian safety would be provided.
37. The Head of Technical Services has considered the impacts of the additional traffic on the surrounding area as a result of the proposed development and have considered the projected increase in traffic into the area (8 trips departing and 4 trips arriving in the am peak and a reversal of this in the pm peak with 8 vehicles arriving and 5 departing). This is considered to not add significantly to the traffic flow. Objection has been raised to the scheme on grounds of increased traffic on a narrow road and that this will lead to congestion, however, considering the limited amount of traffic anticipated and options for some sustainable travel from the development, these concerns are given limited weight.
38. It has been indicated that the Councils Technical Services Department are currently considering the implementation of a 20mph speed limit for the adjacent residential estate through which access would be achieved for this proposed scheme and that this is in order to encourage more walking and cycling around the estate and to and from local schools which would assist the credentials of this scheme when considered against policy CS2 relating to sustainable travel. Further to this, it is indicated that bus stops are present in the locality which link to local facilities. The Head of Technical Services has suggested that welcome packs are given to new householders to encourage sustainable travel behaviour and an informative is recommended to address this matter.
39. Objectors have raised concerns that this site could be sold or worked into the Mount Leven Scheme and result in an through access from Busby Way into the Mount Leven scheme, however, it is only appropriate to determine this application based on the submission content. This proposal is seeking detailed permission for the access into this site and does not show any access into the Mount Leven site and consideration of a possible future access could therefore not form part of the decision making for this application. Were an

access from the Mount Leven scheme to be desirable to the applicant at a later stage then this would require an application to be submitted and considered.

40. Residents have raised concern over emergency vehicles into the cul-de-sac although the road proposed would be built to adoptable standards and as such there is no concern over this matter.

#### ***Impact on amenity of surrounding residents***

41. Objection has been raised to the scheme over concerns that it would have detrimental impacts on privacy and amenity for nearby residents due to overlooking and overshadowing of nearby properties and as a result of the proximity of the access road into the site to existing properties.
42. The site layout detailed is for illustrative purposes only and would be fixed by a further application should permission be granted. The layout has demonstrated that 14 properties can be accommodated on the site whilst achieving the spacing standards normally applied to residential development and that properties can be built at oblique angles to nearby properties which would limit overlooking between properties. The distances achievable between properties would also prevent undue impacts on sunlight into existing gardens.
43. The site access runs immediately adjacent to the side elevation of an existing bungalow which has been extended to the side and which contains a window within it. Traffic associated with the access road would have an impact on this property, however, due to the limited scale of the proposed development and the bungalow having its own private rear garden, it is considered that this impact would not be unduly detrimental.
44. Properties on the edge of the site currently have uninterrupted views across the paddock area and across to Ingleby Barwick and due to the proposed development and the associated planting buffer, this would be completely altered. Whilst this would be a complete change in outlook for these properties, the existing occupiers do not get a 'right to a view' and this does not therefore weigh against the proposal.
45. The council's Environmental Health Officer has raised no objections to the application but has recommended conditions be imposed should it be approved. The conditions recommended seek to prevent open burning on the site and restrict construction hours to protect residential amenity and to deal with any unexpected land contamination. These are all considered to be reasonable in view of the sites location near to residential properties.

#### ***Impacts on ecology and Wildlife***

46. The application was supported with a habitat survey which searched for evidence of wildlife including mammals and reptiles as well as looking at records of protected species and designated wildlife sites. The survey describes the site as being a predominantly grazing field with a stable block on it and indicates it as being improved grassland which appears to have been grazed or mowed and fertilised and has common grass and fauna species within it. The survey indicates that although some animal routes appeared to be worn across the site there was no evidence of Badger identified. Residents have indicated that deer often cross the land as well as other wildlife and objectors have raised concerns relating to the impacts of the scheme on wildlife and biodiversity and the corridors for wildlife.
47. There is no watercourse in the immediate vicinity and the applicants ecologist therefore considered that there was no need to survey for species such as water vole, otter or crayfish which is accepted. No signs of bat were noted in respect to the house or stable block which itself was indicated as having limited opportunity in providing a roost.

48. The survey highlighted three disused swallow nests in the stable block and some potential for breeding birds using hedgerows at the edges of the site. The summary of the survey was that site has a low ecological value, that there is no evidence of regular use by animals, and no impact on reptiles. It did however indicate that there is the potential to impact on nesting birds and bats if they were roosting in the house which is to be demolished (although no evidence suggested this to be the case).
49. In view of the nature of the site, the recommendations of the survey work are accepted and conditions are therefore recommended which require an additional bat survey to be undertaken and any landscaping removal works and building demolition works to be undertaken outside of the bird breeding season. The landscaping buffers and garden areas will provide some opportunity for wildlife in the future.

### ***Drainage***

50. Objection has been raised indicating that the existing drainage system is not able to cope with existing loads and that this should be addressed prior to any new connections whilst residents have advised that Braeworth Close has flooded in the past adjacent to the site. Northumbrian Water have indicated additional information is required in respect to drainage from the site and a condition has been recommended in accordance with their advice. The Head of Technical Services has indicated that the development should not increase the risk of surface water run-off and flows should be limited to the current run off rates. The condition will deal with this matter and which will prevent any risk to increased risk of flooding to the surrounding area.

### ***Archaeology***

51. The application contains a report and archaeological evaluation. Tees Archaeology have considered the submission and have indicated that the evaluation correctly points out that significant archaeological remains of Iron Age and Romano-British date exist to the immediate east and that the developer has tested the possibility of these remains extending into the current site by means of trial trenching which was negative as were trial trenches excavated in the field to the north. In view of this, Tees Archaeology considers that it is unlikely the proposal would have a negative impact on archaeological remains and therefore raise no objection. The proposal is therefore considered to accord with the principles of saved Local Plan Policy EN30 - *Sites of Archaeological Interest*.

### ***Contributions***

52. The Councils requirements for development to provide open space, recreation and landscaping to support schemes has not been met on site and as such off site provision is required. Officers have advised that there are schemes in the local area that this development could contribute to which are not as yet funded. These include the provision of additional items of play equipment and environmental improvements at Leven Park and Environmental Improvement works on land near to the river Leven to assist with public access. The total contribution for these works would be £36,799 and is detailed within the Heads of Terms.
53. As required by the council's Supplementary Planning Guidance, education provisions would be dealt with via an education contribution which would be payable should there be a lack of school places at the time of development commencing on site.

### ***Affordable Housing***

54. Core Strategy Policy CS8(5) requires affordable housing to be provided where there the proposal is for 15 or more homes or where the site area is 0.5ha or more. This proposal is for 14 units and the site area (excluding landscaping) is in excess of this. As such, 15% affordable housing is required and a condition is recommended accordingly.

#### ***Renewables and Code Construction***

55. Development Plan Policy requires new residential dwellings to be built to Code 4 level and include 10% renewables. Conditions are recommended to address the principles of these matters.

#### ***Designing out crime***

56. The Police Architectural Liaison Officer has commented about community safety, the desirability of designing out crime and disorder and the principles of secure by design which is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes and commercial premises to adopt crime prevention measures. The police have made suggestions in respect to various matters including boundary treatments which would be dealt with by condition / reserved matters submissions. Comments are also detailed in respect to door and window security, lighting luminance, intruder alarms which are all noted and which have been included within an informative to the recommendation.

#### ***Unexpected Land Contamination***

57. A precautionary condition has been recommended in line with the councils Environmental Health Officer to deal with unexpected land contamination should any occur during construction works.

#### ***Impact on tourism, investment and future funding***

58. Objection has been raised that the scheme will impact on tourism, investment and future funding in the area through the de-valuing of the heritage, landscape and ecological asset. Whilst noted, this proposal is particularly limited in scale and has to be viewed against the context of the larger adjacent scheme which has been approved. As such, it is considered such impacts would be negligible. The core area of the landscaped Leven Valley would remain in-tact.

#### ***Other Matters***

59. The site lies within Landscape Unit 54 of the Stockton on Tees Landscape Character Assessment study and the Leven Valley is considered to be of high landscape quality and low capacity for change. Clearly, the development would be at odds with the character of the Leven Valley, however, this proposal has to be considered in the context of the approved Mount Leven scheme and with that in mind, it is considered that this scheme would not have a significant impact beyond the Mount Leven scheme on the landscape character.
60. Comment has been made that the proposal will result in the loss of a perfectly good house. Whilst the proposal would result in the demolition of the existing property at the site entrance, it would allow for the development of a greater number of properties and this matter is considered to have little weight.
61. Residents are concerned that the development would set a dangerous precedent with regard to opening up other pockets of land behind similar cul-de-sac's. Each application

has to be considered on its own merits, and in weighing up all material planning considerations, this proposal is considered to be acceptable. Officers have no concern over matters of precedence in determining this application.

62. Concern has been raised by objectors in relation to construction noise, dirt and traffic. The noise would be controlled via the hours of work condition recommended whilst the other construction related activities are an accepted part of any development.

63. Comments have been made that insufficient consultation has been undertaken although this has been undertaken in accordance with statutory requirements.

## **CONCLUSION**

64. The proposal to carry out a residential development in the green wedge and within the Tees Heritage Park is contrary to policy, however, in view of a recently approved scheme adjacent, it is considered that this scheme would not add any notable further detriment to these designations beyond that which would occur as a result of the approved Mount Leven scheme.

65. The outline application has adequately demonstrated that 14 properties could be constructed on site whilst achieving adequate spacing for privacy and amenity for existing and future occupiers of properties, providing adequate access, parking and private garden areas.

66. It is considered that there would be no undue impacts on ecology, archaeology, drainage or other matters subject to the imposition of conditions and contributions would be made in line with supplementary planning guidance requirements in respect to Open Space, Recreation and Landscaping as well as Education.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

## **WARD AND WARD COUNCILLORS**

Ward Yarm  
Ward Councillor Councillor A B L Sherris, Councillor Mark Chatburn, Councillor Ben Houchen

## **IMPLICATIONS**

Financial Implications:

There are no known financial implications in determining this application other than those relating to the contributions required by the Section 106 Agreement.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal would result in the loss of an existing property and associated landscaping and the loss of a paddock area and would redevelop these into a small residential cul de sac. Planting is detailed as being undertaken around the edge of the site which is considered to compensate for any loss. Considerations of the impacts on site designations has been undertaken and in view of an adjacent approval for housing, it is considered that the scheme would not unduly affect the environment.

**Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on surrounding properties and have taken into account the comments made against the application. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered necessary to do so.

**Community Safety Implications:**

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

The proposal relates to a small scale residential development with access through a residential area. It is considered that access, traffic and highway safety are all acceptable.

**Background Papers:**

Planning History and Planning Policy as detailed.