

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
16th DECEMBER, 2020
REPORT OF DIRECTOR OF
FINANCE, DEVELOPMENT &
BUSINESS SERVICES**

19/0345/OUT

Handley Cross, Leven Bank Road, Yarm

Outline application with some matters reserved for the erection of upto 7 dwellings with associated means of access

SUMMARY

The application site forms part of a property known as Handley Cross which is outside the limits to development and adjacent to a local wildlife site. The property is set in grounds which are surrounded by existing mature woodland. To the east and south east is an area of dense woodland which leads down to the River Leven and to the north is Leven Bank (A1044). To the west is a detached property, Hedgeside. Many of the trees on the site are covered by a tree preservation orders.

Outline planning permission with some matters reserved is sought for the erection of up to 7 dwelling houses. It should be noted that a new Agent and Highways consultant have submitted additional and revised information; however the application has been considered with all relevant information taken into account.

The application site is outside the limits to development and therefore contrary to the adopted local plan and there are no exceptional circumstances to override this policy. It is considered that the development would introduce additional built form into the open countryside, eroding its rural character without justification. The development is locationally unsustainable due to the lack of safe footpath links or alternative forms of transport and a safe highways access cannot be achieved without a significant adverse landscape and visual impact. In addition, due to the number of trees on site it is considered that the future occupiers of the dwellings would be subject to significant shading.

Objections have been received, along with a number of letters of support these are set out within the main body of the report below.

The application is recommended for refusal for the reasons detailed below.

RECOMMENDATION

Planning application 19/0345/OUT be Refused for the following reasons;

1. *In the opinion of the Local Planning Authority, the proposal is considered to be contrary to Policy SD3 of the Stockton on Tees Local Plan which states that dwellings outside the limits to development will only be supported where they are compliant with the identified criteria as detailed in SD3 (4) which aims to restrict isolated new dwellings within the countryside without justification. There are no special circumstances relating to the proposal to override the policies of the Local Plan and Government policy within the National Planning Policy Framework.*

2. *In the opinion of the Local Planning Authority, the proposed dwellings outside of the limits to development, would introduce additional unjustified built form into the open countryside, representing an undesirable incursion and eroding its rural character and setting an undesirable precedent for similar unjustified developments and the creation of the access would result in the loss of established trees and vegetation which would have a detrimental impact on the character and appearance of the area contrary to the National Planning Policy Framework, and local planning policies SD5 and SD8, which aims to protect and enhance the intrinsic character and beauty of the countryside.*
3. *In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development as the necessary footway and cycleway connections are unachievable, which would require occupants to regularly travel via the private car for employment, retail and recreational purposes and as such would be contrary to the guidance contained within the National Planning Policy Framework and local plan policies SD8 and T11.*
4. *In the opinion of the local planning authority a safe site access cannot be achieved for the proposed development without a having significant adverse impact on the character and appearance of the area and therefore the proposed development would have a detrimental impact on highway safety and the free flow traffic contrary to the provisions of the National Planning Policy Framework and local plan policies SD8 and T11.*
5. *In the opinion of the local planning authority the development of the site for upto 7 dwellings would provide an unacceptable level of amenity for future occupiers of the site due to the significant shading that would occur from the protected trees; which would then in turn lead to pressure from future occupiers to fell/carry out works to the trees thereby having a detrimental impact on the character and appearance of the area contrary to the provisions of the National Planning Policy Framework and local plan policy SD8 and ENV5.*

BACKGROUND

Application Site

1. The following applications relate directly to the application site;
2. 05/1883/COU - Change of use to management training centre – refused 15th September 2005 for the following reasons and the Appeal Dismissed 30th June 2006

The proposed development comprises a commercial enterprise on a site which lies outside the limits to development contrary to adopted Stockton On Tees Local Plan EN13.

By virtue of inadequate sightlines and the location of the access on a bend of principal road A1044 Leven Bank Road, the proposal would introduce a vehicular access and movements in a location where visibility would be compromised to the detriment of road safety and free flow traffic, contrary to the Policy GP1 of the adopted Stockton On Tees Local Plan.

3. 12/2326/FUL Change of Use of Outbuilding to Dwelling, including extensions and alterations Refused 14th November 2012 and Appeal Dismissed 5th April 2013

In the opinion of the Local Planning Authority the conversion and extension of the outbuildings would create new residential development within the open countryside for which no appropriate justification has been provided, consequently the development would have detrimental impact on the rural character, the strategic gap and the intrinsic value of the countryside and is considered to be contrary to saved policies EN13 and EN20 of the

Stockton on Tees Local Plan, policy CS10(3) of the adopted Core Strategy and guidance within the National Planning Policy Framework (specifically paragraphs 17 and 55).

Planning Statements

4. A number of developments have been mentioned in the in the supporting documentation accompanying the application and the background and assessment of these developments are detailed below;
5. 15/0527/OUT Country Club and Spa
The site is located outside of the limits of development and the development (leisure use) is a town centre use as defined within the National Planning Policy Framework (NPPF). As required by the NPPF, the application was accompanied by a sequential assessment which demonstrated that there were no suitable or available sites within existing local centres. In addition, local Plan Policy states that development outside the limits may be acceptable where it is necessary for farming, forestry, diversification of the rural economy or is for sport and recreation and where it does not harm the character or appearance of the countryside. The use was considered to accord with the principles of saved Local Plan Policy EN13 as it relates to recreation. In terms of sustainability, the site would normally be considered as an unsustainable site as it would require the majority of trips to be via the private motor car, however, based on there being no sequentially preferable site within the catchment centres, the application site was considered to be a reasonable alternative bearing in mind its proximity to the main residential area of Yarm, thereby having the ability to limit the extent of car-borne traffic needing to travel further afield for recreation. Importantly, there were three recently approved housing sites on the southern edge of Yarm which total approximately 1000 dwellings and significantly more residents, all of whom would live in reasonably close proximity to the site. Whilst it was acknowledged that the majority of visitors would be by car the proposal would limit the extent of car-borne traffic needing to travel further afield for recreation which weighed in favour of the proposed scheme. It should be noted that the planning approval for this scheme expired on the 15th December 2019.
6. Retirement Village (15/2161/REM)
This site is to the north between the conurbations of Yarm and Ingleby Barwick and within the limits to development, although was located within the Green Wedge. Outline planning application was submitted for a retirement village and associated facilities (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 (13/0776/EIS) was then submitted and was approved by members of the planning committee on the 10th July 2013. At that meeting the planning committee took the view that the benefits of a retirement village outweighed the impact on the landscape and open character in this location. The access to the site has been provided via a roundabout and the permission is extant, however the actual building work for the retirement village has not commenced.
7. 18/0261/OUT – Holdenfields
Outline planning application with all matters reserved save for access for up to 200 residential dwellings – Application Withdrawn following advice from officer that the site was contrary to the adopted plan (outside the limits) and unresolved highway objections.
8. 16/3055/FUL - Leven Bridge Mill, Leven Bank Road
This site is to the north within the defined limits to development although laid within the identified Special Landscape Area, the Tees Heritage Park and adjacent to the green wedge. At the time of the decision the local planning authority did not have a five year supply. In summary, it was noted that typically any form of development within these

designations would normally be resisted except for special or justified circumstances. However, consideration was given to the existing situation and the provision of the residential chalets which lie to the west of the proposed site. Consideration was given to the associated benefits proposed through the removal of 9no. chalets and provision of open space as proposed under application 16/3056/COU. This proposal would also introduce some public access onto the site through the provision of open space and the associated footpaths, it would also bring about some wider visual and biodiversity benefits. These were considered to offer some social and environmental benefits which would weigh in favour of the scheme when assessed as a whole. The application was therefore approved

It should be noted that in relation to the caravan park, in 2007 applications for a certificate of lawfulness were submitted to establish whether a planning consent dating back to the 1960's for a seasonal caravan/chalet use for up to 80 caravans remained extant (07/0865/CPE & 08/3573/CPE). The local planning authority refused the applications, subsequently the matter was considered on appeal with legal challenges on the Planning Inspectors decisions following. The matter was considered in the High Court, a decision which established that the permission had not been abandoned and meant it was capable of being relied on. Following on from the confirmation that the original permission had not been abandoned and remained extant, planning permission was approved to change the use of the site from a seasonal caravan site for upto 80 caravans to a residential 'chalet' or park home site for 34no units (Ref. 12/1537/COU).

9. SHLAA 2017 – EPY3

The applicant originally included this area on the submitted map, however the site was not taken forward as an allocation for the following reasons;

- Greenfield site outside of development limits and within strategic gap.
- This site would require further modelling of impact on Local / Strategic highway network and suitable mitigation measures as identified through the modelling. This would need to be carried out in conjunction with Highways England due to the already identified impact of committed development on Yarm High Street, Ingleby Barwick and the A19 Crathorne Interchange. It is envisaged that suitable mitigation of the impact on Yarm will not be deliverable and therefore the impact will be unacceptable.

10. 18/1418/OUT Land West Of Fleet Bridge Road, Chesham Grove, Norton

The planning statement refers to this site to state that having a 5 year supply of housing should not be treated as a ceiling and includes an extract from the report stating that the addition of 9 dwellings offer a benefit to the 5 year housing land supply. This is not disputed and additional housing in the right locations would be considered a boost to the housing supply however it should be noted that the application in question was within the limits to development but refused due to the loss of an area of allocated open space.

11. Bridgewater

The application refers to the development at Bridgewater. These new dwelling houses were justified in this location as the monies from the development were required to fund the restoration of the listed buildings which were under threat and structurally unsound due to lack of maintenance over the years, and latterly, to vandalism (applications 05/0911/REV and 05/0912/LBC).

12. Appeal Decision – Conversion of an existing building to residential accommodation in Maltby

The applicant refers to this appeal and the sustainability of the site which was accepted by the Inspector. To give context the site was within the village limits to development and previously developed land (the inspector gave significant weight to this environmental benefit). In addition, the Council did not have a five year supply. When considering the appeal, the Inspectors attention was drawn to an appeal in Elton in which the Inspector

found that the development would not be in a sustainable location due to limited services in the village and reliance on private car journeys. The Inspector commented that the *“proposal would have resulted in the development of an open and undeveloped area which the Inspector concluded would harm the character of the settlement and its countryside setting. The Inspector also found harm to highway safety”*. The conclusion was *the planning balance in the Elton scheme appears to have been different to the appeal proposal before me, so direct comparisons between the cases are not possible*. The same is considered for this application and the two cases are not directly comparable.

13. Appeal Decision – Teesway Neasham in Darlington

The application site is within the village limits to development and is previously developed land. In terms of sustainability whilst Inspector acknowledged that this would be contrary to the underlying aim of the Framework and Development Plan, the appellant argued that this was a commuter village and the inspector concluded that 2 additional dwellings would not make a significant difference to numbers and length of car journeys. In addition, the Council had recently approved four additional dwellings within the village and this was given weight in the determination of the appeal which was dismissed due to harm on the character appearance and development pattern of the local area.

Other Relevant development

14. 16/2339/OUT - 1 Leven Bank Road, Yarm, TS15 9JL

This site lies opposite the proposed development site to the south of the retirement village. Planning permission was sought for the erection of 1no detached bungalow, attached annexe, detached garage and associated means of access which was refused for the following reasons;

In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of both the distances between the application site and the nearby services and facilities in Yarm, Ingleby Barwick and Thornaby and the limited alternative forms of transport available, which would require occupants to regularly travel via the private car for employment, retail and recreational purposes and as such would be contrary to the guidance contained within the National Planning Policy Framework, Particularly paragraphs 17, 29 and 32

In the opinion of the Local Planning Authority the proposal represents isolated new development in the countryside and within the Leven Valley Special Landscape Area which would adversely affect its openness and character and would set an undesirable precedent for other similar sites which could cumulatively have a greater impact on the function and purpose of this designation and the character of the wider area, contrary to the guidance contained within the National Planning Policy Framework (para 55.) and saved Local Plan Policy EN7.

An appeal was submitted which was dismissed with the inspector considering bus services and footpath links and was not satisfied that the proposal would amount to sustainable development. In addition, the inspector also found that the proposal would harm the character and appearance of the area.

SITE AND SURROUNDINGS

15. The application site forms part of a property known as Handley Cross which is outside the limits to development and adjacent to a local wildlife site.

16. The property is set in grounds which is surrounded by existing mature woodland. To the east and south east is an area of dense woodland which leads down to the River Leven and to the north is Leven Bank (A1044). To the west is a detached property, Hedgeside.
17. Many of the trees on the site are covered by a tree preservation order (reference 00.8.5.824 and 00.8.5.845).

PROPOSAL

18. Outline planning permission is sought for the construction of up to seven detached dwellings. The applicant states that the proposed dwellings would come forward as self-built plots.
19. The proposed development includes the formation of a new vehicular access from Leven Bank Road. The existing driveway to allow access to Handley Cross will remain.

PLANNING POLICY

20. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
21. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.
22. **National Planning Policy Framework**
The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
23. **Local Planning Policy**
The following planning policies are considered to be relevant to the consideration of this application

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

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Housing

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

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

3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

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

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.
- c. Providing opportunities for custom, self-build and small and medium sized housebuilders.

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

- a. Supporting the aspiration of delivering housing in the Regenerated River Tees Corridor (as identified on the Policies Map) in close proximity to Stockton Town Centre. Key regeneration sites which provide major opportunities for redevelopment include:

Queens Park North, Victoria Estate, Tees Marshalling Yard and Land off Grangefield Road

- b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.
 - c. Creating a Sustainable Urban Extension to West Stockton.
 - d. Promoting major new residential development at Wynyard leading to the area becoming a sustainable settlement containing general market housing and areas of executive housing in a high-quality environment.
 - e. Supporting residential development in villages (as shown on the Policies Map) through the recognition of existing commitments and new build within the limits to development where the land is not allocated for another purpose.
4. New dwellings within the countryside will not be supported unless they:
- a. Are essential for farming, forestry or the operation of a rural based enterprise; or
 - b. Represent the optimal viable use of a heritage asset; or
 - c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
 - d. Are of an exceptional quality or innovative nature of design. Such a design should:
 - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - ii. reflect the highest standards in architecture;
 - iii. significantly enhance its immediate setting; and
 - iv. be sensitive to the defining characteristics of the local area.
8. Within the countryside support will be given to:
- a. Extensions within the existing curtilage of a dwelling where they are of a suitable scale and subservient to the host dwelling.
 - b. A replacement dwelling where the proposed dwelling is:
 - i. Not materially larger than the existing dwelling; and
 - ii. Located on the site of, or in close proximity, to the existing dwelling.

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

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

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
 - b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
 - c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
 - d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
 - e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
 - f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
 - g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
 - j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape

unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

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

m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.

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

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

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

c. Supporting sustainable water management within development proposals.

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

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

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

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

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

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

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

4. To ensure residents needs for community infrastructure are met, where the requirement is fully justified and necessary, the Council will support planning applications which:

a. Provide for the expansion and delivery of education and training facilities.

b. Provide and improve health facilities.

c. Provide opportunities to widen the Borough's cultural, sport, recreation and leisure offer

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

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

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
 3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
 4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

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

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

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.
 - b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
 - c. Support and encourage sensitive energy efficiency improvements to existing buildings.
2. Proposals are encouraged where development:
- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
 - b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:
 - a. Submit an energy statement identifying the predicted energy consumption and associated CO₂ emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
 - b. Achieve a 10% reduction in CO₂ emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
 - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
 - b. Foul and surface water flows are separated;
 - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:
 - a. Internationally designated sites - Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:
 - i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or
 - ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.
 - b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where

an adverse effect on the site's notified interest features is likely, a development will only be allowed where:

i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;

ii. no reasonable alternatives are available; and

iii. mitigation, or where necessary compensation, is provided for the impact.

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

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

6. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

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

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

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

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and

b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

Housing Policy 1 (H1) - Housing Commitments and Allocations

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

a. Various sites within the Regenerated River Tees Corridor.

b. Various sites within the conurbation.

c. West Stockton Sustainable Urban Extension.

d. Wynyard Sustainable Settlement.

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

Housing Policy 4 (H4) - Meeting Housing Needs

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

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

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

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

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

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

- b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or
 - c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or
 - d. Any other circumstances where off-site provision is more appropriate than on-site provision.
6. Where off-site affordable housing or a commuted sum is considered acceptable, the amount will be equivalent in value to that which would have been viable if the provision was made onsite and calculated with regard to the Affordable Housing Supplementary Planning Document 8 or any successor.
9. To ensure that homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1st April 2019 the following Optional Standards will apply, subject to consideration of site suitability, the feasibility of meeting the standards (taking into account the size, location and type of dwellings proposed) and site viability:
- a. 50% of new homes to meet Building Regulation M4 (2) "Category 2 - accessible and adaptable dwellings".
 - b. 8% of new dwellings to meet Building Regulation M4(3) "Category 3 - Wheelchair User Dwellings". Where the local authority is responsible for allocating or nominating a person to live in that dwelling, homes should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area.
10. To widen the overall housing offer, the Council will support the delivery of custom and selfbuild housing. The Council will:
- a. Regularly monitor the demand for custom and self-build housing and assist in facilitating the delivery of land/sites, where appropriate.
 - b. Encourage applicants to consider incorporating plots for custom and self-build housing within larger housing developments.

CONSULTATIONS

24. The following Consultations were notified and any comments received are set out below:-
25. Highways Transport & Design Manager
General Summary - The Highways Transport and Design Manager objects to the proposed development on both Highways grounds and Landscape and Visual grounds due to:
- The substandard site access arrangements which would result in conditions that would be detrimental to both highway safety and the free flow of traffic;
 - The necessary footway and cycleway connections being unachievable which will result in an unsustainable residential development contrary to both local and national policy;
 - The adverse impact of the new access on the rural character of Leven Bank through the loss of established vegetation and trees.
- Highways Comments - The applicant has submitted a Transport Assessment (TA), a Technical Note 1: Highways (24/06/19), a Technical Note 2: Highways (11/09/19), a Technical Note 3: Highways (08/01/20), a Highway Note on Site Access (17/09/20), an Indicative Housing Layout plan (Drawing 1744/001P), a Preferred Site Access Option (Drawing A103468 – 91 – 18 - 004), Indicative Cross Sections Through Embankment (Drawing A103468 – 91 – 18 – 005), Proposed Footpaths to Leven Bank Road (Drawing 1744/012) and a Stage 1 Road Safety Audit (12/10/20) in support of the proposed application.
- General - All development must be designed to adoptable standards in accordance with the Design Guide and Specification (current edition) and incurtilage car parking provided in accordance with SPD3: Parking Provision for Developments 2011.

Site Access -It is proposed that the site would be accessed from a new simple T junction on Leven Bank located approximately 80m to the east of the existing access which serves the existing residential dwelling (Handley Cross).

The applicant has stated that the use of Design Manual for Roads and Bridges (DMRB), to determine the visibility requirements in either direction is appropriate. The Local Highway Authority (LHA) agrees with the use of DMRB as the recognised standard for highway design on this category of road.

A speed survey has been undertaken which has demonstrated that the surveyed speeds are 35.4 mph (57kph) and 34.8mph (56kph) in a westbound and eastbound direction respectively requiring visibility of 2.4m x 90 in both directions from the site access junction.

Having reviewed the information, as shown on Drawing A103468 – 91 – 18 – 004, the required visibility is achievable from the proposed site access however, this would require the existing embankment to be re-graded, as shown on Drawing A103468 – 91 – 18 – 005, and several trees would need to be removed.

As set out below in the Landscape and Visual comments this is not acceptable, as removal of trees would open up views to the development site, which is currently screened from view by the existing wooded buffer along the northern edge of the plot and within the highway verge.

Considering the tree losses, the required visibility, whilst theoretically achievable, cannot be provided without having a significant detrimental impact on the rural character of Leven Bank, Therefore, the proposed site access arrangements are not considered to be acceptable.

The Highways, Transport and Design Manager, therefore, objects to the proposed development due to the substandard site access arrangements which would result in conditions that would be detrimental to both highway safety and the free flow of traffic.

Sustainable Connections -The applicant has set out within the TA that the site has 'access to good cycling infrastructure' and that the site is 'within 2km of a primary school, a pharmacy, newsagent, convenience store and discount food store' however, there are no cycleway connections (other than on road) from the site to the wider cycleway adopted network.

The application does not propose any cycleway connections and only proposes footways. To the east these are proposed as improvements to an existing footway, with additional short sections of footway west of the application site to provide a connection to the roundabout for the Mount Leven Development.

The existing footway to the east of the site, on the southern verge of Leven Bank, provides a connection to an infrequently used bus stop for the no 17 service located at Leven Bridge however, there is no continuous footway from Leven Bridge towards Ingleby Barwick.

The applicant has proposed improvements to this footway and the addition of street lighting to this section of Leven Bank however, they are considered unnecessary as a suitable connection to the bus stop at Leven Bridge is already available. The provision of street lighting on this section of Leven Bank, which would need to be considered against current policy, falls into Zone E2 as set out in the current Street Lighting Policy. This policy states:

Zone E2 – Areas of Low District Brightness (Rural Locations outside Zone E1)

- Residential areas of villages and settlements within a Zone E2 area are generally provided with the lighting in accordance with the relevant British/European Standard applicable to the type and the adopted highway.
- Adopted footpaths and cycle tracks will only be lit where there is high night-time use, fear of crime issues and no alternative routes.
- On roads between villages and settlements in Zone E2 areas lighting will only be provided where there is a known night-time road safety problem that cannot be controlled by other means such as improvements to the carriageway delineation by reflective road studs, carriageway marking and improved signing.

Assessing this section of Leven Bank against the policy is in noted that Leven Bank:

- Is not within a 'residential area of a village or settlement';

- Does not have 'adopted footpaths and cycle tracks where there is high night-time use, fear of crime issues and no alternative routes';
- Has no 'known night-time road safety problem that cannot be controlled by other means such as improvements to the carriageway delineation by reflective road studs, carriageway marking and improved signing'.

The provision of street lighting in this location would, therefore, be contrary to policy.

The provision of a footway to the west of the development, on the same side of the road, is reliant on a section of footway across the frontage of Hedgeside which was to be provided as a part of application 15/0527/OUT. This application has however expired and this section of footway will therefore no longer be provided. In order to achieve a footway to the required standards, across the frontage of Hedgeside, 3rd party land would be required it is therefore considered that this section of footway is not currently achievable.

Notwithstanding the above the proposed 2m footway to west of the development does not provide the required continuous connection, to an adoptable standard, to an existing adopted footway (Glaisdale Road) within the adopted highway. Therefore, the proposed pedestrian route is not considered to offer an acceptable sustainable and safe footway connection from the site.

This conclusion is in line with the findings of an Appeal (APP/H0738/W/17/3189499) for the construction of a detached bungalow at 1 Leven Bank, which is located directly opposite the application site, which was dismissed in June 2018.

The Appeal considered '*whether the proposed development would be in an accessible location having regard to national policies which seek to achieve sustainable development*'. The Appeal inspector stated that '*services and facilities the occupiers of the proposed dwelling would be largely reliant upon private cars to reach these facilities*' and concluded that they '*were not satisfied that the proposals would amount to sustainable development*'.

Bus stops are located within walking distance (400m) of the proposed site with the eastbound stop being located immediately opposite the site on Leven Bank, however, the westbound stop is located at the bottom of Leven Bank. Whilst these stops are infrequently used the stops currently provide access to an hourly service which runs between Middlesbrough and Eaglescliffe via Thornaby, Stockton, Ingleby Barwick and Yarm.

Taking into account the above and in particular the comments made in relation to the recent Appeal it is considered, that due to the isolated location of the proposed residential development, all trips would be made by car and that the proposals would not amount to sustainable development.

It is, therefore, concluded that, as the necessary footway and cycleway connections cannot be provided, a residential development in this location would be unsustainable and therefore contrary to both local and national policy.

Site Layout - Whilst the application is for outline approval only the indicative housing layout is broadly Design Guide and Specification (current edition) except for the proposed site access and sustainable connections as set out above.

Construction Management Plan - A Construction Management Plan would be required, should the application be approved, in order to ensure that construction works do not have a detrimental impact on the highway.

Landscape & Visual Comments - The proposed development consists of up to 7 dwellings in the grounds of Handley Cross. The site is outside the limits to development and located within a rural area, adjacent to the Leven Valley Special Landscape Area.

The submitted landscape and visual assessment has now been updated for the current layout. In Section 17 of the document the assessment considers the impact of the residential development on landscape character, however it is the proposed interventions necessary to form the new site access which will have the greatest impact, and this has not been considered.

The study describes the limited visibility of the site due to topography and existing buffer screening to the site perimeter. There is only one residential property overlooking the site, so primarily views will be from the highway (Leven Bank Road). The assessment notes that the '*re-positioned entrance into the development off the A1044 will be visible with mature*

trees retained on either side. This will not be a significant change in the view for road users and therefore it has been assessed that there will be no visual impact from the proposed development.' The Highways Transport and Design Manager does not agree with this conclusion.

Site Access - The site currently contains and is surrounded by existing mature trees and woodland, including some trees which are located within the adopted highway. A large part of this wooded boundary is covered by a Tree Preservation Order (TPO). This tree cover provides a buffer which screens views towards the site and positively contributes to the character of the site and wider rural edge landscape.

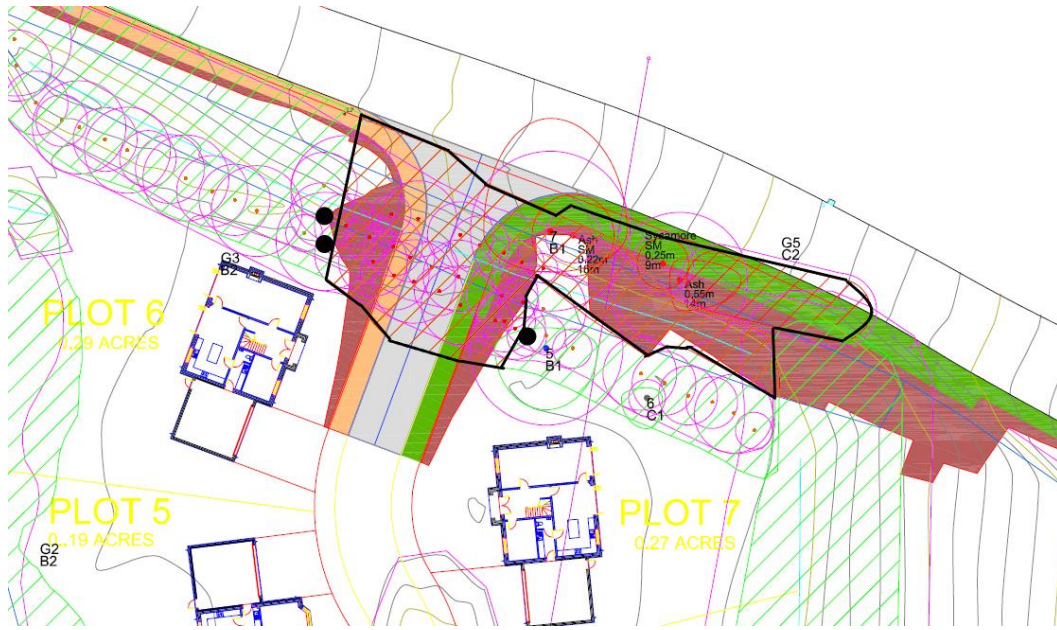
An updated Arboricultural Impact Assessment has been submitted which details the impacts upon trees on Leven Bank site frontage. Significant vegetation removals will be necessary to form the site access through regrading of the embankment, to provide the necessary visibility and stabilise the existing steep slopes. Some of these tree removals are from within the adopted highway.

The Arboricultural survey notes that the *'proposed access into the site will be through a tree covered embankment with the necessary excavations requiring the removal of Group 5 (Category C), Tree 7 (Category B), three trees within the adjacent highways verge, and twenty-five trees from within Group 3 (Category B).'* It is considered that this may be conservative as earthworks are likely to necessitate the loss of some further trees when root protection areas are disturbed.

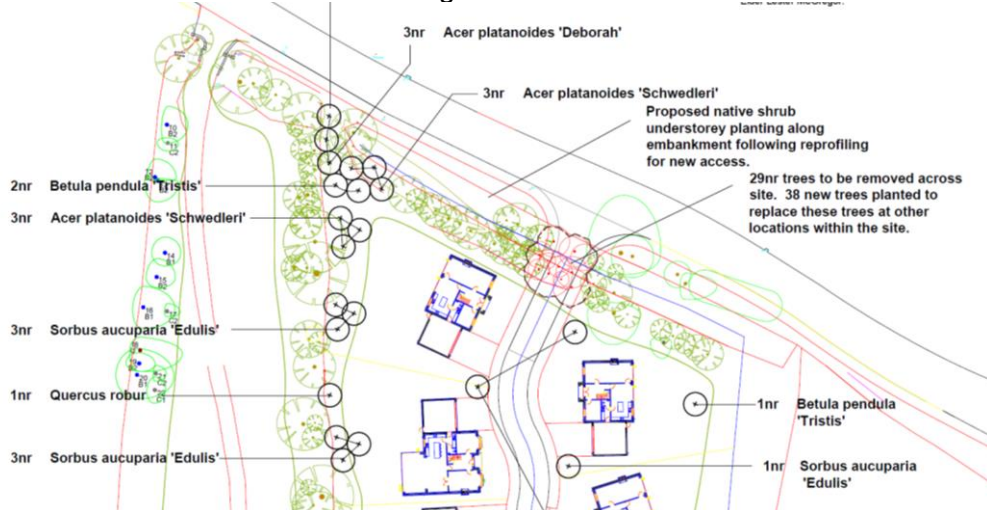
The report goes on to say that it *'will be possible to retain elements of the group either side of the access to ensure that the site remains largely enclosed. In arboricultural terms the losses required is considered to have a moderately negative impact.'* Whilst the individual trees and shrubs are not of significant arboricultural value, it is their combined screening effects which have value and contribute to the rural character of Leven Bank Road.

The loss of this vegetation would, based on the current layout A103468/91/18/004 create a substantial gap in the vegetated edge of at least 20m in width to form the proposed access. This is not acceptable, as removal of trees would open views to the development site, which is currently screened from view by the existing wooded buffer along the northern edge of the plot and within the highway verge. The Arboricultural Report notes that *'Post-development planting of trees and shrubs, particularly on the embankment adjacent to the access would assist with mitigating the losses required.'* No proposals have been put forward to mitigate the loss of this vegetation, or to landscape the site frontage to minimise the impacts upon landscape character.

There are also some discrepancies in the information provided, as demonstrated in the two extracts below. The Arboricultural impact Plan demonstrates necessary tree removals required for the access and earthworks. The submitted Tree Planting Plan, shows a significantly lower number and extent of trees to be removed, and no mitigation planting near the access.



Extract from Arboricultural Impact Plan – Trees to be removed within the black line, black dots indicate other trees at risk from damage to their RPA.



Extract from Tree Planting Plan

Artists Impressions - As part of the updated submission the applicant has provided some artist impressions of the views of the new site access. It should be noted that these are artists impressions only and not true visualisations prepared in accordance with Landscape Institute Guidelines. The Highways Transport and Design Manager is concerned that these do not fully represent the extent of tree removal on the site frontage.

Residential Development - With regard to the residential layout, an arboricultural assessment has been provided which provides sufficient information to determine that a development of up to 7 dwellings could be achieved with only minor impacts upon the protected trees. However, based on the previous site layout, the submitted shade parameters plan indicates in retaining the trees that heavy shading will occur on summer evenings and at other times throughout the year. This shade could result in a significant loss of residential amenity which will likely result in pressure for future thinning and or removal of protected trees.

Should the application be approved an arboricultural method statement and scheme of tree protection to BS 5837 will be required as part of any reserved matters application, and any felling work should only be permitted should the development gain consent. Removal of any trees within the adopted highway would be undertaken by the Council as part of any s278 agreement.

Any revised site layout must provide information detailing the location of the proposed surface water attenuation. The location, including any pipework easements must consider the root protection zones of all trees scheduled for retention

It is considered that the proposals will impact upon the landscape character and visual amenity of the area, which could not be mitigated. Therefore, the Highways Transport and Design Manager objects to the proposals.

Flood Risk Management - The layout drawing no. 1744/001P indicates that the proposed surface water attenuation will be located within public open space. The Lead Local Flood Authority have no objections to the proposed development and, should the application be approved, request that conditions are applied.

26. Northern Gas Networks

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

27. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we would request re-consultation.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

28. SBC Housing Services Manager

The Strategic Housing Market Assessment (SHMA) 2016 has identified an annual affordable housing need in the borough of 240 units, with the majority of need being for 2 and 3 bedroom properties.

Local Plan (2019) Policy H4 - Meeting Housing Needs states the Council require 20% of new homes to be affordable on schemes of more than 10 dwellings or with a combined gross floorspace of above 1000sqm.

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

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

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

- b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or
- c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or
- d. Any other circumstances where off-site provision is more appropriate than on-site provision.

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

We note from the Planning statement that the developer is proposing to provide 7 self-build units. Should the combined gross floor space be above 1000sqm, then based on a market scheme of 7 units, 2 affordable units equates to 28.6%, which is acceptable as it is in line with the need identified in the SHMA 2016 and is compliant with Policy H4 as outlined above. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2016 a high priority will be accorded to the delivery of 2 and 3 bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on 2 affordable units: -

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

Proportion	No. of units	Tenure
70%	1 units	Rent
30%	1 units	Intermediate Tenure
100%	2 units	Total

Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	1 units
3 bed	50%	1 units
4 bed	12.5%	0 units
Total	100%	2 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
1 Units	2 bed	1 Rented
0 Intermediate Tenure		
1 units	3 bed	0 Rented
1 Intermediate Tenure		
0 units	4 bed	0 Rented
0 Intermediate Tenure		

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency Level 1 Space standards and associated design and quality standards.

29. Environmental Health Unit

I have reviewed the historical environmental records held by this Local Authority along with reports submitted by the applicant and have found no grounds for objection in principle to the application.

Unexpected land Contamination - advisory note for the applicant: In the event that contamination is found at any time when carrying out the approved development that was

not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: Due to a 1954 feature - 'area of unknown fill' less than 100m² within 250m of the development.

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

Construction/ Demolition Noise - I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

Noise - To protect the residents inside the property from traffic noise, suitable windows with adequate acoustic ventilation in line with approved document F(AD_F) of the building regulations shall be fitted to the building façade to ensure that no greater than noise limits listed below are achieved.

A) Dwellings indoors in daytime: 35 dB LAeq,16 hours

B) Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB L_{Amax})

To protect the residents against the traffic or railway noise in the outdoor living area during day time, suitable acoustic fences shall be erected to achieve an outdoor noise limit not greater than 55 dB LAeq,16 hours.

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

I have referred this planning application to the Contaminated Land Officer who may provide additional comments if necessary.

30. Tees Archaeology

Given the extent of prehistoric and Roman activity in the vicinity of the development site and the potential for archaeological deposits from the medieval and post medieval periods, a program of archaeological investigation and potentially excavation is recommended. Evaluation of archaeological potential should be undertaken through a program of geophysical survey and trial trenching. The results of the evaluation will then determine the need for and extent of further archaeological excavation to enable preservation by record for any archaeological deposits. These archaeological works may be done as a condition of planning consent under the following condition wording:

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

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

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

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

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

31. Yarm Town Council

Following the decision of Yarm Town Council, I am instructed to write to record the Council's objection to this scheme. In particular, the Town Council agrees with the concerns expressed by Stockton Council's Highways, Transport and Design Manager's objection to the proposed development, on highway safety grounds, due to the sub-standard visibility to the east at the proposed site access professionals. Furthermore, the loss of green space and a valuable natural habitat is also of great concern to Town Councillors. I trust you will make these comments available to the Planning Committee and others in due course.

32. Kirklevington and Castle Levington Parish Council

Objects for the following reasons:-

New local plan - Housing allocations. This site is not included in the site allocations recently agreed in the New Local Plan. (It should be noted that neither is the site referred to in the agent's planning statement (see paragraph 3.7)

Affordable housing: The site does not provide affordable housing.

Proposed crossing: It is very near to a road traffic island at the top of a steep bank.

Bus stop: The bus stop is on the opposite side of a very busy road with no bank. The new island is in a difficult location at the top of the steep bank and any increase over and above the new build already agreed should not be agreed. Any bus stopping for residents from this development would halt the traffic on a single carriageway adding to an already difficult road situation.

Footpath/cycleway: The site is in an unsustainable location (reference to the use of facilities on the retirement village are not guaranteed) although some footpath is proposed there is no safe continuous footpath or cycleway access to schools, shops or other facilities.

Traffic: The access and egress to the site are onto a very steep incline, Leven Bank, and also very near to a road traffic island immediately at the top of the incline. Any bus stopping for residents from this development would halt the traffic on a single carriageway at the top of the incline adding to an already difficult road situation.

Government Guidelines in NPPF are not upheld

Economic: The amount of new build south of Yarm caters for most requirements. The requirement for affordable housing is not fulfilled.

Social: The houses set in the open countryside are away from the community and away from facilities. They do not provide sustainable housing.

Environmental: Building seven large houses on this Greenfield site must have a detrimental effect on the environment. Wildlife will be affected. Extra water from the increased size of the septic tank will affect the water quality.

The new Local plan does not allocate this land, it is against new policies and it is also against NPPF which the local plan reflects. We request that this application is refused.

Comments on revised plans/information:

We concur with the highways, transport and design report which has picked up on the substandard access, the footpath and cycleway connections being unachievable and the adverse impact through loss of vegetation and trees.

We refer you to Alistair Mclees objection with particular reference to the local plan we note that the majority of support for this application focuses on the footpath and lighting which they recognise as a need for Leven Bank Road and overlook the road safety issues which will result when vehicles and pedestrians are accessing/exiting the site.

Regarding the use of public transport the frequent stopping of buses on Leven bank, if required, would cause another traffic hazard. We ask you to remember that this road is the dedicated diversion route off the a19 when required which is not infrequent, and has been a two way traffic diversion on occasions.

The requirement for a pedestrian crossing to allow pedestrians to access amenities in Yarm and to allow for pupils to cross safely over Leven Bank Road to access the nearest primary school together with the need for students who attend Conyers to cross over Leven Bank Road and walk safely to the pedestrian crossing on Thirsk Road which is near to Healaugh Park.

We also agree with highways comments and wish it noted that the low sun affecting visibility is a real hazard to drivers driving up from the River Leven Bridge towards green lane and this should not be under estimated.

We also refer you to our previous objections which still remain pertinent to this application

33. Councillor Patterson - Ingleby Barwick West Ward

The route between Ingleby Barwick and Yarm is frequently used by pedestrians & cyclists. My residents have regularly commented about the lack of safety on the bank. This is unsatisfactory, as it is used by school children walking and cycling to and from Conyers to Ingleby Barwick, as well as other walkers and cyclists. There have been 9,000 homes built in IB and will be an additional 1,200 in Yarm. Also the potential for another 2,000 homes is the vicinity of Hemlington. This bank remains in a similar condition, other than lighting on the IB side, to a time prior to any of these developments. It is like a huge black hole, and highway's officers, whilst they would like it to lit have told me there is no money to do it.

Cllr Andrew Sherris and myself met with Highways Officers on 10 January to examine the existing paths to determine what maintenance is required. This work is scheduled for the coming months. This will still leave parts of the bank area with no paths. There is an existing footpath but has clearly not been maintained for a long time and its over grown and has some surface defects that require repair. There is also no footpath around the newly constructed roundabout and at the top of the IB side of the bank. This application is proposing to pay for additional footpaths and LED lighting to the whole of the bank. This will improve the safety of the bank for pedestrians, cyclists and drivers. These improvements should play a key part in Planning Officers' assessment of this scheme under planning policy.

34. Spatial Planning & Regeneration; School Place Planning; National Grid; Ward Councillors; Adult Strategy

No Comments received

PUBLICITY

35. Neighbours were notified and a site notice erected, and the comments received are below.

36. Mr Thomas Howson Hedgeside Leven Bank Road Yarm TS15 9JL

Letter 1 - Having viewed this application and the revised documents my comments are as follows.

New local plan - Housing allocations. This site is not included in the site allocations in the recently agreed new local plan.

Highway - I fully support the highways comments and the application does not also fall within permitted development.

Country Club - There is constant reference to the country club application, the country club does not have to provide footpaths, it was agreed that people visiting would come by car.

Entrance - My previous entrance to Hegdeside was shared with Handley Cross and was moved for highway safety reasons. The historic hedgerow was removed and replaced with a new hedgerow set further back to give a safe visibility splay.

Footpaths - This application states it's going to provide 2 metre footpaths to the East and West to meet the planning objectives required within their application. The land to the West that is proposed in this application to be a 2 metre footpath is in my ownership not part of the adopted highway. At no time has anyone wrote to me to ask my permission to use my land in this application or purchase this land from myself. To avoid any doubt or misunderstanding by any parties my land is not For Sale.

Letter 2 - Having reviewed this application and the latest documents my comments are as follows.

Entrance - My previous entrance to Hegdeside was shared with Handley cross and was moved for highway safety reasons. The historic hedgerow was removed and replaced with a new hedgerow set further back to give a safe visibility splay.

Historical - The historical hedgerow was chopped down to the stumps for two reasons.

Reason 1 - The stumps were left to rot in the ground because Virgin Media have a fibre network running alongside the kerb on the A1044 next to my land. If we had tried to remove them it would have caused serious damage to their network and inconvenience to the people of Yarm and the surrounding area who take Virgin Media's services.

Reason 2 - After the hedgerow was chopped down to the stumps, I arranged for an independent company to GPS the stumps of the historical hedgerow on my land and to plot them along the A1044. The reason being that when you plant hedgerows you follow the guideline's of the set out by the RHS. It states that you have plant the hedgerow inside your boundary not on your boundary line which allows it to grow inside land, in your ownership. The guideline's states that when the historical hedgerow was planted it had to be 36 inches or 3 feet, in today's measurement is 900mm or 90cm inside your boundary line. This means using the historical hedgerow makes it an accurate measurement as opposed to the land registry red line on their records. The land registry's website says it's only an indicative line not to be used as a fact in any dispute. The historical hedgerow was also set aside under the European agriculture policy for breeding birds and documented.

Previous Highway safety comments - The applicants Mr & Mrs Bates and family members from previous marriages Mr A Bates and Miss Reaney and partner Russell commented on a previous application 15/0527/OUT about road safety on the A1044 which for some reason no longer exists?

Letter 3 - Highway concerns (dated 26/05/2020)

The British Telecom telegram pole on the bank on the A1044 is within metres of the new proposed entrance for the Handley cross development by Mr & Mrs Bates, has been hit again by a vehicle travel westbound towards Yarm. This has happened previously due to the sun at a certain times of the day being low above the brow of the bank westbound. This incident yet again supports the SBC highway officers concerns in recommending refusal of this application on highway safety grounds.

37. Dr Alistair McLee 3, The Green, Kirklevington TS15 9NW

I wish to object to this application. The proposed site for building 7 dwellings is located within the wildlife corridor associated with the Tees River Corridor. I refer you to the Adopted local Plan "Green Vision" Policy ENV 5 – Preserve, Protect & Enhance Ecological Networks Biodiversity & Geodiversity

Thanks to the installation of a fish pass at the nearby weir, migratory fish now have access to the upstream reaches. Otter regularly frequent the river (See records held by ERIC at Newcastle). A colony of Daubentons Bats reside below the adjacent road bridge. These are both protected species.

The ongoing construction of “ chalet style” housing on the steep bank of the river, below Ingleby Barwick, is a highly regrettable hangover from an historic planning permission. However, this in no way should be taken as a precedent for allowing this particular application.

38. Mrs D Smith, Hillcroft, Leven Bank Road, Yarm TS15 9JL

Following the recent changes in the application, there is a proposal to construct a public footpath, which will stretch across the front of my property, across my driveway to the bus stop located just below where my property boundary ends. Following construction of the Leven bank roundabout, the line of sight is greatly restricted along the proposed length of pathway. Whilst it is extremely difficult for cars entering and exiting my property, there is no safe crossing point along the proposed pathway. The speed of vehicles coming off the roundabout, on basically a blind bend, gives less than 2 seconds stopping distance at the recorded speeds. To cross the bank as safely as possible, I walk to the roundabout where I can see clearly vehicles entering the roundabout from Yarm and cars coming up the bank from Ingleby Barwick direction. I agree with the Highways department, there is no safe crossing point along the proposed length of path across my property, to a proposed path on the opposite side of the road. It would be a path to nowhere. There is not a continual 2 metre stretch of land across the proposed path, the adopted land is tapered from the centre of my driveway to the diagonal edges of the grass verge

Letter 2 The latest document posted 12/11/2020, Landscape and visual Impact, keeps referring to Hillcroft 1 Leven bank road, 1 Leven bank road is not Hillcroft, they are separate properties,

i.e. at para 20.4 of the above document, It refers to Hillcroft and a garage obscuring the view of the works to be undertaken. My property at Hillcroft is 30meters above 1 Leven bank road, and I will only see the building works from the end of my drive way. There is no garage in front of my property. 1 Leven Bank road is directly opposite the proposed building works. It is confusing when Hillcroft is referred to and I don't know if the referral should be to 1 Leven bank road or to my property at Hillcroft. Hillcroft has never been known as 1 Leven bank Road, please can the corrections be made

NB The appraisal was amended as requested and no further comments have been received.

39. Mr Malcolm Parker 25 Griffiths Close Yarm

Letter 1: Footpath on main road will be required

Letter 2: I fully support this development as I believe that this development presents a great opportunity for small developers to bring elegant environmentally friendly housing to the area as opposed to the multitude of "boxes" along green lane developments. Additionally Mr Bates's proposal will make it safer for walkers and cyclist along Leven bank, which contrary to the councils view is in fact a well used, "well trodden" path so as to speak.. It appears hypocritical on behalf of SBC to comment on lack of walkways as when the new roundabout was installed, not only was it relocated without consultation, the proposed walkway also disappeared. The proposed country club (which has been approved) is apparently only intended to be accessed by cars, so why is this stance acceptable then sustainability issues being raised only 100 or so metres away? In closing SBC need to be consistent in their approach to this very subjective matter, and I do not see that this development should be impacted by car and bus transport issues based on what has already been accepted in the near vicinity.

40. Mr Reay, The Homestead Leven Bank Road, Yarm, Stockton-on-Tees TS15 9JL

I very much support this planning application as it gives an opportunity for local self-build houses, and not the national building companies who have had large housing developments approved in the Yarm area. The key benefits of this application are for the community and the design of the houses will also help climate change. Over the years I have also campaigned that the footpath on Leven Bank be maintained on safety grounds,

but this has always fallen on deaf ears. This now needs addressing as a matter of urgency as school children now walk up and down the bank on a daily basis.

41. Mr R Parker, 1 Leven Bank Road Yarm TS15 9JL

As direct neighbours of the applicants, my wife and I (Hillcrest, 1 Leven Bank Road, TS15 9JL), are in full support of this planning application (19/0345/OUT) for the following reasons. Sustainability - SBC and local councillors has repeatedly cited unsustainability in this specific area whilst offering very little in the way of improving the sustainability. In our opinion this application offers to tremendously improve this and we have commented accordingly;

Foot Links to local amenities - Contrary to SBC's conjecture on previous local applications, the route between Ingleby Barwick and Yarm is frequently used by pedestrians & road cyclists. As a resident looking directly onto the bank, we attest to the fact it is used by school pupils heading towards Conyers and social walkers and riders, including those utilisation the intersecting Public Footpaths/RoW. There is an existing hard footing footpath but has clearly not been maintained for a significant amount of time and is over grown and crumbling, coupled with no footpath around the newly constructed roundabout for reasons unknown to us. This application is proposing to lay and join these footpaths inclusive of LED lighting to better serve this link between two towns. It is impossible to refute that better foot path being available will improve the safety of school children. The improved accessibility to our local amenities will naturally encourage even more walking and a lower reliance on private vehicles. As a local resident, dog owners and parents of a young child, we fully support the proposal.

Use of Public Transport - Leven bank has 3 off regular bus services and it is accepted that these are not regularly utilised at present. SBC are fully aware of this fact and to paraphrase one of the statements in recent planning decisions, [it is not attractive proposition to bus users as they would require crossing the road to access opposing bus routes]. Not only an obvious scenario commonplace across the globe where a bus route is not in a loop or cul-de-sac but also completely overlooks SBC's obligations and causation in the matter. To substantiate this, as we previously highlighted the "Informal footpath" leading to the southern bus stop is in varying levels of disrepair and overgrown, adversely affecting the uptake of the bus route, coupled with a lack of footpath around the recently constructed roundabout. The Bus stop on the North side, directly adjacent to our paddock, consisted until recently of a post on a muddy embankment. This was amended recently when SBC installed a single uneven concrete paving slab. Hardly in-line with SBC's moral and ethical standards cited in former local determination reports.

This application is proposing to improve and light the neglected footpath and has proposed an alternative option of constructing a footpath from this Bus Stop (North) to the roundabout. This is a significant improvement to existing conditions and one we fully endorse.

Environment & local Landscape - In addition to the reduction in reliance of private vehicles. Having read the available plans, it is noted that the application has considered the local and wider environment. We note that the applications proposes passive house conditions as well as controls to minimise/substitute effects on the landscape. We have no major concerns with these proposals and trust through considerate design, environmental impact assessment and passive house regulations the impact on the local area will be minimised and sensitively incorporated into the scheme. Thankfully, these conditions would also require a level of 'innovative' design and we will be spared the commonplace regularity found locally in larger more commercially driven developments.

As a side note; We watch with interest to see how SBC will apply environmental and landscape considerations and controls on other larger proposed developments on Green Lane.

Communications - Upon reviewing the proposal, we have noted with interest the plans to ensure "future proof" infrastructure for broad band connection. Through personal experience, we are aware that the immediate area suffers from exceptionally poor

connectivity to even a basic standard of service - our property can only be supplied 1.5mbps download serviced by BT and nothing by Virgin Media - even with the offer of self-funding the connection to the passing fibre lines. This application proposes to incorporate an exceptionally high standard supply into the basic utilities provided on the site. Although we are unaware of the wider plans and feasibility, as the local infrastructure is upgraded, we would hope and ask the applicants to consider at our cost, incorporating our property into the communication system. To that end we also add our support to this development.

Letter 2 - I read no change that alters my earlier comments on this application, namely;

- Better footpath infrastructure improvements of an area largely neglected.
- Potential for access to fibre broadband,
- Development opportunity for property that isn't a housing estate stock design.

42. Michaela Reaney 32 Forest Lane, Kirklevington, Yarm, TS15 9LY

I'm writing in support of the development at Handley Cross. The planned improvement in the infrastructure and sustainability of the development should be encouraged. I regularly walk from Kirklevington to Ingleby Barwick and so the plan to maintain and improve the footpaths should be greatly encouraged as it is particularly dangerous due to the volume of walkers and cyclists, particularly school children who are using the footpaths on a daily basis. The development will benefit from electric vehicle points which would encourage the occupants to switch to electric vehicles as there is a limited number of charging points in the local area and the only fast charging points I'm aware of are at Scotch Corner Services. The development is unique, high quality and sustainable using passive building design which is environmentally friendly. I fully support this application as it would not be seen from the road and would only benefit the area.

Letter 2 - Leven bank road is used daily by school children, other pedestrians and cyclists. The planned improvements to the footpaths, landscaping and safety improvements will have a big impact on the surrounding area. It will eradicate safety concerns that have been noted in previous comments. The impact of COVID-19 on local businesses is significant, smaller developments like the proposed plan at Handley Cross creates job opportunities and viable contracts for local trades people which will support economic recovery at a local level and as part of Stockton Council's COVID response. The planned development has ultrafast broadband which will support people working from home (a situation that many people are now in due to COVID restrictions) allowing people to stay connected at work and in business if they run their own companies. This is essential for an area which has been neglected by some providers and has poor mobile signal, the power of small businesses in the UK's economic recovery cannot be overlooked.

Letter 3 - To support my previous comments, the updated plans for landscaping and access eradicate all safety concerns the council noted and will improve Leven bank road for the daily user of school children, other pedestrians and cyclists. The planned improvements to the footpaths, landscaping and safety improvements will have a big impact on the surrounding area. The landscaping is in keeping with the local area and the lighting will improve visibility for all road and pathway users. It is currently difficult to use the bank's footpaths safely. The visuals for the planned access are attractive and the development will have minimal impact on the local area. The positive impact will be to encourage people to consider Yarm as a place to live and support our local shops and amenities who have been deeply affected by COVID-19.

43. Russell Shippey; 32 Forest Lane, Kirklevington, Yarm.

I'd like to provide my support to the Handley Cross development. I was unable to access and submit my comments online due to the portal error. The development is sympathetic to the local area and will provide high quality homes that are energy efficient and sustainable. A great deal of thought appears to have gone into the design of the planned houses and this kind of forward thinking development is much needed in the Yarm area to counter the large scale developments and to support local infrastructure. I frequently walk down Leven bank as part of a route from Kirklevington to Ingleby Barwick and the path is poorly

maintained and barely still existent in some parts. The development will provide much needed improvements to the footpaths to encourage more people to leave their cars at home. The plans for passive homes are impressive and will encourage other developers to ensure sustainability is at the heart of their developments.

44. Freya Apps; 19 Harpers Green; Norton; TS20 1UB

The proposal will provide high quality homes in the area that are eco-friendly in design, encourage people to use vehicles less due to better pathway infrastructure or switch to electric (electric vehicle charging points are being provided for every home). The development would not have a detrimental effect on the local area in terms of visual design or by being seen from the main road. A number of much larger developments have received planning consent in the Yarm area including the country club, retirement village and housing on green lane. I work in the Yarm area and the Handley Cross development is much more suited to Yarm. Please consider my comments in support of the application.

45. Mr C Pickering; Holdenfields Farm; Castlelevington

As a previous owner of the hedge to which Mr Howson refers, he is correct in stating that when he removed the hedge he discovered fibre optic cables beneath it. I owned the land when they were laid by Comcast. There was no payment for the land or any wayleave as the cables were laid next to the hedge in adopted highway, which was owned by the council. I feel that the applicants are being very generous in offering to provide, not only footpath, but also lighting to Leven Bank. Not only will this benefit walkers and cyclists but also motorists. I find driving from Ingleby Barwick to Yarm very difficult coming out of the lit stretch of the bank into this pocket of darkness as the headlights of vehicles driving down the bank shine directly through the windscreen making it extremely difficult to see the road markings, so for that stretch of road, safety is down to God and providence. I sincerely hope the council will see sense and grant this application as the residents will actually gain something from it, as opposed to the other housing developments in the area from which they have yet to see any benefit. This development cannot be seen from the road and the location is beautiful.

46. Amy Inman; 30 Branklyn Gardens; Ingleby Barwick

I've tried to upload my comments to the planning portal on Stockton council website but I have been unable due to an error message. I'm emailing in support of the application for planning App 19/0345/OUT. We live in Ingleby Barwick and would benefit greatly from improved pathway links to Yarm and the surrounding schools. As a mother of two young children it is currently impossible for us to walk on Leven bank as the footpaths have not been maintained for some time. I regularly drive on Leven bank and see school children walking to and from school, this does concern me as the pathways are not suitable. The development is sympathetic to the area and will provide good quality homes that are unique in design and eco-friendly. It would be great to see more developments like this which are more considerate of our local area. I support this application.

47. Mr S Webster, 10 Troutdale Close, Yarm TS15 9UW

This is a quality low density development that is respectful to the site, mature trees and existing property. The sustainability design features are first rate and road / access design has been carefully considered. The applicant has executed a design that highlights the failures of other already consented schemes in the area, and if allowed, will deliver a product unlike much of the poorly constructed mass house building stock currently on market. I support this application

48. Mr A Bates 67 Longleat Walk, Ingleby Barwick, Stockton-on-Tees TS17 5BW

I'm writing to support of the development at Handley Cross. Application ref: 19/0345/OUT The planned development will improvement the infrastructure and sustainability of the area and will be positive for the local area. I'm a regular user of the footpaths in that area when

commuting from Ingleby Barwick to Yarm and thus the planned improvements to the footpaths should be encouraged as that particular area can be dangerous due to the volume of traffic. The potential increase in safety in that area are particularly beneficial to school children who regularly utilise the footpaths on their daily walk to and from school. The development is well thought out and benefits from a number of sustainable services including fast charging and as such promotes the environment. The design itself has therefore taken into account any potential environmental impact and the plot / layouts are designed in such a way that the development cannot be seen from the main road. I fully support this application as it would only benefit the area. Please therefore consider my comments as part of the support for the development

Letter 2 - The proposed improvements to footpaths, the provision of road lighting, the landscaping of Leven Bank grass verges and embankment, will make Leven Bank Road a lot safer and encourage people to walk and cycle along this route.

This very small development is outside the scope of the big builders but is ideally suited to the small and medium local house builders and self employed trades people such as bricklayers, joiners, electricians and plumbers etc. who have been hard hit by the COVID 19 Pandemic.

Self/Custom Build plots are difficult to find in Stockton and although there is some availability in Wynyard, they are very expensive and somewhat isolated with little in the way of local amenities. Also they are too far to travel (with regular traffic congestion) for schools, shops and workplaces in the Stockton area.

Having access to some of the fastest broadband speeds in Europe will boost the area's post-Covid economic recovery. Furthermore, the Ultra-reliable full fibre broadband network proposed will boost productivity, cut commuting and carbon emissions (by working from home) and connect our families, public services and businesses for decades to come. Moreover, broadband is not "a nice to have; it is a necessity", especially for working from home and to support the homes of the future with smart technology. This application will provide very fast broadband to an area which has been neglected by the major providers and also resolve the poor mobile phone signal, since calls can be made via the broadband network (and at no cost).

The proposed homes will be ideally located for local shops and services in Yarm and the surrounding area. They are strategically placed for access to key transport infrastructure and a high quality local environment.

The homes sit on sizable plots of between 0.2 and 0.5 of an acre and provide large gardens for growing families to enjoy. (During the Corona Virus Pandemic, a lack of open spaces was highlighted).

This is an application which will benefit everyone in our local community and should be embraced.

49. D Chapman Brown 6 Claydon Gove, Ingleby Barwick

The self build projects will not only support local employment within construction and associated services it will also have a positive impact on the provision of services relating to local centres. The proposed site is within 2 miles of shops consisting of a supermarket, pharmacy, news agency, take away foods stores, Petrol station, dental surgery, vets and large secondary schools. The self-built dwellings will be of the highest standard of design and architecture focusing on interesting design features that address climate change and carbon footprint. The development will also provide much needed pathways and better lighting to a dimly lit Leven Bank. This application can only be seen as a positive step for Yarm, Leven Bank and Stockton Borough Council.

47 Davey Veitch, The Barn, Eastwell Close, Sedgfield TS21 3bl

I understand that the proposer intends to provide additional lighting and reinstate the pathway on bank. Whilst I have no negative comment to make on the housing proposal I would like to make the following comments on the above improvements.

1. The lighting will be an asset

2. The pathway has deteriorated over the years and it is impossible to pass without putting the other pedestrian at risk.
3. The hill has in the past suffered some serious issues including serious ice/snow and the obstruction of vehicles that have become trapped. The improvements will assist in reducing the risk in these incidents.
4. Finally there have been numerous RTC's in this area. The above improvements will surely assist the emergency services in their actions therefore reducing the risk. I would therefore ask that these comments are considered in what I hope will be a successful planning application.

MATERIAL PLANNING CONSIDERATIONS

50. The main material considerations in relation to the application would be the principle of development, landscape and visual impact; highways and all other residual matters.

Principle of Development

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework comments that where a planning application conflicts with an up-to-date development plan, it should not usually be granted. Only if material considerations in a particular case indicate that the plan should not be followed should they be permitted.
52. Whilst the comments from the agent are noted about the 'arbitrary development limits'; the limits to development mark the transition between built development in the conurbation, Wynyrd and the Borough's villages from the countryside around them. Being outside of any settlement boundary, policies SD3, SD4 and SD5 set out the types of development appropriate within the countryside.
53. Policy SD5(1e) of the Local plan supports '*development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within policies SD3 and SD4.*' Paragraph 4.49 of the Local Plan provides further explanation stating '*The principle of the limits to development is to protect the intrinsic value of the countryside. Through the application of other policies within the Local Plan, the limits to development also serve to actively manage patterns of growth.*'
54. With regards to housing, Policy SD3(4) sets out that new development within the countryside will not be supported unless there is an essential and justified need to reside in the countryside or other exceptions are met. Policy EG8 provides criteria setting out the evidence which must be submitted to support a proposal.
55. The Council is required by Self-build and Custom Housebuilding Act 2015 to keep a single register of people / groups who want to acquire a serviced plot of land in the Borough. Planning decision makers are required to have regard to the register, which may be a material consideration in decision making. Whilst the application is for custom and self-build housing, which the policies in the adopted local plan are generally supportive of, this does not override or negate any of the other local plan policies. Nonetheless there are sufficient approvals for self-build plots in the north and south of the borough (not including individual permissions) which can meet the demand.
56. The application site lies outside the limits to development where development will be restricted except in specified circumstances. It is considered that none of the specified circumstances apply in this case. It is considered that the erection of dwellings at the site,

as proposed, would not accord with the above-mentioned policies of the Local Plan and there are no other material considerations which would provide an overriding reason to disregard the Development Plan in this instance. The proposed development is therefore contrary to the Framework in that the proposal conflicts with an up-to-date development plan.

Sustainability and highway Impacts

57. The application includes a transport statement and several supporting notes in relation to the traffic impact, visibility and sustainable links. A revised access scheme was submitted to overcome the concerns of the Highways Transport and Design Manager.
58. Full details of the consideration of highway matters can be found in the comments section from the Highways Transport and Design Team, however whilst theoretically the required visibility can be achieved when considering the tree loss these cannot be provided without having a significant detrimental impact on the rural character of Leven Bank and therefore it is considered that the overall site access arrangements are substandard and would result in conditions that would be detrimental to both highway safety and the free flow of traffic.
59. The applicant disagrees with the stance taken as the Highways Transport and Design Manager and consider that the matters of highways safety and landscape and visual impacts must not be considered together as they are separate material considerations. However whilst the HTDM has confirmed that the location for the proposed site access meets the required standards in terms of vehicular visibility, it is considered that the provision of the visibility splays are only one aspect of the highway design which are required to create an access that meets the agreed standards. The creation of the sightlines are reliant on the regrading of the existing embankment and the removal of several trees which is not acceptable from an adopted highway asset and Landscape and Visual perspective. As the two issues cannot be considered in isolation it therefore follows that an access, to the required standards, is not achievable due to the landscape and visual impact.
60. In terms of sustainable links, the applicant has set out within the TA and also in the new supporting information that the site has '*access to good cycling infrastructure*' and that the site is '*within 2km of a primary school, a pharmacy, newsagent, convenience store and discount food store*' however, there are no footway or cycleway connections (other than on road) from the site to the wider network. The application proposes footway connections to the east and west of the application site which would enable a pedestrian to walk down Leven Bank to Leven Bridge. There is no continuous footway from the bridge towards Ingleby Barwick however, a bus stop for the no 17 service is located at the bridge.
61. The provision of a footway to the west of the development, on the same side of the road, is reliant on a section of footway across the frontage of Hedgeside which was to be provided as a part of application 15/0527/OUT. This application has however expired and this section of footway will therefore no longer be provided. In order to achieve the approved footway to the required standards, across the frontage of Hedgeside, 3rd party land would be required it is therefore considered that this section of footway is not currently achievable. Notwithstanding the above the proposed 2m footway to west of the development does not provide the required continuous connection, to an adoptable standard, to an existing adopted footway (Glaisdale Road) within the adopted highway. Therefore, the proposed pedestrian route is not considered to offer an acceptable sustainable and safe footway connection from the site. This conclusion is in line with the findings of an Appeal (APP/H0738/W/17/3189499) for the construction of a detached bungalow at 1 Leven Bank, which is located directly opposite the application site, which was dismissed in June 2018 and details can be found at paragraph 12 and the HTDM comments.

62. Taking these points into account it is considered that suitable pedestrian connections to the north and west of the proposed development are not achievable.
63. Bus stops are located within walking distance (400m) of the proposed site with the eastbound stop being located immediately opposite the site on Leven Bank and the westbound stop is located at the bottom of Leven Bank. Whilst these stops are infrequently used the stops currently provide access to an hourly service which runs between Middlesbrough and Eaglescliffe via Thornaby, Stockton, Ingleby Barwick and Yarm. Nonetheless it would result in an increase in the number of pedestrians crossing the Leven Bank Road which as detailed above is not desirable. Taking into account the above it is considered, that due to the isolated location of the proposed residential development, all trips would be made by car.
64. The applicant has also agreed to provide street lighting to a section of Leven Bank which has some support from contributors and a local Ward Councillor, however the introduction of street lighting must be considered in accordance with the current Street Lighting Policy. As this area falls within Zone E2, the provision of street lighting would be contrary to Policy unless there was additional supporting evidence of need. In addition, the impact of lighting this area may have an adverse impact on bats as detailed in paragraph 75 of this report. The Local Highway Authority are unable to support the proposal
65. As the necessary footway and cycleway connections cannot be provided, a residential development in this location would be unsustainable and therefore contrary to policy. However, accessibility is only one component of sustainable development, and it is necessary to consider the proposal in the context of the need for planning to perform economic, social and environmental roles.
66. The proposal would make a modest contribution to the local economy during the construction phase in terms of employment and the provision of materials, and thereafter through the use of services and facilities by the occupiers of the dwellings. In social terms, the proposal would increase housing choice and availability.
67. In summary, whilst the proposal would offer modest economic and social benefits, however given the location of the site and the absence of sustainable links; the occupiers of the proposed dwellings would be largely reliant upon private cars, which weighs heavily against the proposal.

Impact on the Character and Appearance of the area

68. The application is accompanied by a LVIA and recent update which concludes that the development will not have an impact on the character or appearance of the area largely through the screening provided by the existing woodland surrounding the site. Whilst it is acknowledged that the site is well screened when the trees are in full leaf, it is considered that the character of this area of Leven Bank Road which is outside the limits to development is of scattered residential dwellings and in particular this property is a large detached dwelling set in substantial grounds. In contrast, the proposed development is for upto 7 dwellings on modest plots which would have a more cramped and urban layout, at odds with the rural character evidenced on the south side of Leven Bank Road. It is considered that the overall character would be changed by the introduction of residential developments effectively 'filling the gaps'. It is considered that the proposed scheme would be out of keeping with the pattern of development in this southern area of Leven Bank Road and would be harmful to the character of the area and contrary to the aims of the policies which seek to protect the open countryside.

69. The assessment considers the impact of the residential development on landscape character; however it is the proposed interventions necessary to form the new site access which will have the greatest impact, and this has not been fully considered. The assessment notes that the *'re-positioned entrance into the development off the A1044 will be visible with mature trees retained on either side. This will not be a significant change in the view for road users and therefore it has been assessed that there will be no visual impact from the proposed development.'* However, significant vegetation removals will be necessary to form the site access through regrading of the embankment to provide the necessary visibility and stabilise the existing steep slopes. Some of these tree removals are from within the adopted highway and in the opinion of the HTDM the number of trees indicated to be removed may be conservative as earthworks are likely to necessitate the loss of some further trees when root protection areas are disturbed
70. The report states that it *'will be possible to retain elements of the group either side of the access to ensure that the site remains largely enclosed. In arboricultural terms the losses required is considered to have a moderately negative impact.'* Whilst the individual trees and shrubs are not of significant arboricultural value, it is their combined screening effects which have value and contribute to the rural character of Leven Bank Road and the loss of this vegetation would, create a substantial gap to form the proposed access. This is not acceptable, as removal of trees would open views to the development site, and whilst there are some discrepancies in the submitted information the Arboricultural Report notes that *'Post-development planting of trees and shrubs, particularly on the embankment adjacent to the access would assist with mitigating the losses required.'* No proposals have been put forward to mitigate the loss of this vegetation or to landscape the site frontage to minimise the impacts upon landscape character.
71. As part of the updated submission the applicant has provided some artist impressions of the views of the new site access. It should be noted that these are artists impressions only and not true visualisations prepared in accordance with Landscape Institute Guidelines. The HTDM is concerned that these do not fully represent the extent of tree removal on the site frontage and in addition do not demonstrate the built form beyond which will urbanise this area of Leven Bank Road.
72. Overall, it is considered that the proposals will impact upon the landscape character and visual amenity of the area, which could not be satisfactorily mitigated.

Indicative Layout, Amenity and Landscaping

73. The site contains and is surrounded by existing mature trees and woodland a number of which are covered by a Tree Preservation Order and positively contributes to the character of the site. An arboricultural assessment has been provided which would provide sufficient information to inform a final scheme layout and details a scheme of tree protection albeit any proposed layout will need to protect root zones.
74. British Standard BS 5312: 2012 Trees in Relation to Design, Demolition and Construction sets out the factors to be taken into account to maximise the probability of future tree retention and that *'the relationship of buildings to large trees can cause apprehension to the occupiers, resulting in pressure for the removal of trees'*. The proximity of trees to dwellings is an important consideration because future occupiers will want trees to be in harmony with their surroundings, without casting excessive shade or otherwise interfering with their prospects of reasonable enjoyment of their property.
75. Whilst the indicative layout appears acceptable on plan the shading information demonstrates that a number of properties will suffer from heavy shading during the summer evenings and at other times throughout the year and there may be pressure to fell or prune

the protected trees by future occupiers. Such pressures are likely to occur because of householder concerns relating to restriction of light and overshadowing, dominance, and perceived danger from falling limbs. This is notwithstanding any other potential issues which may arise in terms of falling debris or branches, blocked gutters, interference with underground services, or simply in relation to the overbearing presence.

76. As such, it would conflict with Policies SD8 and ENV5 of the Local Plan which require developments to protect and conserve the natural environment and its assets.

Impact on neighbours

77. The proposed development is not considered to impact on existing residential dwellings due to the separation distances involved and it is considered that should an application be approved the reserved matters application could provide a scheme that would protect the privacy and amenity of the existing and proposed dwellings.

Ecology

78. The application is accompanied by a Preliminary Ecological Appraisal which concludes that the site is considered to be of relatively low ecological value overall. There is suitable ground nesting bird habitat on-site, with the boundary hedgerows and tree lines also offering suitable habitat for nesting birds. The boundary hedgerows and tree lines were considered to be of moderate – high value for foraging and commuting bats, with some of the mature trees on-site also considered to have low bat roost potential. Leven Valley Woods Local Wildlife Site (LWS) is located directly adjacent to the site. The report recommends a number of mitigation and enhancement measures which if the application were to be approved could be secured via condition.
79. The applicant has offered to fund lighting along Leven Bank however the impact of lighting has not been considered by the applicant, and there may be bats in this location that could be sensitive to light pollution. Before any installation of lighting a survey must be undertaken.

Drainage

80. The application site falls within Flood Zone 1. Handley cross has a private drainage system which drains both roof water and foul water to a septic tank before discharging onto a bank side 25m north of East Gill beck. The watercourse then flows approx. 200m east which then connects into the Riven Leven. In terms of surface water drainage, the supporting information states sustainable drainage systems will be used to manage water quality and quantity and permeable paving will be used on the parking bays to prevent water pollution. The water quantity aspect will be managed through the use of cellular storage, and flows will be managed with a Hydrobrake.
81. In terms of foul drainage a sewer will be installed and the foul water will be treated by a sewerage treatment plant before connecting into the existing drainage. All drainage will be maintained by the developer or a management company.
82. The LLFA and NWL have considered the proposals and raised no objections subject to a number of conditions which could be applied should the application be approved.

Archaeology

83. The application is accompanied by an archaeological desk-based assessment which confirms that the site has potential for archaeological deposits from the prehistoric, Roman

and medieval periods. Tees Archaeology has reviewed the submitted information and given the extent of prehistoric and Roman activity in the vicinity of the development site and the potential for archaeological deposits from the medieval and post medieval periods, a program of archaeological investigation and potentially excavation is recommended. These archaeological works may be done as a condition of planning consent should the application be approved.

Other Matters

84. Affordable Housing – in accordance with planning policy, affordable housing will need to be provided, Policy H4 states that whilst affordable housing should normally be provided on-site a commuted sum can be acceptable where the proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities. An affordable housing contribution could be secured via a section 106 should the application be approved.
85. Sustainable Construction - Whilst the application references sustainable construction and energy saving methods, referencing this as a possible 'Innovative Design' this is an outline application and whilst the provision of environmentally friendly homes is commendable, it does not justify the erection of a dwellings which would be contrary to the development plan. The proposed technologies are well established, and those quoted are often used in combination, and is not considered to be innovative or exceptional and would not therefore outweigh the concerns raised throughout this report. The applicants state that they will be providing high speed broadband to serve their site specifically and once this is in the area it will be available for all to access. Whilst this is welcomed it would not be sufficient to override the harm caused by the proposed development.
86. Country Club - In the submitted documents much emphasis is placed on the approval of the Country Club and Spa adjacent to the site. The consideration of the Country Club and the reasoning behind the decision and the sustainability of the site is well documented and its approval does not set a precedent for residential developments outside the limits to development. Nonetheless this permission has expired.
87. Planning Contributions - Contributions towards education can also be required to offset the demands placed on the surrounding educational provisions. The Council's education contribution is calculated at the time of the development commences and whether a payment is required is based on the capacity within schools at that time and could form part of a Section 106.

CONCLUSION

88. The development is an unallocated site located outside the established urban limits where development would normally be resisted unless material considerations indicate otherwise having regard to the development plan.
89. Although there are a limited matters that weigh in favour of the development, there would, however, be significant negative impacts arising from the proposal.
90. For the reasons set out above, the scheme conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. It is recommended that the application be Refused.

WARD AND WARD COUNCILLORS

WARD	Yarm
Ward Councillor	Councillor Tony Hampton
Ward Councillor	Councillor Julia Whitehill
Ward Councillor	Councillor Andrew Sherris

IMPLICATIONS

Financial Implications: *There are no known financial implications in determining this application.*

Legal Implications: *There are no known legal implications in determining this application.*

Environmental Implications: *The assessment of the application has taken into account the impacts on drainage wildlife and ecology, the general character and appearance of the area as well as impacts on adjoining properties and the adjacent landscaping. Detailed considerations are listed within the report.*

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.

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. Within this report consideration has been given to implications of increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development

Background Papers:

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan

Supplementary Planning Document 1– Sustainable Design Guide

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document 6: Planning Obligations

Application File and Relevant Planning History as referred to in the report.