

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

26th SEPTEMBER 2018

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

16/3049/FUL

Mount Leven Farm, Leven Bank Road, Yarm

Application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge

Expiry Date 18 April 2017

SUMMARY

The application site forms part of the Mount Leven Farm site, which was recently granted planning approval for a retirement village. The site itself encompasses some steep valley sides with other smaller and lower level plateaus sitting alongside the River Leven. The land also slopes down towards the River Tees in the north western part of the site. Opposite the site at the junction of the River Tees and River Leven lies the Round Hill scheduled ancient monument with a series of open agricultural fields on either side of the River Tees. The residential properties of Ingleby Barwick situated at the top of the River Leven escarpment to the east and north-east.

As part of the overall 'offer' for the retirement village, a 'country park' along the bank of the River Leven was included. Following the decision to approve the retirement village the requirement for this provision and public benefit was secured via the S.106 agreement (S.106) as part of that outline planning approval. The S.106 agreement requires that;

- The country Park shall be a minimum of 19 hectares with associated linkages and bridge crossing
- It is available for use of the public not just the residents of the development in perpetuity free of charge at all times of the day or night
- It is provided prior to the occupation of the 50th dwelling.

Planning permission is sought under this application for how the 'country park' will be set and laid out. This includes and allows for a series of footpaths (both Disability Discrimination Act (DDA) compliant and non DDA compliant); additional planting; gates; sign posts; information boards; and a new footbridge across the River Leven to Ingleby Barwick.

Twenty five objections and two letters of support have been received in response to the application. The objections raise comments that include; the development is contrary to planning policy; query the suitability of the site for a country park and need for a bridge; has harmful visual impacts on the area; will result in anti-social behaviour; will adversely affect wildlife; will result in noise and disturbance and would result in people accessing it, parking in the surrounding residential streets. The letters of support welcome the provision of the facilities and access through the site.

The main planning considerations of this application are set out within the report in detail but include the developments compliance with planning policies and the associated impacts on the

visual amenity of the area; amenity of neighbouring occupiers; crime and anti-social behaviour; and ecology.

As detailed within the report, the S.106 agreement of the Retirement Village secured the requirement to provide a 'country park' along the bank of the River Leven. Nevertheless the provision of the 'country park' is considered to be broadly consistent with the policies set out with the NPPF and the development plan. It would also support the wider aims and aspirations of the Tees Heritage Park.

The application is accompanied by an ecology report which sets out the potential for several direct and indirect impacts that may occur to the habitats within the application site, particularly through increased footfall. However, the overall impacts are not considered to be significant particularly as the associated grassland is considered to be of low ecological value. Lighting during hours of darkness is also discouraged as there may be potential impacts on nocturnal foraging species.

Although a significant number of objections are raised in relation to the potential for the proposal to support and create opportunities for crime and anti-social behaviour, there is no firm evidence to suggest that this would occur. Consideration has been given to the layout and design of the Country Park and footbridge and the potential for lighting within it. However, the absence of lighting would be likely to discourage a significant majority of people from using the site outside of daylight hours and that the presence of lighting within the area is unlikely to create any significant overall benefit when considered within the context of area as a whole, for example its visual impacts, potential disturbance and impact on wildlife/protected species.

The proposal is in itself considered to be visually acceptable and is not judged to result in any significant or harmful impacts on the amenity of the surrounding occupiers, protected species or the setting of Round Hill Scheduled Ancient Monument. The development is therefore considered to be acceptable in planning terms subject to conditions.

RECOMMENDATION

That planning application 16/3049/FUL be approved subject to the following conditions and informatives;

- Time period for commencement;**
01 *The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.*

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

- Approved Plans;**
02 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>1641/001</i>	<i>1 December 2016</i>
<i>1505.51 Rev D</i>	<i>28 March 2018</i>
<i>1505.52 Rev D</i>	<i>28 March 2018</i>
<i>1420.SKBR1C</i>	<i>21 August 2018</i>

Reason: To define the consent.

DDA compliance of footpaths:

- 03 **Prior to the first public use of the country park, the applicant/developer shall demonstrate through provision of a post construction topographic survey that all Disability Discrimination Act (DDA) compliant routes (as shown on drawings 1505.51 Rev D and 1505.52 Rev D) have been constructed appropriately and comply with the current DDA legislation in terms of line, level and detailed construction. The survey information shall be submitted to and be approved in writing by the Local Planning Authority prior to the country parks first use by the public.**

Reason: To ensure proposed footpath is compliant with current DDA legislation.

Public Right of Way:

- 04 **Within 6 months of the country park and/or bridge being opened for public use, the applicant/developer shall secure the long-term future of the footpath connection between the A1044 and the proposed footbridge by include the route on the Definitive List of Public Rights of Way.**

Reason: To ensure the long-term retention of the pedestrian route between the A1044 and Ingleby Barwick.

Pedestrian Footbridge across the River Leven:

- 05 **Notwithstanding the submitted details, prior to the construction of the footbridge or within 6 months of the first use of the country park, whichever is the sooner, full details of the proposed footbridge shall be submitted to and be approved in writing by the Local Planning Authority. This shall include;**

- **Detailed construction drawings for the footbridge including; foundation details; ramps and other connections to the footpath network (including gradients of max 1:20); clear height above the mean water level;**
- **Timescales for the delivery, construction and implementation of the footbridge;**
- **Details of any 3rd party land required to facilitate the construction of the footbridge including copies of relevant legal agreements which demonstrate that the necessary rights have been secured to facilitate the delivery of the footbridge; and**
- **Details of any 3rd party land required to facilitate the associated connection from the bridge to the adopted highway network within Ingleby Barwick including copies of relevant legal agreements which demonstrate that the necessary rights have been secured to facilitate the delivery of the necessary linkages;**

The footbridge shall be constructed in full accordance with the agreed details and timetable for implementation unless the Local Planning Authority give written consent to any variation.

Reason: To ensure that the structure and the final landforms resulting are structurally sound, compliment and do not detract from the visual amenity of the area or integrity of existing natural features and habitats.

Management and Maintenance Plan for Footbridge:

- 06 **Notwithstanding the submitted information, full details of maintenance and management of the footbridge shall be submitted to and be approved in writing by the Local Planning Authority. The management plan shall include details of how the footbridge will be maintained in perpetuity (including any relevant legal agreements associated with 3rd party land that may be required to gain access for maintenance). This shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the footbridge.**

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Landscape management and maintenance:

- 07 No development shall commence until a landscape and public open space management plan has been submitted to and approved by the Local Planning Authority. As well as setting out a timetable for its implementation, the landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The development shall be carried out only in accordance with the approved management and maintenance plan.**

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Ecology and mitigation:

- 08 The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted Preliminary Ecological Appraisal; Naturally Wild; November 2016. All work shall be undertaken only in strict accordance with those agreed details.**

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

Invasive species:

- 08 The hereby approved development shall be carried out in full accordance with the outlined control methods of the submitted 'method statement for the removal of invasive plant species' (Leeming Associates; May 2018).**

Reason: To prevent the spread of Japanese knotweed, Giant Hogweed and Himalayan Balsam which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site.

Development in accordance with Flood Risk Assessment:

- 09 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) FRA H76324/FRA/001 by NJP Group and the following mitigation measures detailed within the FRA:**

- 1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.**
- 2. Minimum soffit level of the bridge to be no lower than 8.73mAOD in accordance with Bridge Elevation drawing 1420/SKBR18**

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

Reason: To reduce the risk of flooding and ensure that safe access and egress from and to the site is provided.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

Informative: Environment Agency permit requirements

This bridge will require a permit from the Environment Agency under the Environmental Permitting Regulations 2016. Any works within 8 metres from the top of the riverbank on the River Leven will require further permits.

Please contact NE EPR Permit NE_EPR_Permit@environment-agency.gov.uk for further details and advice.

BACKGROUND

1. An outline planning application was submitted for a retirement village and associated facilities (ref; 12/1546/OUT). This application was refused by the Planning Committee due to the impact of the development on the green wedge and its impact on highway safety. A revised application (ref; 13/0776/EIS) was then submitted and was approved subject to conditions and a section 106 agreement by members of the planning committee on the 10th July 2013.
2. As part of the overall 'offer' for the retirement village concept, the provision of a 'country park' along the bank of the River Leven was included. Following the decision to approve the retirement village application, the requirement for this provision and public benefit was secured via the Section 106 agreement (S.106) as part of that outline planning approval. Schedule 5 of the S.106 agreement requires that;
 - The Country Park shall be a minimum of 19 hectares with associated linkages and bridge crossing
 - It is available for use of the public not just the residents of the development in perpetuity free of charge at all times of the day or night
 - It is provided prior to the occupation of the 50th dwelling.

SITE AND SURROUNDINGS

3. The application site forms part of the Mount Leven Farm site, presently a group of former farm buildings and series of agricultural fields form the western and south western boundaries of this site with the newly constructed roundabout providing the access into the site to the south west of the site.
4. The site itself encompasses some steep valley sides with other smaller and lower level plateaus sitting alongside the River Leven. The land also slopes down towards the River Tees in the north western part of the site. Opposite the site at the junction of the river Tees and River Leven lies the Round Hill scheduled ancient monument with a series of open agricultural fields on either side of the River Tees. The residential properties of Ingleby Barwick are situated beyond the River Leven valley to the east and north-east.

PROPOSAL

5. As set out earlier in this report as part of the overall 'offer' for the retirement village concept the provision of a 'country park' along the bank of the River Leven was included and secured through a S.106 agreement.

6. Planning permission is sought under this application for how the 'country park' will be set and laid out. This includes and allows for a series of footpaths (both Disability Discrimination Act (DDA) compliant and non DDA compliant); additional planting; gates; sign posts; information boards; and a new footbridge across the River Leven to Ingleby Barwick.

CONSULTATIONS

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

Highways Transport & Design Manager - The Highways Transport and Design Manager considers that the proposals are generally acceptable although the Landscape Management Plan still requires some changes to ensure it is acceptable.

The proposed arrangement of the Country Park as shown in the latest drawings 1505.51D and 1505.52D contained within the revised Landscape Management Plan (Rev C March 2018) are generally acceptable. The principals of footpath layout, access points and circulation, proposed new planting, and furniture elements are appropriate to the site. A number of items within the management plan require further clarification, but these may be controlled by condition as outlined below.

The submitted plans do not provide specific details of the footpath gradients and how they will be built into the slope of the land, however a number of typical details have been provided, and it is noted in the management plan that they will be DDA compliant. To ensure that a DDA compliant route is provided on site in accordance with the Country Park Landscape Plan and Management plan, it is requested that a post construction survey of the DDA footpath route be provided prior to opening of the site for public use. This can be controlled by condition, the suggested wording is included below.

To secure the long term retention and viability of the footpath it is requested that a footpath connection between the A1044 and the proposed new footbridge be added to the Council's definitive list of Public Rights of Way at the expense of the applicant. This will allow connection to Footpath No.2 (Yarm) and beyond to Footpath 1 (Castle Leavington). The Council's Public Rights of Way Officer can provide guidance on the process for this, which should be secured by condition.

This application also seeks permission for construction of the public footbridge. Whilst an indicative drawing has been submitted, the details of the bridge have not yet been fully resolved. It is recommended that the detailed design of the bridge structure, including its construction, visual appearance, construction details and connections to the surrounding landscape and public footpaths should be secured by condition. In addition to this, a separate management and maintenance plan for the bridge will be required, which ties into the Landscape Management Plan, and include details of how the footbridge will be maintained in perpetuity including any relevant legal agreements associated with 3rd party land that may be required to gain access for maintenance. This may also be conditioned.

Landscape Management Plan

The revised Landscape Management Plan (Rev C March 2018) has been reviewed and it is still considered that some clarification is required, but these changes may be conditioned. It should be possible to pass any management plan to a new landscape manager or contractor and for them to be able to continue the management of that site.

There is no objection to grazing of the site by livestock, however some further information is required to clarify how this will be managed in practice on the site in relation to pedestrian circulation and even the species of trees and shrubs that can be planted.

The Management plan notes that the recommendations within the ecological appraisal will be adhered to, however only limited details have been provided. Some of the recommendations within the ecological report will be time sensitive (page 18), others, such as suggestions for grassland improvements need to be located on the site plan, and fully detailed (page 19). Other elements such as thinning of existing native scrubby woodland are included, but no details of the proposed methods are included, for example will particular species be encouraged, and others removed, will new planting in these areas be undertaken etc.

It is proposed that a meeting is arranged between the Council and the author of the management plan as soon as possible to discuss and resolve these details.

Environmental Health Unit – no objections subject to conditions in relation to; Construction/ Demolition Noise (08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working); No open burning; and, treatment of Invasive Plants.

The Environment Agency – Having assessed the additional information we are now in a position to withdraw our objection to the proposed development. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment FRA H76324/FRA/001 by NJP Group submitted with this application are implemented and secured by way of a planning condition on

Natural England – no comments to make on this application although refer to Natural England's published Standing Advice which can be used to assess impacts on protected species.

Canal & River Trust (Former British Waterways) – this application falls outside the notified area for its application scale and there is no requirement for you to consult us in our capacity as a Statutory Consultee.

Tees Archaeology – no comments

The Ramblers Association – no objections and welcome the new bridge affording a pedestrian link between Yarm and Ingleby Barwick.

Spatial Planning & Regeneration – Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise.

The NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. It is understood from the Design and Access Statement that as part of the Section 106 agreement from the planning application to develop a retirement village (13/0776/EIS), an application for a country park must be submitted. In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

Historic England – The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Northern Gas Networks – no objections

Northumbrian Water Limited - no comments

Stockton Police – no comments received

PUBLICITY

8. Neighbours were notified and comments received are set out below (in summary). A total of 25 objections and 2 letters of support have been received.

Objections

1. Mr and Mrs Cousin - 14 Battersby Close, Yarm
2. Mr Richard Finch - 15 Stevenson Close, Yarm
3. Ms Christine Franklin - 21 Hird Road, Yarm
4. Mrs Beryl Clare - 48 Grisedale Crescent Egglescliffe
5. Mr Paul Oliver - 22 Crosswell Park Ingleby Barwick
6. Mr Andrew North - 101 Valley Drive Yarm
7. Mr and Mrs Robinson - 60 Mount Leven Road Yarm
8. Mrs Jan Robinson - 54 Mount Leven Road Yarm
9. Mr James Davis - 74 Mount Leven Road Yarm
10. Mr Alan Puddick - 58 Mount Leven Road Yarm
11. Mrs Carole Horner - 21 Battersby Close Yarm
12. Mrs Janice Graham - 10 Battersby Close Yarm
13. David Harling - 33 Caldey Gardens Ingleby Barwick
14. Mr Simon Tranter - 12 Bulmer Close Yarm
15. Mrs Marjorie Simpson - 15 Mayes Walk Yarm
16. Mr Allan Cotton - 72, Mount Leven Road Yarm On nTees
17. Mr Norman Douglas - The Outlook Church Road
18. Mrs Julie Rock - 32 Crosswell Park Ingleby Barwick
19. Mr and Mrs Mundy - 28 Crosswell Park Ingleby Barwick
20. Mr Bill Coverdale - 59 Castlemartin Ingleby Barwick
21. Mr Michael Joseph Molyneux - 33 Mount Leven Road Yarm
22. Mrs Rosalie Butler - 10 Ash Grove Kirklevington
23. Marian Millington - 76 Mount Leven Road Yarm
24. Pauline English - 66 Mount Leven Road Yarm
25. Mr and Mrs Curl - 12 Battersby Close, Yarm

- Would undermine the role and purpose of the Green Wedge
- Green Flag standard is far from suited to the environment of the Leven Valley, its steep sides and landscape topography.
- Contrary to planning policy including PPS9; Circular 06/2005; and, ENV1, ENV4 of the SBC Regeneration & Env. local plan
- Concern over the exit from the development used by retirement village onto Glaisdale Rd
- Potential for cars parking in the surrounding residential areas if accessing the park
- Question whether footbridge is needed
- Visual impacts of associated footpaths
- Implications for costs and maintenance of the footbridge
- Impacts on wildlife and ecology i.e. deer and migratory routes
- No indication of lighting on either the footbridge or the footpaths
- Lighting would have a negative effect on the wildlife, flora & fauna in the valley area
- Increase crime and anti-social behaviour and potential escape routes for burglars
- Concerns over flooding and how a low lying bridge may exacerbate any flooding events
- Public safety of those using the valley
- Noise and disturbance with valley amplifying it and causing distress to residents nearby.
- Management/policing of the area
- Funding and long term sustainability of the Country Park
- Giant hogweed/Japanese Knotweed is present in the area
- The land is within the Tees Heritage Park and for the enjoyment of all

- Impact on privacy
- Lack of disabled access
- Inadequate public consultation
- Impact on existing sheep farmer and tenancy – some species of suggested tree planting are poisonous to sheep

Support

1. Mr N Landsbury - The Grange Hornby
 2. Ms H Eeles - 9 Avebury Close Ingleby Barwick
- The Leven Valley area is wonderful for walking and to be able to access what has until now been private land will be a great asset to the area.
 - Land such as this should be available to the public

PLANNING POLICY

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

National Planning Policy Framework

10. 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.

Local Planning Policy

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

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

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

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

Further guidance will be set out in a new Supplementary Planning Document.

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

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 6 (CS6) - Community Facilities

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

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

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

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

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

ii) Green wedges within the conurbation, including:

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

iii) Urban open space and play space.

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

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

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

ii) Tees Heritage Park.

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

Saved Policy REC8 of the adopted Stockton on Tees Local Plan

Land along the Tees and Leven valleys will be designated as a country park

Saved Policy EN7

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

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

Saved Policy EN29

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

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations of this application are its compliance with planning policies and the associated impacts on the visual amenity of the area; amenity of neighbouring occupiers; flood risk; crime and anti-social behaviour; ecology; and, heritage assets.

Principle of development;

13. The NPPF sets out the Government aims and aspirations for the planning system and in defining sustainable development sets out three stands. Those most pertinent to this application relate to the social role and the environment role. The NPPF also offers support for promoting healthy communities with recognition that the planning system plays an important role in facilitating social interaction and creating healthy and inclusive communities (section 8).
14. With regards to local planning policies, the application site lies within the limits to development and falls within a Special Landscape designated area which seeks to protect the landscape value of the Leven Valley. Part of the Leven Valley (Ingleby Barwick side) is also designated as a country park under policy REC8 which then leads into and also runs alongside the River Tees. Policy CS10 of the Core Strategy also provides guidance with regards to the separation of settlements; support to improving the quality of the environment including initiatives such as the Tees Heritage Park and directing new development to areas of low flood risk.
15. As set out earlier in this report as part of the overall 'offer' for the retirement village concept the provision of a 'country park' along the bank of the River Leven was included and secured through a section 106 agreement. Consequently, in effect the principle of a country park in this location has therefore already been accepted and this application seeks to provide the detail as to how it will be set out.
16. Comments in relation to diminishing the green wedge are noted, however, the nature of the development is one which will retain the existing openness of the Leven Valley and therefore the separation between Ingleby Barwick and Yarm will be retained at a level which was previously accepted at the time of the approval of the retirement village. The proposal is therefore not considered to undermine the role of the green wedge and how this is set out on the adopted Core Strategy Strategic diagram.
17. An objection makes reference to a number of policies and how this development is contrary to them Whilst the comments are noted, the policies quoted are either out of date and/or been superseded by newer policies, therefore they carry no weight. In particular PPS9 was replaced by the NPPF whilst the Environment and Regeneration Local Plan was never carried forward, with that document being replaced by the emerging Local Plan. The reference Circular 06/2005 was also replaced by the National Planning Practice Guidance.

Tees Heritage Park:

18. Policy CS10 of the adopted Core Strategy promotes initiative which improve the quality of the environment where this may contribute towards strengthening habitat networks, designated wildlife sites, the tourism offer and biodiversity with the Tees Heritage Park being named within that policy.
19. The Tees Heritage Park concept is identified as an area of “unique, highly attractive countryside and heritage landscape”. The indicated area includes both that of the area of the retirement village and the land subject to this application, albeit it is accepted that substantial areas are in private ownership and do not have public access¹. A significant part of this application will result in public access being provided through the Leven Valley in an area identified as being within the Tees Heritage Park. In addition, through the bridge connection across the Leven Valley, there is the potential to create a series of interlinking recreational spaces which have been secured through S.106 agreements under the guise of policy REC8, which offer the potential to create a large and strategic recreational facility which would have some favourable environmental and social benefits. Contrary to views of objectors, the provision of such access along the River Tees and Leven is therefore considered to be consistent with the general aims and aspirations of the Tees Heritage Park and saved Policy REC8 of the Local Plan.

Accessibility:

20. It is noted objections are made with regards to the proposed park not being accessible for disabled members of public. It is accepted that the submitted plans show a series of footpaths which some of which are complaint with the Disability Discrimination Act (DDA) and some of which are not due to the gradients within the existing Leven Valley. Such provision is not considered to be uncommon within many similar locations and areas across the country.
21. Notwithstanding this, the submitted plans do clearly show that it is possible to have a continuous route between two separate entry points of the retirement village and also to gain access across the River Leven where it is envisaged that other DDA complaint routes will be provided. Although no specific details of the footpath gradients and how they may be constructed are provided a number of typical details accompany the application. To ensure that a DDA compliant route is provided it is requested that a post construction survey of the DDA footpath route be provided prior to opening of the site for public use and this is secured via a planning condition to ensure that an acceptable form of access to the park is available to all.
22. A condition is also recommended with regards to securing the long term retention and viability of the footpath by ensuring that the footpath connection between the A1044 and the proposed new footbridge be added to the Council’s definitive list of Public Rights of Way. This will allow connection to Footpath No.2 (Yarm) and beyond to Footpath 1 (Castle Leavington).

Visual impacts;

23. The proposed country park will result in relatively limited built fabric within the overall park area and therefore has relatively limited visual impact. The Council’s Landscape Architects have commented that the general layout is acceptable and also that the principals of footpath layout, access points and circulation, proposed new planting, and furniture elements are appropriate to the site.
24. This application also seeks permission for construction of the public footbridge and whilst the principle of its location is considered acceptable, details regarding its final overall design, construction details, connections to the surrounding landscape and public footpaths and

¹ Taken from <http://teesheritagepark.org.uk/map/>

timeframe have yet to be fully resolved and are secured via a planning condition. In addition a planning condition for the requirement for a separate management and maintenance plan for the bridge is also recommended.

25. A revised landscape management plan has been received and some additional minor changes are still required. Although the applicant has been advised of the requirements no new information has been submitted and therefore a planning condition is recommended.

Amenity;

26. The nature of the proposal and the site mean that the principle impacts on the amenity of neighbouring occupiers are as a result of any increases in activity rather than impacts on privacy and daylight. It is noted that a number of residents make comments in relation to noise and disturbance through the use of the area and the valley amplifying noise to surrounding residents properties. The concept of a country park is one that is predominately an area for informal recreation, typically for walking although it can include a variety of different activities. In this instance given the narrow nature of the site it is anticipated that it will be the use of the associated footpaths which provide the primary focus of activity and therefore the associated noise and disturbance is not considered to be significant.
27. It is noted that informal recreational routes already exist on the Ingleby Barwick side of the River Leven and it is not expected that the nature of the activity within this 'country park' would be so fundamentally different so that it would give rise to any significant increase in noise and disturbance so that there is a perceivable change in the areas character or function. Further there is no evidence to suggest that significant harm would arise to the amenity of the neighbouring occupiers and it is also noted that the Environmental Health Officers have not raised any concerns with regards to such aspects.

Flood Risk;

28. The Environment Agency has been consulted on the application and following dialogue, additional and revised information has been submitted. They have subsequently commented that subject to a planning condition requiring the development to be in accordance with the submitted flood risk assessment and identified mitigation measures that they have no objections to the proposal. The proposal is therefore not considered to pose any risk to flooding.

Crime and Anti-social behaviour

29. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. No comments have been received by Stockton Police and whilst concerns with regards to crime and anti-social behaviour are noted there is no evidence to suggest that this would occur.
30. Careful consideration has been given to the layout and design of the Country Park and footbridge and how this has been designed to minimise Crime and Disorder. The potential for lighting within the park has also been considered, although this has been weighed and balanced with the potential impacts on wildlife (discussed further below).
31. In view of all considerations, it is accepted that the absence of lighting would discourage a significant majority of people from using the site outside of daylight hours, although there would always remain the potential for people to access the area. In view of the lack of any firm evidence to demonstrate that the footpaths and bridge pose any significant and/or high risks to increasing crime and anti-social behaviour, it is considered that the presence of lighting within the area is unlikely to create any significant overall benefit and in any case would be outweighed by the harm it could cause to wildlife and protected species within the area.

Ecology and wildlife;

32. It is noted that a number of objectors raise concerns regarding the impacts of the development on wildlife which is present within the area, including the impacts on migratory routes. The application is accompanied by an ecology report (including a confidential appendix report in relation to badgers) and consideration has also been given to Natural England's standing advice on protected species.
33. It is noted that the ecology report identifies that the proposed country park is not considered to present a significant impact to non-statutory designations within the local area nor does it identify any significant and harmful impacts which could occur without appropriate controls or mitigation measures.
34. However, it is outlined within the report that there are several direct and indirect impacts that may occur to the habitats of the application site as a result of increased footfall, particularly to natural flora and fauna of the site through trampling of ground vegetation; especially during periods of colonisation and new growth. The provision of footpaths are likely to encourage the majority of users to remain on these designated routes and avoid excessive trampling 'off-track' and the overall impacts are not considered to be significant particularly as the associated grassland is considered to be of low ecological value.
35. Equally the use of the park during darkness could have the potential to disturb protected species, particularly those which are nocturnal and most active at these times. Any lighting may encourage use of the park during these times and the provision of lighting is therefore discouraged. Also there may be potential impacts on nocturnal foraging species such as bats and as a consequence it is considered entirely appropriate to prevent lighting from being within the site to ensure that such species are protected from such impacts. A planning condition is therefore recommended to ensure that the development is carried out in accordance with those recommendations set out within the report.

Features of Archaeological/heritage Interest;

36. It is noted that part of the site lies within close proximity to the Round Hill Scheduled Ancient Monument, however the nature of the development is one which will retain the existing openness between the site and the scheduled monument and therefore its setting is not considered to be significantly affected. Additionally Tees Archaeology have commented that they have no comments and therefore on the basis of the information before the Local Planning Authority the scheme is not considered to adversely affect any features of archaeological interest.

Residual Issues;

37. Although comments have been made with regards to the lack of public consultation, it is considered that sufficient publicity has been given to proposed planning application through neighbour letters, a site notice and press advert and therefore the degree of consultation has been sufficient.

CONCLUSION

38. In view of the above considerations it is noted that the S.106 agreement of the Retirement Village secured the requirement to provide a 'country park' along the bank of the River Leven. Nevertheless the provision of the 'country park' is considered to be broadly consistent with the policies set out with the NPPF and development plan and would also support the wider aims and aspirations of the Tees Heritage Park.
39. The application is accompanied by an ecology report which sets out the potential for several direct and indirect impacts that may occur to the habitats within the application site, particularly through increased footfall. However, the provision of footpaths are likely to encourage the majority of users to remain on these designated routes and avoid excessive trampling 'off-track'

and the overall impacts are not considered to be significant particularly as the associated grassland is considered to be of low ecological value. Lighting during hours of darkness is also discouraged within the report as there may be potential impacts on nocturnal foraging species.

40. A significant number of objections are raised in relation to the potential for the proposal to support and create opportunities for crime and anti-social behaviour. Whilst these are noted, there is no firm evidence to suggest that this would occur. Careful consideration has been given to the layout and design of the Country Park and footbridge and the potential for lighting within the park has also been considered and it on balance it is accepted that the absence of lighting would be likely to discourage a significant majority of people from using the site outside of daylight hours and that the presence of lighting within the area is unlikely to create any significant overall benefit when considered within the context of area as a whole, for example its visual impacts, potential disturbance and impact on wildlife.
41. The proposal is in itself considered to be visually acceptable and would not have any given its recreational use, predominately for walking through it is not judged that there are any significant or harmful impacts on the amenity of the surrounding occupiers. Equally there are no harmful impacts on features of archaeological interest or the setting of Round Hill Scheduled Ancient Monument
42. The development is therefore considered to be acceptable in planning terms and is recommended for approval subject to those conditions set out within the report.

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

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor(s)	Councillor Tony Hampton
Ward Councillor(s)	Councillor Elsi Hampton
Ward Councillor(s)	Councillor Julia Whitehill

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Environmental Implications:

The assessment of the application has taken into account the impacts on the character and appearance of the area as well as impacts on adjoining properties. In view of the considerations set out in the report above it is considered that there would be no significant environmental implications.

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 1997
Alteration Number 1 to the Adopted Local Plan – 2006
Core Strategy – 2010

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