

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
26 October 2022
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

21/2925/FUL

**Mount Leven Farm, Leven Bank Road, Yarm
Erection of 215no. dwellinghouses with associated infrastructure.**

SUMMARY

Outline permission and a subsequent reserved matters application have previously been approved for the provision of a retirement village subject to conditions and a section 106 agreement. That permission has been implemented and it remains an extant consent. The retirement village scheme had 7 villages with 332 retirement dwellings (20% affordable), a 68 bed nursing home and associated community facilities, including a tennis court, bowling green, community hall and convenience store. In association with the above, an application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge was also approved by Planning Committee on the 26th September 2018 (Application 16/3049/FUL).

The application is a housing commitment in the local plan as housing specific to meet the needs of the ageing population. The land is no longer within the green wedge following the approval of the retirement village.

This application seeks planning permission for the erection of 215 dwellings across Village 1, 3, 4 and 5. The proposed application consists of 180 houses and 35 bungalows which are all proposed as affordable dwellings. An additional 8 affordable properties would be provided elsewhere on site, equating to 20% affordable provision. The current proposals would however, no longer be restricted to housing specifically for those over 55 as stipulated in the previous retirement village approval.

The application has over 100 objections and 23 letters of support. No fundamental objections have been raised by statutory consultees.

In view of the extant consent for a 'retirement village' on the site, the principle of a form of development has already been established. The main considerations therefore relate to the changes in this scheme which affect the product offer (i.e market housing) and change in the extent of built form.

The application has been considered in full and it is not considered that the changes proposed result in any significant conflict with the policies of the Local Plan and there are no technical reasons why the proposed scheme is unacceptable in planning terms and would justify a refusal of the application.

RECOMMENDATION

That planning application 21/2925/FUL be approved subject to the following conditions and informatives and subject to, the applicant and all landowners entering into a Section 106 Agreement in accordance with the Heads of Terms below;

01 Time Limit

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

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

02 Approved Plans

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

Plan Reference Number	Date Received
21-25/P-010	25 November 2021
21-25/P-011	25 November 2021
21-25/P-012	25 November 2021
21-25/L003C	25 November 2021
21-25/P-101	24 November 2021
21-25/P-102	24 November 2021
21-25/P-105	24 November 2021
21-25/P-106	24 November 2021
21-25/P-108	24 November 2021
21-25/P-109	24 November 2021
21-25/P-110	24 November 2021
21-25/P-111	24 November 2021
21-25/P-301	24 November 2021
21-25/P-302	24 November 2021
21-25/P-303	24 November 2021
21-25/P-304	24 November 2021
21-25/P-305	24 November 2021
21-25/P-309	24 November 2021
21-25/P-310	24 November 2021
21-25/P-311	24 November 2021
21-25/P-312A	25 November 2021
21-25/P-401	24 November 2021
21-25/P-406	24 November 2021
21-25/P-408A	25 November 2021
21-25/P-501	24 November 2021
21-25/P-502	24 November 2021
21-25/P-503	24 November 2021
21-25/P-504	24 November 2021
P - 306A - V3	3 October 2022
P - 103A - V1	3 October 2022
P - 104A - V1	3 October 2022
P - 107A - V1	3 October 2022
P - 307A - V3	3 October 2022
P - 308A - V3	3 October 2022
P - 402A - V4	3 October 2022
P - 403A - V4	3 October 2022
P - 404A - V4	3 October 2022
P - 405A - V4	3 October 2022

P - 407A - V4
21-25/P-001T

3 October 2022
6 October 2022

Reason: To define the consent.

03 Phasing and Delivery Schedule

Notwithstanding the proposals detailed in the submitted plans, prior to commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority which shall identify the phasing of the following aspect of the development hereby approved:

- Infrastructure;
- Dwellings;
- Landscaping;
- Open space;
- Accesses; and
- Landscaping to the residential areas.

Thereafter, the development shall be undertaken in accordance with the approved Phasing Programme.

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

04 Accessible and adaptable homes

Notwithstanding the submitted plans all of the proposed dwellings (100%) shall meet Building Regulation M4 (2) and at least 9.3% of the proposed dwellings shall meet Building Regulation M4(3).

Reason: In the interests of promoting accessible and adaptable homes.

05 Materials

Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.

06 Landscaping Softworks

Notwithstanding the proposals indicated at Figure 7 (Landscape Principles) of the submitted Landscape and Visual Impact Appraisal (ref. D309/V2/AG/October 2022), no development other than site preparation works shall commence until full details of Soft Landscaping has been submitted to and been approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following:

- a) Commencement of the development;
- b) or agreed phases;
- c) or prior to the occupation of any part of the development;

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high-quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

07 Public Open Space

No development other than site preparation works until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space (POS) within the site including:

- a) The delineation and siting of the proposed Public Open Space;
- b) The type and nature of the facilities to be provided within the POS;
- c) The arrangements the developer shall make for the future management of the POS. The management details shall be prepared for a minimum period of 20 years from practical completion of the completion of the POS works.
- d) Details of any street furniture associated with the development, and other amenity enhancements such as boulders etc.

The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed

Reason: To enable the Local Planning Authority to satisfactorily control the development, and in the interests of the visual amenity of the locality.

08 Maintenance - softworks

Prior to first occupation full details of a proposed soft landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape management plan shall include, long term design objectives, management responsibilities and maintenance schedules, replacement programme for all landscape areas including retained vegetation, (other than small privately owned domestic gardens), maintenance access routes to demonstrate operations can be undertaken from publicly accessible land, special measures relating to the time of year such as protected species and their habitat, management of trees within close proximity of private properties etc. This information shall be submitted to and approved in writing by the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

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

09 Tree protection

No development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

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

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

Reason: To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

10 Trees within and adjacent to the highway

Notwithstanding the proposals indicated at Figure 7 (Landscape Principles) of the submitted Landscape and Visual Impact Appraisal (ref. D309/V2/AG/October 2022), no development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the planting of street trees and protection of the highway from tree root damage. Root barriers will be required where trees are planted within 2m of the highway.

Reason: To protect the highway from damage by tree roots.

11 Means of Enclosure

Prior to installation, details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

12 Landscaping Hardworks

No above ground construction shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

13 Existing and proposed site levels

Prior to the commencement of each phase of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any earth retention measures (including calculations where such features support the adopted highway) for that phase shall be submitted to and

approved in writing by the local planning authority. That phase of development shall be carried out only in accordance with the approved details.

Reason: To ensure that earth-moving operations, retention features and the final landforms resulting are structurally sound, compliment and not detract from the visual amenity or integrity of existing natural features and habitats.

14 Scheme for Illumination

No above ground construction shall commence until full details of the method of external LED illumination including Siting; Angle of alignment; Light colour; and Luminance of buildings facades and external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, highway safety; and protection of sensitive wildlife habitats.

15 Recording of a heritage asset through a programme of archaeological works

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

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

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under (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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of the preservation of any archaeological remains.

16 Preservation of heritage assets during construction

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

Reason: In the interests of the preservation of any archaeological remains.

17 Preservation of heritage asset through design

No development shall commence until details of the ground levels, to include a detailed design and method statement, are submitted to and approved in writing by

the Local Planning Authority, such details to show the preservation of surviving archaeological remains at a known depth of 300mm which are to remain in situ.

Reason: In the interests of the preservation of any archaeological remains.

18 Construction Management Plan

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- i. the site construction access(es)
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials including any restrictions on delivery times;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- vi. measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- vii. measures to control and monitor the emission of dust and dirt during construction;
- viii. a Site Waste Management Plan;
- ix. details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- x. measures to protect existing footpaths and verges; and
- xi. a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and residential amenity.

19 Drainage

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy Report" dated "3rd May 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 6301 and ensure that surface water discharges to the existing watercourse.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

20 Drainage - timetable and maintenance

Notwithstanding the approved drainage strategy under condition 18, no development shall commence until the following have first been submitted to and approved in writing by the Local Planning Authority:

- I. A build programme and timetable for the provision of the critical surface water drainage infrastructure;
- II. A management plan detailing how surface water runoff from the site will be managed during the construction phase; and

- III. A management and maintenance plan of the Surface Water Drainage scheme, this should include the funding arrangements and cover the lifetime of the development.
- IV. Details of safety features to be installed, where this includes planting, full detailed specifications of all associated planting are required

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, and the drainage will be safe and operate for the lifetime of the development in accordance with the Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

21 Preliminary Risk Assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" Guidance (2020).

Reason: To ensure the development does not contributing or being put at unacceptable risk from, unacceptable levels of water and land pollution.

22 Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported 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: Contamination may exist at the site which will need to be satisfactorily dealt with.

23 Noise disturbance from adjacent road traffic

No above ground construction shall commence until a noise survey for proposed residential properties that are in the vicinity of the A1044 Leven Bank Road shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify

appropriate noise mitigation measures. All residential units shall thereafter be assigned so as not to exceed the noise criteria given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 53 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LMax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LMax)

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

24 Noise Assessment (plant and machinery)

The rating level of sound emitted from any fixed plant and/or machinery (such as the pumping stations) shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 1 hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents

24 Cycle storage

Notwithstanding the submitted plans, prior to the occupation of house types without access to a private garage, details of the required cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the location on each relevant plot, capacity and detailed design and appearance of the storage. Once approved the cycle storage should be in place prior to occupation and maintained thereafter.

Reason: To ensure that the site has adequate parking provision in accordance with the requirements of SPD3.

25 Preliminary Ecological Appraisal

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in section 5 of the Preliminary Ecological Appraisal (Ref No: 211036/Rev 1 Date: 18th November 2021).

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles Local Plan Policy and the National Planning Policy Framework.

26 Ecology Survey

If work does not commence within 2 years from the date of the submitted ecology survey, a maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected

species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the local planning authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

27 Energy Efficiency

Within each phase, no development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. This statement shall identify the predicted energy consumption and associated CO2 emissions, demonstrate how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas reduction, and 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.

Reason: In the interests of promoting sustainable development in accordance with the requirements of Local Plan Policies ENV1 and ENV3.

28 Bins/refuse

Prior to the occupation of the dwellings hereby approved each plot should be provided with the appropriate means of waste and recycling provision in accordance with the applicable Council standards

Reason: To ensure a satisfactory form of development in accordance with Policy SD8.

29 Electric charging points

A scheme for the provision of electrical charging points for the charging of electrical motor vehicles, shall be submitted and approved in writing by the Local Planning Authority. The charging points shall be in place prior to the occupation of the relevant dwellings.

Reason: To ensure a satisfactory form of development

30 Removal of PD rights - No Garage Alterations/Conversions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles.

Reason: To ensure that the site has adequate parking provision in accordance with the requirements of SPD3.

31 Removal of PD Rights – Householder extensions and alterations

Notwithstanding the provisions of classes A, AA, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, without the written approval of the Local Planning Authority.

Reason: To prevent undue detrimental loss of privacy and amenity for future occupants taking into account the relationship with existing dwellings and to prevent an adverse impact on the character and appearance of the area.

32 Removal of PD rights – No Boundary Treatments to front of properties.

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected between any point taken in line with the properties front elevation and the highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the character of the development and in the interests of the residential amenities of the area.

33 Footpath Links

Prior to the commencement of development hereby approved, full details of the proposed footpath links from the site to Busby Way and the eastbound bus stop on Leven Bank Road shall be submitted to and be approved in writing by the Local Planning Authority. The footpath links shall be built in full accordance with the approved details and be made available for use before the occupation of the first dwelling.

Reason: To ensure the provision of sustainable linkages from the development.

34 Construction working Hours

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

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties

35 Air Quality Report

Before the commencement of the development hereby permitted, an Air Quality Report shall be submitted to and be approved in writing with the Local Planning Authority. Such as report shall compare the total levels of NO₂, PM_{2.5} and PM₁₀ both with and without the proposed development and compare the findings against the national air quality objectives. Such a report shall use data available by monitoring undertaken by Stockton-on-Tees Borough Council and baseline measurements obtained from the site of the proposed development from a minimum three month study period and annualised for each pollutant both at the site and at the nearest sensitive receptors. The report shall be undertaken in accordance with IAQM 'Land-use planning and development control: planning for air quality'.

The report shall demonstrate that there is either no increase above the existing air quality levels at the nearest sensitive receptors or identify mitigation measures should the development increase the current air quality levels at site, or exceedance of the target level at the nearest sensitive receptors.

Any identified mitigation shall be carried out in full accordance with the approved report and shall be retained and maintained for the lifetime of the development.

Reason: In the interest of minimising air pollution, protecting the health of neighbouring occupiers and air quality of the area.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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

HEADS OF TERMS

Affordable Housing The provision of a minimum of 20% affordable housing to be provided on site.

Education Contribution for both primary & secondary school pupils based on the council's standard formula.

Local Labour Agreement: To use reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas

NHS Contributions Contribution based on the NHS formula

Delivery of the Country Park as detailed in the previous scheme

Management and Maintenance plan of the Country Park: To ensure satisfactory maintenance arrangements as detailed in the previous scheme

Mitigation for Nutrient Neutrality: To secure the mitigation measures as stated in the submitted Shadow HRA Screening Report and Appropriate Assessment which should include a monitoring and maintenance strategy for the proposed mitigation

BACKGROUND

1. An outline planning application was submitted for a retirement village and associated facilities (ref; 12/1546/OUT). This application was refused by the Planning Committee due to the impact of the development on the green wedge and its impact on highway safety.
2. A revised application (ref; 13/0776/EIS) was then submitted and was approved subject to conditions and a section 106 agreement by members of the planning committee on the 10th July 2013. The reserved matters application was approved by Planning Committee on the 17th February 2016 (15/2161/REM). Conditions have been discharged and has been lawfully implemented by the provision of the roundabout.
3. The retirement village scheme had 7 villages with 332 retirement dwellings (20% affordable, a 68 bed nursing home and associated community facilities. The dwellings were a mix of one, two and three bedroomed properties and included provision for a number of additional facilities for future residents. These included an

open 'parkland' settling, tennis court, bowling green community hall and convenience store. 20% affordable housing was to be provided.

4. In association with the above, an application for the setting out public access in an area to be designated as a country park to include the construction of a new footbridge was also approved by Planning Committee on the 26th September 2018 (Application 16/3049/FUL). This has been lawfully implemented.
5. Outline Planning permission was also approved on appeal for a residential development of 14no dwellings off Busby Way, Yarm that lies to the west of this application site (Application 14/0807/OUT) The associated reserved matters application has also been approved (application 17/2694/REM) and the scheme has been lawfully implemented.

SITE AND SURROUNDINGS

6. The application site forms part of the Mount Leven Farm site, which encompasses a group of former farm buildings and series of agricultural fields. The existing group of buildings sit on the plateau close to the valley edge and is partially visible from Leven Bank Road. The site itself is fairly level with only small fluctuation across the site as a whole, before sloping down (from south to north) as the land meets with the River Tees.
7. Immediately to the east of the site lies the River Leven valley that rises steeply to either side, until it gradually begins to lower as it meets with the River Tees at the northern edge of the wider allocated site. The river and its valley bound the site to the east and north and the residential properties of Ingleby Barwick lies beyond to the east and north-east.
8. To the west of the site lies the residential properties which form the eastern edge of Yarm, these dwellings range in size and design and have no defining architectural character or style. The north/north-west of the site and the surroundings are dominated by a series of open agricultural fields on either side of the rivers with the Roundhill Scheduled Ancient Monument also to the north. To the south of the site lie additional fields with a small group of residential properties and Leven Bank Road.

PROPOSAL

9. This application seeks planning permission for the erection of 215 dwellings across Village 1, 3, 4 and 5. The proposed application consists of 180 houses and 35 bungalows as detailed in the table below;

VILLAGE 1	12 x 2 bed house 23 x 3 bed house 33 x 4 bed house
VILLAGE 3	10 x 2 bed house 31 x 3 bed house 19 x 4 bed house
VILLAGE 4	4 x 2 bed house 30 x 3 bed house

	18 x 4 bed house
VILLAGE 5	20 x 2 bed bungalow 15 x 3 bed bungalow

10. Of the above, all 35no. bungalows are proposed as affordable dwellings, with an additional 8 properties being provided elsewhere on site, equating to 20% affordable provision.
11. The current proposals would not restrict houses to over 55's but the applicant states that the scheme seeks to deliver more accessible housing than the existing consent, which people of any age who could occupy the houses longer helping people stay in their homes for longer by providing all dwelling to be accessible and adaptable dwellings (Building Regulation M4 (2)), and of those 9.3% (20 bungalows) as wheelchair user dwellings (Building Regulation M3(4)).

CONSULTATIONS

12. The following Consultations were notified and any comments received are set out below:-

- 13 **Highways Transport & Design Manager**

General Summary: Subject to the s106 requirements, in relation to the proposed sustainable connections, and the conditions set out below the Highways, Transport and Design Manager raises no objections to the proposed development.

Highways Comments - The site benefits from an extant permission for a retirement village of bungalows, set across 7 smaller villages within the development, with a restricted tenure limiting occupancy to people aged 55 or over.

The current proposals seek to replace the housing within 4 of the villages with open market dwellings and remove the age restriction on tenure.

It is noted that the site was to remain a private development when the proposal was for a 'retirement' village however, due to the change in tenure of the dwellings it is considered that the site should be offered for adoption and as such all roads and sewers should be constructed to the relevant standards to allow them to become maintainable at public expense.

The applicant has provided a site layout drawing, house type details and a Transport Assessment (TA) and subsequent Technical Note (TN) in support of the proposals.

Highways Impact

The trip generation and distributions set out within the TA and TN for the proposed open market housing are acceptable and these have been used to assess the impact of the proposals, taking account of growth associated with other extant planning approvals within the vicinity of the site, at the following key junctions:

- the site access roundabout and
- the A1044 / A67 (Crossroads) roundabout.

The results provided for both junctions demonstrate that the change in tenure will not have a severe impact, within the context of the NPPF, at either junction.

An assessment of the impact at the A67 / Leven Road junction was previously requested however the impact at this location is assessed within the YAM as set out below therefore a junction specific assessment was not considered to be necessary.

The impact on the overall highway network has also been assessed, using the Yarm Aimsun Model (YAM) which has demonstrated that journey times, as a result of the change in tenure, will only increase by a maximum of 25 seconds within the model,

which occurs on the Leven Road 'Journey Time Route', which is also not considered to be a severe impact within the context of the NPPF.

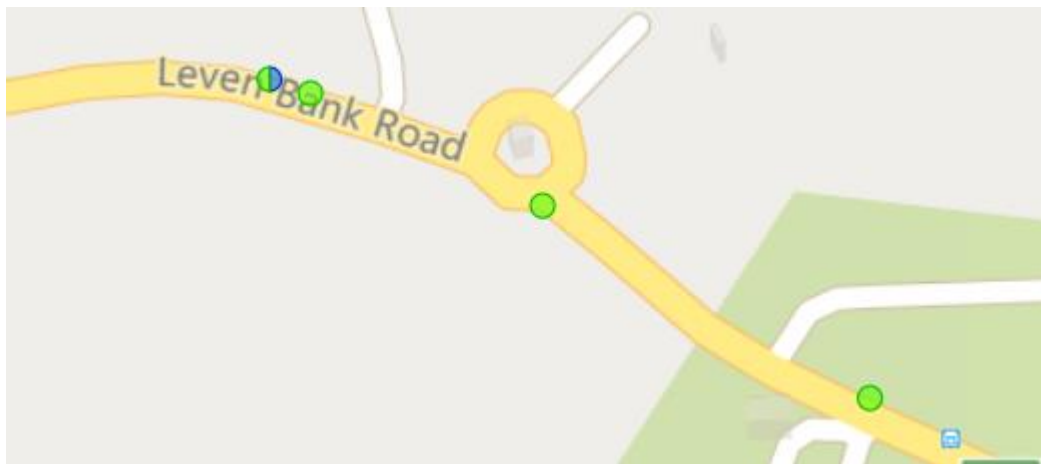
Taking account of the above there are no concerns regarding the impact of the proposals on the capacity of the local highway network.

Access and Site Layout

The site would be served from the existing roundabout on the A1044 Leven Bank which was approved and constructed as a part of the extant approval for a retirement village. As set out above the capacity of the junction has been assessed, with a maximum RFC of 81% and a queue length of 5 vehicles in the AM peak period, and is considered to be acceptable.

There have been 4 recorded accidents within the last 5 years within the vicinity (see image below) of the roundabout however, only 1 has occurred at the roundabout which was caused by the driver of the second vehicle failing to look properly and judge the other driver's path or speed. Based on this there is no evidence to demonstrate that the junction is currently operating unsafely.

Accident Within the Vicinity of the Roundabout



Taking account of the current accident history and future capacity of the roundabout it is considered suitable to serve the proposed development.

The site layout, as shown on drawing 21-25/P-001T, has been reviewed against the Councils design guide and is considered to be acceptable and car parking in accordance with SPD3: Parking Provision for Developments 2011 has been provided.

The layout has been designed to incorporate a bus loop and stops should it become possible in the future to divert the existing service into the development however, following discussions with Arriva this is not achievable at present.

There are no issues regarding site access or layout.

Sustainable Connections

In order to provide sustainable connections to the wider network and access to buses the applicant is proposing a link from the northern edge of Village 4 to Busby Way via an adjacent site (application 14/0807/OUT and 17/2694/REM).

The proposed link would provide a 3m wide cycleway / footway, within a 5m wide landscaped corridor, and ensure that residents would have a safe alternative means of access to facilities within the Levendale Estate.

The proposed link would also provide access to the bus stops on Glaisdale Road, at the junction of Busby Way, thereby removing the need for residents to utilise the stop at the bottom of Leven Bank.

A footpath link is also proposed to the eastbound stop at the top of Leven Bank.

The proposed sustainable connections are considered to be acceptable however, both are outside of the control of the applicant and should therefore be secured via a s106.

As the development would be unsustainable without the proposed link to Busby Way, which would provide the only safe alternative means of access to facilities within the Levendale Estate, this link should be in place and available for use prior to the occupation of any dwellings.

Construction Traffic Management

In order to minimise the disruption to local residents and the general public a construction traffic management plan should be secured by condition.

Landscape & Visual Comments

Further to previous comments issued on 08/09/22 the applicant has submitted an updated site layout drawing, reference 21-25/P-001T - Proposed Site Plan, which has attempted to address the issues raised previously.

Concerns raised regarding landscape mitigation at Village 1 have been tackled and space for tree planting has been maximised close to plot 64 to provide a more substantial buffer along the boundary of the Green Wedge. This has been achieved through agreed minor amendments to the street layout locally, and removal of an informal footway.

The plan has also been modified to show additional planting to the rear of plots 7-15 in Village 5, however this planting is located outside of the red line boundary. If this planting can be secured, this would be acceptable to filter potential views to the rear of these bungalow plots.

Regarding the general site layout, pedestrian circulation has been greatly improved within the site, allowing good connectivity between the different villages and the PRow. The PRow crossing the site remains in its original location and requested widening of the PRow corridor to 3m close to the host dwelling has been provided. Undesirable narrow routes have also been omitted. Sustainable connections to the adjacent residential area are addressed above under Highways Comments.

Improvements regarding public open space (POS) have now been included indicatively on the submitted Site Plan, including for informal kickabout, and play through the inclusion of natural play and trim trail elements. Details of POS and play provision will be agreed through conditions.

Tree planting along the main access road has been given more space, to allow for a more regular formal avenue alongside the full length of the road.

Amenity modifications to the SUDs basins are now indicated on the submitted plans. These details can be controlled by conditions following more detailed discussions with Engineers.

Detailed soft landscape proposals were submitted previously but are now out of date as the Site Plan has been modified. The Landscape Principals drawing included as Figure 7 in the LVIA document is acceptable, and therefore the detailed plans can be controlled by condition. Further details of planting proposals for the SUDs basin will be required as part of this submission once the design is finalised and finished water levels are agreed.

Summary

As noted previously, an LVIA was prepared by TGP Landscape Architects, this was undertaken in accordance with current guidance provided in Guidelines for Visual Impact Assessment 3rd Edition (GLVIA3) which outlines a recommended methodology. The assessment methodology allows for consideration of the impacts of a development on the wider landscape, before focusing on the immediate area of the proposals.

A number of objections received question the selection of viewpoints for this application. It should be noted that the LVIA does not seek to review every possible viewpoint towards the development, but provides a representative sample of viewpoints in the local area. The assessment included 8 named viewpoints as well as

considering impacts on residential properties, users of PRow and local roads. The Highways Transport and Design Manager accepts the findings of the submitted LVIA. It is understood that the change from single to 2 storey dwellings will result in major/moderate effects from viewpoint 7 and residential properties on the edge of Yarm. The scale of effects on these receptors is due to the close proximity of the development, and change from an undeveloped agricultural landscape to a residential estate.

A moderate scale of effects will be experienced from three of the selected viewpoints (1 2 & 8) and dwellings on the edges of Eggescliffe and Ingleby Barwick. Receptors in these locations are further from the development boundary and already experience distant views of residential properties within the landscape above the Leven Valley and River Tees valley. Landscape mitigation will further soften views of the proposals and reduce the scale of effects over time, as planting matures.

The site benefits from extant consent for a retirement village comprising of bungalows, therefore the Highways Transport and Design Manager is considering the differences between the consented retirement village and the current proposals, and not the differences between the green field site and the current proposals.

With respect to the landscape and visual impacts of the development, the key difference between the current application and the previous consent is the inclusion of 2-storey dwellings. Whilst there will be a change, as demonstrated in the LVIA, the Highways Transport and Design Manager considers that the change when compared to the consented retirement village development is not significant enough to raise an objection on landscape and visual grounds.

The Highways Transport and Design Manager acknowledges the submitted modifications have addressed the soft landscape mitigation and layout concerns raised in early September, and concludes there are no landscape and visual objections to the proposals, subject to the inclusion of a number of planning conditions:

Flood Risk Management - The Lead Local Flood Authority are satisfied that the surface water proposal will not increase existing flood risk to the development or the surrounding area.

However, the proposed SuDS design does not meet the minimum design requirements highlighted within the CIRIA SuDS manual.

The proposed SuDS design does not meet the minimum design requirements for the proposed SuDS Basin the depth recommended should not exceed a maximum of 1m. CIRIA guidance goes on to say

“Where there are variations from these, justification should be provided, and evidence set out that the risks relating to safety and performance have been managed appropriately”

The LLFA feel the applicant must explain why the design guidance maximum cannot be achieved and justified the move away from the recommended maximum.

The applicant must highlight the consequences of moving away from the CIRIA guidance and highlight the mitigation measures to be taken. The proposed mitigations measures will have to be justified by the designer.

The applicant must provide a detailed landscape architects drawing / design, this should provide a clear visual impression of what is to be provided, it should also highlight the amenity value of the feature, demonstrate that it will form part of the natural appearance of the development, and highlight the biodiversity benefits. The SuDS features must satisfy all four pillars of good SuDS design, Quantity Control, Water Quality, Amenity Value and Biodiversity Benefits.

The LLFA would recommend that this matter can be covered with an appropriate pre-commencement condition.

The whole of the development site is to remain private; this will include the surface water drainage network; the applicant must provide a detailed Management and

Maintenance Plan that covers the extent of the assets to be managed on the proposed development the LLFA must be satisfied that there are clear arrangements in place for ongoing maintenance over the lifetime of the development

The LLFA would recommend that this matter is covered by a pre-occupation condition.

The foul drainage falls outside the remit of the LLFA, therefore the LLFA offers no comment in relation to the foul drainage arrangements.

14 **Mr Matt Vickers MP House of Commons London**

I am writing to object to the above application. The Local Plan-Housing Supply Assessment (2020-2025) and Housing Delivery Test Results (January 2021) presented to the Planning committee on 10th March 2021 clearly show that, at present, there is an over provision of +417 dwellings against the local Plan. This over provision will, in my view, only increase as we move toward the end of the five-year plan. It is now time to review the plan, particularly in terms of planned dwelling numbers, and assess how this over provision, and the likelihood of it increasing dramatically will further impact on our Towns and Villages. Quite simply this over provision would negate the need to grant this particular application permission and that of several other developments in the surrounding area, and the needs of the local plan would still be met.

Highways England have served notice on Stockton Borough Council under section 175B of the Highways Act, on 2nd February 2021, recommending that no permission is granted on additional applications in Yarm. Further notices may be served and are equally relevant to this application. The reasons for this recommendation are straight forward, To ensure that the A19, Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road network and in the interests of road safety. Highways England have identified that there are complexities regarding other applications in the area and how this may/or may not (as the data is old) impact in the provision of improvements, in the form of a roundabout at the Crathorne interchange.

You will also recall in the planning committee of 3rd June 2020 (the first one held virtually regarding the Storey development at Kirklevington) when it was disclosed that no capacity assessment had taken place on the roundabout at the Junction of the B1264 and Thirsk Road for a number of years. I am unable to determine whether or not this has been undertaken since.

You will be aware that the Thirsk Road, Leven Bank, Low lane, and Thornaby Road route is the main diversionary route for the A19 North at Crathorne, and A19 South from the junction with Parkway. Therefore, it is imperative that any assessment takes account of this and the recommendation of Highways England in the notice served.

Yarm and Kirklevington residents are sick and tired of highlighting to Stockton Borough Council that the area is already over saturated with housing development. Yarm High Street at most times of the day is heavily congested with traffic causing unnecessary pollution. It gets worse at peak times, with log jams backing up The Spital/Thirsk Road as far as Leven Road.

The Town and Country Planning (Consultation) (England) Direction 2009 sets out when LPAs in England are required to consult the Secretary of State before granting planning permission for certain types of development. You will be aware this is required for certain Green Belt development, development outside town centres,

World Heritage site development, playing field development or flood risk area development. Will Stockton Borough Council be consulting with the Secretary of State?

As you may be aware, the Government attaches great importance to Green Belts. The Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belts serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate developments like this are extremely harmful to the Green Belt and should not be considered unless it meets very special or exceptional circumstances. Looking at the proposal, this plan does not meet any exceptional circumstances. This proposal also fails meet key policies in the local plan, particularly, Policy SD3 - Housing Strategy

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;
- iv. be sensitive to the defining characteristics of the local area

We also cannot escape the impact on the natural environment, nor the fact that this site was not regarded as suitable for housing.

It also states the potential visual impact remains limited to a relatively small number of properties on the edge of Yarm and Ingleby Barwick. This would not be the case, and there would be a significant impact from all angles.

15. **Natural England**

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Teesmouth & Cleveland Coast Special Protection Area (SPA) and Ramsar site <https://designatedsites.naturalengland.org.uk/> .

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- The mitigation measures as stated in the submitted Shadow Habitats Regulations Assessment (HRA) Screening Report and Appropriate Assessment Revision 2 (dated: October 2022)
- A monitoring and maintenance strategy for the proposed mitigation

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Natural England's further advice on designated sites and advice on other natural environment issues is set out below. Further advice on mitigation Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant's

representative. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. To satisfy the Habitats Regulations your authority must ensure that the mitigation is in place, verifiable and enforceable for the duration of the development's operational phase (i.e. in perpetuity). Therefore, your authority should ensure the change of land use is secured by legal agreement and agree a monitoring and management strategy for the proposed mitigation site.

We have previously provided general advice in relation to protected species and other natural environment issues. These are not repeated here for brevity, but remain material considerations when assessing this proposal

16. Councillor Dan Fagan

It needs to be confirmed by SBC (Stockton Borough Council) that this land has been adopted into the local development plan for marketable housing development rather than affordable home provision for the elderly as was specifically approved. Secondly a traffic analysis and independent traffic modelling needs to be carried out to assess the impact on the local road network of 215+ 4 bedroom homes, with two cars and families of working age. This has not been carried out to date. Thirdly, safe pedestrian access does not exist along the main road from the development into Yarm. We have legitimate resident complaints about a similar situation in Kirklevington which is longstanding and has yet to be resolved for pedestrians and cyclists. Fourthly the roundabout which has been constructed for access to a care home complex has been made to insufficient size and specification for a commercial housing development. Finally, the visual impact of two storey homes versus bungalows needs to be evaluated on this previously green zone site.

17. Environmental Health Unit

I would recommend a Desk Study is undertaken to determine a preliminary risk rating of the potential ground conditions to identify potential contamination sources, pathways and receptors. Where there could be potential risks to human health, vegetation or controlled waters, an intrusive Investigation provided ought to be undertaken and conditions are suggested

- Preliminary Risk Assessment
- Contaminated Land Risk Assessment

Other Conditions suggested are below

- Construction/ Demolition Noise
- Noise disturbance from adjacent road traffic
- Noise disturbance from adjacent premises
- BS4142 Commercial Noise Assessment
- Air Quality Report
- Dust Emissions

18. SBC Housing Services Manager

The proposal to develop 215 new homes with 43 being affordable is compliant within the conditions and requirements of the Affordable Housing SPD for 20% provision. The offer of 35 bungalows as affordable (tenure unknown) and 8 affordable as First

Homes (with 30% discount on Market Value) needs to be expanded to provide more detail. The 35 bungalows are proposed within the ELG submitted Planning Statement as being more flexible than the current eligibility condition applied for over 55's only. Strategic Housing would be open to a discussion about the age criteria and welcome the offer of an enhanced specification for the bungalows to ensure they are accessible to applicants with mobility difficulties, but, would need to be clear on exactly what specification enhancements were being offered and would be resistant to the removal of age criteria entirely because of the lifestyle differences between different age groups and that the overall development was originally approved as a "Retirement Village". The tenure of the affordable housing bungalows would need to be clearly defined along with all associated entry costs for consumers so an evaluation of their accessibility from an affordability perspective could be fully evaluated. Strategic Housing would encourage and wish to see an element of dispersal of the affordable bungalows throughout the site although some small clustering would be considered.

Whilst NPPG allows for the provision of First Homes as an affordable housing offer, the Council do have some reservations about this product because of consumer feedback on similar products previously like "Discount for Market Sale" which illustrated an adverse reaction from some mortgage lenders to this product translating to a requirement for increased deposits and higher rates of borrowing costs which excluded some target consumers from this product. Strategic Housing would wish to have an early indication of all associated entry costs for the consumer for this product to evaluate whether this was accessible from an affordability perspective. Strategic Housing would wish to see what measures and processes the Developer would seek to put in place to market and sell this product in accordance with agreed local eligibility criteria and how this product would be retained as affordable in perpetuity with the same 30% discount provided to subsequent purchasers. Strategic Housing's expectation is that Mandale Homes, the current Developer, (or their appointed partner), would administer, monitor and engage with Strategic Housing from inception through to the administration and management of any subsequent sales.

An early indication from Mandale Homes about their intentions or otherwise to appoint a preferred partner to own and manage any affordable homes provided would be welcome. Equally, confirmation of any service charges that may be attached to the affordable housing dwellings and payable by them such as the maintenance of open space or management of the SUDS facility need to be confirmed as part of the overall affordability assessment for each affordable dwelling proposed. Strategic Housing's expectation is that all affordable homes will be allocated in accordance with the Tees Valley common allocations policy unless prior agreement in advance of any marketing of the affordable homes is secured from Strategic Housing in writing. Strategic Housing request that all 43 proposed affordable housing dwellings are identified and provided on a full colour coded site plan with tenure and property types identified forming part of an Affordable Housing Statement which needs to be agreed and approved by Strategic Housing in advance of development. Within the Affordable Housing Statement, Strategic Housing would also require a profile and anticipated timeframe for the delivery of each of the proposed 43 affordable homes. This includes a commitment from Mandale Homes to provide regular quarterly updates on the progress towards completion of all of the affordable dwellings through to handover for monitoring and reporting purposes and to manage effectively the matching process for incoming customers in accordance with agreed eligibility criteria and reporting of Borough-wide delivery of new affordable homes.

19. Northern Gas Networks

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

20. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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/services/developers/>

We do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled "Drainage Strategy Report". This document reflects our pre-planning enquiry advice that foul water flows will discharge to the existing public foul water sewer at manhole 6301. Surface water flows will discharge to the existing watercourse. We request that a condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

For information only - We can inform you that multiple public water mains, public strategic mains and public distribution mains, cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

For Information Only - Please note that the site lies within drainage area 11-D58. This drainage area discharges to Bran Sands Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

21. Tees Archaeology

Thank you for the consultation on this application. The wider site has been evaluated in the form of geophysical survey and trial trenching; this has revealed a concentration of archaeological remains in two main areas. To the north-west of Mount Leven Farm a pair of Iron Age enclosures (c.400BC-50BC), containing several round houses were identified. Well preserved deposits were noted including organic material (i.e. animal bone). A second concentration of archaeological features was identified to the south of the farm. These appear to be similar in date to the Iron Age enclosures, although the form of some of the geophysical anomalies is more reminiscent of Romano-British occupation. It is considered that a combination approach of preservation in situ and archaeological mitigation is the most appropriate for the overall development site, and that the necessary archaeological works can be secured by a condition upon the development. The formerly approved application for

this site (13/0776/EIS) was subject to archaeological conditions (conditions 26-28), and I would expect this planning application to be subject to the same conditions.

- Recording of a heritage asset through a programme of archaeological works
- Preservation of heritage assets during construction
- Preservation of heritage asset through design

22. CPRE

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to provide Stockton on Tees Borough Council ('The Council') with comments in response to additional information pertaining to an amended layout and associated documents in support of a planning application for 215 dwelling houses at Mount Leven Farm, Yarm which we previously commented on in January 2022 as CPRENEY.

As before, CPRENEY acknowledges that the site benefits from a part-implemented planning consent for 'Mount Leven Retirement Village', comprising 332 dwellings for the over 55's and 68-bed care home facility with related leisure/social facilities ('Community Hub') and infrastructure (Planning Application Ref. 13/0776/EIS) with a reserved matters application being approved in February 2016 (Application Ref. 15/2161/REM).

Our response to the application proposals in January 2022 clarified our opinion that as the Council can demonstrate a 5.33-year supply of available housing land, the Development Plan for the Council should be considered up to date, and full weight should be given to it in the planning balance. Policy H1 of the Local Plan deals with the provision of housing, setting out in accordance with the permissions granted previously on the site (detailed above) that the proposed site is allocated as an existing 'housing commitment'.

Policy H4 sets out how the Council intend to deal with 'need' across the borough. Point 7 of the policy states '*The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living*'. Point 14 of the Policy specifically sets out '*At the following specific commitments, the Council require the delivery of the following mix of house types through the current planning permission or any subsequent application.*' The following table clearly states that the commitment at Mount Leven is for '*Housing specific to meeting the needs of the ageing population,*' in line with the extant planning consent. No other commitment or allocation in the Local Plan is specifically for the ageing population – the permission granted is for housing for the over 55's only.

As the Council can demonstrate over a 5year housing land supply and has not allocated land elsewhere in the LP for this provision, CPRENEY question the need for the removal of this element of the proposed development and ask that the Council carefully consider the proposals against their assessment of need. A retirement village brings about additional benefits to those residents' seeking independence with a like-minded community and professional assistance nearby if required. The applicant has proposed a development mix of market and affordable housing, to address the needs of first-time buyers, families and those wishing to down-size at this location. CPRENEY believe that the applicant still should submit a key piece of evidence justifying the need for this fundamental change. As such, CPRENEY maintains its objection to this proposal.

Local Plan policy ENV1 requires all domestic developments of over 10 dwellings to submit an energy statement identifying the predicted energy consumption and associated CO2 emissions of the development and achieve a 10% reduction in CO2 emissions over and above current building regulations. CPRENEY are not aware that this has been submitted.

Similarly, the applicant has submitted a 'Shadow Habitat Regulation Assessment' however, this still does not consider biodiversity net gain. Therefore, this element of our initial concern has not been satisfied.

Conclusion - CPRENEY welcomes the opportunity to provide the Council with additional comments regarding the amendments to the proposed development at Mount Leven Farm, Yarm. CPRENEY recognise that the principle of development has been established via Policy H1 of the Local Plan and that the proposed type of development supported in the Plan is for 'Housing specific to meeting the needs of the ageing population' in line with the extant previous planning approval on the site. However, CPRENEY must maintain their objection at this time as several key pieces of evidence are still missing that we feel should be submitted to the Council to justify the amended development proposals for this allocated site prior to determination to comply with Local Development Plan policies. Furthermore, the Council should ensure that the applicant has demonstrated sufficient 'need' to remove the requirement limiting the residential development to the aging population. If there remains an unmet need in the district of sufficient size that would not warrant the loss of the 'retirement village' and care-home development, CPRENEY consider that this proposal should be refused.

23. The Environment Team

The Planning Statement that accompanies this application prepared by ELG Planning (19.11.22) references Local Plan Policy ENV1 on page 11 but there is no detail or a supporting Energy Statement. The key comments from the Environment Team on this application are that the development should be incorporate the principles of and constructed to reflect the Local Plan Policies ENV1:

Electric Vehicle Charging Points - "Consideration should be given by the applicant to incorporate plug-in facilities for electric vehicle charging and other ultra-low emission vehicles in line with the National Planning Policy Framework"

NPPF: Section 9 Promoting Sustainable Transport at paragraph 107 advises "If setting local parking standards for residential and non-residential development, policies should take into account e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles

And at paragraph 112 within this context, applications for development should e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

24. Cleveland Police

We would encourage the developer to 'build in' the principles of 'Secured by Design' New Homes Standard 2019. The developer should consider dusk 'til dawn lighting on each elevation with a doorset, defensive planting boundary treatments, approved test house certified PAS024 doors and windows and additional security eg box trellis, atop of fencing where the the property runs adjacent to a public footpath. We can help at every stage of the simple application process. Our advice is given free of charge and would include a Certificate of compliance with Secured by Design Standard, which could be used by the developer to help market the site.

25. NHS

I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers. In

calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation. We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement. This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Item	Response
LA Planning References	21/2925/FUL
GP Practices affected	Yarm Medical Practice
Local intelligence	This practice falls within the Bytes Primary Care Network and is at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients
Number of Houses proposed	215
Housing impact calculation	2.3
Patient Impact (increase)	494
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	34.615 m²
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£103,845

26. Friends Of Tees Heritage Park

On behalf of Friends of Tees Heritage Park (FTHP) we object to this new application to change part of the consented retirement village to family style housing.

This proposal which lies within the THP does not fulfil the aims and objectives that the THP set out at it's inception and is the type of development we were concerned would materialise once permission was granted to the retirement village.

We accept that the site now has consent for development but we do not accept loss of green wedge and designated areas of the Tees heritage Park, which we find unacceptable and unjustified.

Therefore we wish to remind Stockton Council of the Tees Heritage Park's importance to the River Leven Corridor, it's history and standing within the community, and its role within the wider River Tees Valley Green Infrastructure.

The Tees Heritage Park was formed in 2007 and acknowledged by Stockton Council in the Green Infrastructure Strategy Action Plan 2010 as a major strategic initiative. Maps clearly show the location and boundary of the Park which included the River Tees and Leven Corridors.

The current Local Plan Housing Commitments Map now shows the THP and green wedge boundary redrawn to accommodate committed and potential new development within the Leven Valley corridor.

This goes against the wishes of the local community and Friends of The Tees Heritage Park, particularly in light of this new proposal which seeks to increase dwelling size thereby having greater impact upon the Leven Valley landscape character.

It also goes against the aspirations and vision that is representative of the Tees Heritage Park and its connection with the local community as summarised in a valued recognition from Natural England in 2013:

Tees Heritage Park - Green Infrastructure Case Study: Reconnecting communities with their heritage and each other (NE392)

Conceived as a way to bring about the renaissance of the River Tees, Tees Heritage Park has restored the area's identity and provided a unique amenity for today's Tees Valley community. By connecting and promoting the existing green space as a single

park, this visionary project has succeeded in reconnecting local people to the river that they had once turned their back on.

The up to date Green Infrastructure Delivery Plan 2019 - 2022: Sect. 5.1b lists the THP as one of its ongoing projects and proposals and is clearly identified in 5.2 Figure 4 as a major countryside site/asset with the following criteria is applied:-

5. (b) gives the following initiative: To further develop and enhance the nature reserves and other natural green spaces within the Tees Heritage Park, and support the creation of new areas of accessible natural green space adjacent to the River Tees and River Leven.

5.9 The further enhancement of nature reserves and the wider landscape of the Tees Heritage Park should be supported, as well as the provision of new and improved access. This includes maximising the opportunities available through the River Tees Rediscovered programme to conserve, enhance and interpret the landscape heritage of the area, and increase public access.

One of the Heritage Park's core principals was to see access into appropriate areas without damaging ecology and wildlife. This in part has been achieved in the Leven Valley with the secured Mt. Leven 16/3049/FUL country park.

However we should add that it was not envisaged that access was to be achieved by means of accepting a housing development within the park itself. This is contrary to the Parks concept of green spaces and infrastructure.

Local Plan policy ENV6 Green Infrastructure, Open Space, Green Wedges and Agricultural Land: is particularly relevant to the River Leven Corridor 17 and THP setting out that: Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan, citing: development within green wedges will only be supported where: (a) it would not result in physical or visual coalescence of built-up areas; (b) it would not adversely impact on local character or the separate identity of communities (c) it would not adversely impact on recreational opportunities; and (d) it would not adversely impact on biodiversity.

In respect of green wedge we feel as this is a new application and in conjunction with the Local Plan Key Diagram confirming the Leven Valley as green wedge that this should carry some weight in assessment of this application.

The Green Wedge Review conclusion statement in reference to the Leven Valley acknowledges the principle of development within the green wedge, however it is not recommended that amendments to the green wedge are made as these areas form an important part of the green wedge and any applications should be considered against green wedge policy.

Our overriding concern has always been the threat of inappropriate development that would result in the loss of green wedge, its openness, amenity value and the separation between settlements.

We urge the council to resist this proposed development preventing further negative impact upon the THP and green infrastructure. The rural and natural character of this part of the Leven Valley Corridor would be lost forever by the overwhelming visual intrusion of this large scale development within the landscape.

Not only will it appear incongruous within the landscape setting it will be highly visible from a valued THP asset, Round Hill Ancient Monument.

The following policies draw attention to this assets importance and future role within the new country park.

Policy Local Plan policy SD5 (j)- Natural, Built and Historic Environment - advocates that the Council will: Ensure 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.

We do not feel that there are any benefits to this proposal that would outweigh the harm it would cause to the Leven Valley landscape character and heritage asset of Round Hill Monument. The above guidelines and policies advocate protection of the local environment and valued landscapes contributing to the Governments commitment to halt the overall decline in biodiversity and ecological networks.

There is further commitment within Policy SD5k that supports proposals within the Tees Heritage Park which: seeks to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

As previously stated the commitment to support access into areas of the green infrastructure network and THP not previously accessible has already been fulfilled within the Leven Valley with the approval of a country park 16/3049/FUL which is intrinsically linked to the consented retirement village.

Local Plan Policy SD5.K also advocates protection and enhancement of cultural and historic assets with the Heritage Park's Round Hill Historic Monument specifically mentioned in Policy HE2 and supported in Local Plan Strategic Priority 9 with the following commitment: To enhance local identity and sense of place through the protection and enhancement of the Borough's natural and built environment, green infrastructure, biodiversity, cultural and heritage assets.

Situated at the confluence of the River Tees and Leven this historical asset will achieve enhanced public access once the Round Hill country park is delivered as part of planning ref 09/1340/REM. It's elevated position will provide a unique viewing point within the Tees Heritage Park offering vistas across both the Tees and Leven Valley. Unfortunately, this will include direct views towards the application site and whilst we accept the outer edge of Ingleby Barwick is visible this does not condone making matters infinitely worse.

Consideration should also be given to the possibility in the future of some of the current dense vegetation at Round Hill being removed as part of establishing the country park and permitting public access, in particular for construction of the bridge approved as part of 16/3049/FUL.

The following policy illustrates the importance of protecting assets such as Round Hill as identified in the Local Plan which is to be a future attraction of the park.

Policy HE2 - Conserving and Enhancing Stockton's Heritage Asset - para 2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting.

para 3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.

para 6. The following are designated heritage assets (6a) Scheduled Monuments - I. Barwick - Round Hill Castle Mound

In consideration of the above policies this development proposal will have an adverse impact upon the green infrastructure as a whole including this historical heritage assets setting within the wider landscape resulting in a devaluing of its significance for future generations.

To summarise, the rural and open natural character of this part of the River Leven corridor would be irretrievably changed by the imposition of this large scale development within the landscape, and would be an overwhelming and unacceptable visual intrusion. Therefore we believe that the density and size of the proposed houses to be unacceptable.

The s106 agreement for the retirement village conditioned a restriction on building height that should not exceed one storey and a maximum of 5 metres to the ridge to ensure satisfactory form of development. This proposal exceeds that condition.

Primarily our comments relate to Heritage Park considerations, but there are other valid issues affecting local residents such as impact on highway and community infrastructure etc, which are raised by them as separate objections.

It should also not be overlooked that the R. Tees and R. Leven corridors are not just about the community and access as part of THP initiative, we have to be mindful of the ecology and biodiversity which supports the varied wildlife and fauna some of which are protected. ENV5 point 3. emphasises this fact:

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.

Conservation of biodiversity is vital in our response to climate change and natural habitats are also important in providing corridors to allow mobile species to transit in response to climate change. Clearly the proposal would have a devastating effect on the precious ecology of this part of the Leven Valley and which Government directives on this issue do not currently support.

We conclude that the current application is totally at odds with the aims and objectives for the Park as agreed with Stockton Council and if approved would irretrievably undermine its future success and integrity. The consent of the retirement village as approved is the much preferred option due to the reduced visual impact upon the locality.

We request that the council considers their commitment to the THP in their decision making process bearing in mind that given the retirement village has not commenced in full construction terms the land is still visually green wedge and any new application should be viewed in the context of the original application.

We urge the council to refuse this application based upon the aforementioned material planning considerations of the supporting Local Plan policies.

27. National Highways

No objections

28. The Ramblers Association

We note that Yarm FP No. 2 runs through and adjacent to the development site. We ask that safe access to the FP is maintained at all times and that suitable screening from the houses, where necessary, is part of the plan.

29. Yarm Town Council

On 11th January 2022, Yarm Town Council unanimously voted to object to this application for the reasons detailed below.

1. Local Area Development Plan - With reference to The Local Area Development Plan this proposed development was not part of it and therefore surrounding infrastructure, already stretched, does not have capacity to accommodate the needs and services that would be required by the residents occupying such a development e.g. the local schools and road infrastructure.

2. Housing Supply (related to 1. above)

a) The Councils SHLAA (Strategic Housing Land Availability Assessment) does not identify this site as being included within land suitable for development.

b) It is understood that SBC currently has a 5-year supply which conforms with Government requirements.

c) The site already had planning permission which was granted on the specific housing needs that this met i.e. a retirement village and also the specific catering for infrastructure demands that was originally included (e.g. shops, doctor's surgery, pharmacy). The purpose of the newly proposed development is different to the

original upon which planning permission was granted nor does it include any facilities that would alleviate pressure on infrastructure.

3. Scope of the Development

a) The implications of this development have an impact which is not sufficiently addressed or reduced by mitigating measures re. the following issues:

i) Highways & Transport - the current roundabout was to cater for minimal car ownership (i.e. within a retirement village, without school runs etc etc);

ii) Noise Report issues - the new proposal re. increase of vehicles present and moving on and off the development will have significantly more impact upon noise issues.

iii) Landscape Assessment & Impact - the original proposal had far less impact upon the Local Plan in terms of environment and (e.g.) trees Heritage park - 'greenbelt'.

iv) Contaminated land: we note with concern that "environmental health has noted that a preliminary risk assessment should be carried out and a site investigation scheme needs to be instigated before and as part of the planning application" - this does not appear to be available yet.

4. Access

a) as stated above i.e. the current roundabout was to cater for minimal car ownership (i.e. within a retirement village, without school runs etc etc)

b) The proposed development will cause further congestion on Leven Bank and Leven Bank Road, already significantly problematic and the subject of regular public complaint.

5. General Infrastructure

This new proposal now places additional significant pressure on already stretched local services such as schools, doctors' surgeries and highways.

30. At the time of writing no comments have been received from National Grid; Adult Strategy; Councillor Ross Patterson; Councillor K Dixon; Councillor K Faulks; Councillor Julia Whitehill; Councillor Andrew Sherris; Ingleby Barwick Town Council; SBC School Place Planning; Director Of Culture, Events & Leisure; Northern Powergrid or The Environment Agency

PUBLICITY

31. Neighbours were notified and letters of objection were received from the 100 addresses as detailed in Appendix 1 with the main objections summarised below.

Principle of development;

- The application for the retirement village was approved by Stockton Borough Council Committee members contrary to the officers' recommendations for refusal as it promised the offer of unique retirement accommodation for the care for older residents of the Borough.
- There is no specific document showing why Green Wedge status has been removed. In fact, the only document which has ever directly addressed the relationship between the approved Retirement Village and Green Wedge status at Mount Leven was the SBC 2014 Review of Green Wedges. This was clear in stating that the benefits of any future application at this location must be weighed against Green Wedge policy. This has clearly now been forgotten.
- The strict legal wording for what constitutes permitted development at Mount Leven-specific to meet the needs of the ageing population (Local Plan 2019, 5.59, housing needs 14 H12.Y4).
- The benefits of any future application at this location must be weighed against Green Wedge Policy (Review of Green Wedges, December 2014, Pages 107-108).
- Was ever any intention to build a Retirement Village in this location. If this new proposal is passed it will set a very dangerous precedent that simply allows any

developer to apply for a Retirement Village on Green Belt and then change it to Housing after a period of time. Does Stockton Borough Council really want to destroy the whole ethos of the Green Belt with this one decision.

- The benefits identified by Members were unique to the scheme and this is not
- This Application is not unique and should therefore be considered against Green Wedge Policy, and as it conflicts, it should be refused.

Visual Impact

- The retirement village should never have been approved but managed to gain permission on the basis it was unique and would be low impact upon the Leven Valley landscape. This proposal will have a far greater impact upon the landscape character and wildlife habitats of the Leven Valley green wedge.
- Two-story houses will result in a coalescence of settlements i.e., Yarm and Ingleby Barwick. Even with the proposed mitigation, it will take up to 25 years for the trees to become mature and high enough to filter views between the two settlements.
- Adverse Visual Impact of the Development on the Leven Valley
- Visual reduction in the strategic gap between Yarm and Ingleby Barwick

Traffic and Access

- The existing roundabout is not suitable to support this new application and needs third party land to achieve the requirements under highway safety standards.
- Roundabout designed as a departure from standard - This departure from recognised standards was necessary to comply with the member's approval, contrary to officers' recommendations of the retirement village.
- This roundabout design departure was only possible as the retirement village had a reduced traffic generation (due to its aged population), general off-peak traffic movements, and a dedicated shuttle bus service which was proposed to serve the elderly residents many of which were not expected to have cars.
- This roundabout has no pedestrian or cycle facilities as these were not necessary to support the retirement village which was to operate much like a gated community with its own facilities on-site. These facilities were planned to reduce the need for the aged residents to leave their community.
- Roundabout has affected Hillcroft Leven Bank Road by reducing the visibility splay
- Is there capacity left on highway to deliver remainder of scheme
- Development will cause traffic Congestion and increase in queue lengths
- Lack of pedestrian and cycleway links making the site unsustainable
- There are no dedicated cycleways.
- River Leven Bridge - Why has a fully DDA compliant and adoptable sustainable linkage to Ingleby Barwick not been considered as part of the Highway comments for the Mandale Homes application?
- This will deprive Busby Way residents of loss of privacy as well as noise and disturbance issues. It will also affect the current wildlife that are frequently seen in the area.

Site Design

- No usable Public Open Space (POS) had been provided in this application for formal and or informal recreation. Planning Policy require such facilities on site. Access to offsite recreational facilities is only provided via a Public Right of Way.
- The offsite 'Countryside Park' which has to be provided for the retirement village is not yet constructed and if constructed it will not fully meet the recreational needs of the demographics of the residents of market houses. SuDS and Statutory

Service easements are not considered to be meaningful open space for recreational opportunities.

- No house type plan provided in the application actually meets the Building Regulations Part M 4 (2) & (3).
- Is any formal sports provision required for this application either on-site or off-site?

Amenity

- Loss of privacy and Security to 16 Busby Way
- The original plans for a development showed no impact on Busby Way and I feel this should be honoured by the planning committee.
- The creation of a public footpath will severely impact on the safety and security of the houses and in particular the bungalows which at present back onto private land not public land. These residents have a right to feel secure and free from outside dangers and risk that making a public footpath will undoubtedly incur.
- The erection of any lighting, along with fencing will open up the residences leaving them vulnerable.
- The original planning application had a green belt at the rear of the properties on Braeworth close which ensured around 40m before the first garden of the new development. This is not being adhered to in the new plans so the impact on our homes is significantly greater
- 25 Braeworth Close Yarm - I have a fully approved 3rd storey extension to my home which contains a full width window which overlooks the fields. When I bought my home, the trees at the back of my house provide full privacy for my self and my wife as any single dwelling home at the rear of my property would not be able to directly look into our bedroom, but if there is a 2 storey property, they will be looking directly into our bedroom.

Ecology

- Stockton Borough Council should not accept further street lighting on A1044 Leven Bank due to the likely adverse impact on wildlife, in particular bats, a protected species.
- Impact on wildlife
- The Preliminary Ecological Appraisal seems to be have been restricted to the areas of proposed Villages 1, 3, 4 and 5, and it suggests that wildlife would not be affected. However, any further expansion into Villages 6 and 7 would have an impact on my own and my neighbours' enjoyment of wildlife. Many varieties of birds, some of which are endangered species, visit our garden daily, as well as hedgehogs, foxes, badgers, and other small mammals. Most evenings we see bats flying around at dusk.
- The NPPF (July 21) requires the development to have net gains in terms of enhancing biodiversity. The proposed development clearly cannot meet this requirement accounting for the biodiversity losses that would arise from the change of use of the existing green wedge land
- Impact on fishing – stocks are reducing

Impact on Services

- The small local Nursery/Primary Schools are already overwhelmed with traffic and pupils. They would be unable to cope any further increase in pupils now the planning has changed direction.

Flood Risk

- Development will increase Flood Risk

- The River Leven bridge is already at maximum capacity and struggles to deal with the river flow after a few days of persistent rain or heavy snow. River levels in the area continue to rise, year on year
- Creating a couple of ponds, trenches and drainage pipes is clearly not going to keep a Flood Zone Area 3 safe.
- Any disturbance to the 'Green Wedge' will decrease the ability of the surrounding area to absorb water.
- Northumbrian Water reported to have 61 sewage discharge pipes in use without permits, can sewage be safely removed from this site? An independent view required, not a Northumbrian Water view.
- The new housing estate should require a self-funded management team and program to maintain and clean SuDs. To include policies and sufficient funds to deal with failing SuDs and contamination clean-up.

Nutrient Neutrality

- The application currently being considered is a new application and therefore should be assessed as such ie: the full 215 dwellings should be considered in the nutrient neutral assessment not just an additional 65 dwellings?
- Mitigation and calculations are not on the portal

32. In addition to the above 23 letters of support have been received with the main reason for support detailed below

- Will bring more people to the area
- Will increase trade
- Development will integrate the purchaser and the extended nuclear family
- Could ease congestion, by the relocation of middle and senior managers wanting access to the A19 both North and South.
- Housing is needed
- Smaller scale developments, such as this, seem to me to be the right approach for the area.
- No additional houses built.
- The original Village concept has been retained and, impact on the surroundings is limited.
- Bungalows are in short supply and 35 are to be bungalows.
- Many of the family homes will capable of being adapted for use by the disabled or elderly.
- House mix will help the old and young live together
- Mount Leven is an idyllic position and has excellent links to train stations and major roads.
- This is a fantastic development for this area creating much needed jobs and investment
- The area is declining and developments like this are a life line to what was once a thriving area.

33. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

PLANNING POLICY

34. 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.

35. 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.

36. 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.

37. 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 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 house builders.

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.

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.
 - h) Supporting the conversion and re-use of buildings in the countryside where it provides development identified within Policies SD3 and SD4, and meets the following criteria:
 - i. The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding;
 - ii. Any alterations or extensions are limited in scale;
 - iii. The proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit; and
 - iv. Any associated outbuildings/structures are of an appropriate design and scale.
 - i) Considering development proposals within green wedges against Policy ENV6.
 - 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.
 - k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.
 - 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.
3. Conserve and enhance the historic environment through a variety of methods including:
 - a. Celebrating, promoting and enabling access, where appropriate, to the historic environment.
 - b. Ensuring monitoring of the historic environment is regularly undertaken.
 - c. Intervening to enhance the historic environment especially where heritage assets are identified as being at risk.
 - d. Supporting proposals which positively respond to and enhance heritage assets.
 - e. Recognising the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution.
4. Priorities for interventions to conserve and enhance the historic environment include the conservation areas of Stockton and Yarm, assets associated with the route of the Stockton & Darlington railway of 1825, the branch line to Yarm and associated structures, and assets identified as being at risk. These assets, along with Preston Park, are also the priorities for celebrating the historic environment.

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.
2. To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.
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.
5. Proposals will be encouraged where they provide for the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.
2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are:
 - i Necessary to make the development acceptable in planning terms;
 - ii Directly related to the development; and
 - iii Fairly and reasonably related in scale and kind to the development.
3. Where the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. In these circumstances, the Council may:
 - a. Enter negotiations with the applicant over a suitable contribution towards the infrastructure costs of the proposed development, whilst continuing to enable viable and sustainable development; and/or
 - b. Consider alternative phasing, through the development period, of any contributions where to do so would sufficiently improve the economic viability of the scheme to enable payment.

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.
5. New commercial development will be expected to provide appropriately designed signage and shop fronts.

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.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

a. The successful completion of the Sequential and Exception Tests (where required); and

b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

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.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
 - a. Support reduced run-off rates.
 - b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.
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.
10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.
11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.

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

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

quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

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

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

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

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

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

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.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

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.

6. To improve the quality of the water environment the Council will:

a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;

b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and

c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

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.

Commitments

2. Residential development is proposed at the following main sites, which benefit from planning permission. These sites are re-affirmed for residential development and are illustrated on the Policies Map:

Site Location/Name	Area (ha)	Total Dwellngs (approx)	Remaining Supply at April
Yarm			
Y4 Mount Leven & Land off Busby Way	30	346	346

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.

7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.

8. Extensions to dwellings to provide accommodation for dependent relatives will be supported where they are designed to be used as part of the main dwelling when no longer required for that purpose.

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.

11. Planning applications for student accommodation in the Regenerated River Tees Corridor will be required to demonstrate they are compatible with the wider

regeneration of the area and are conveniently located for access to relevant education establishments and local facilities. In all cases, proposals for student accommodation will be designed to ensure that they are in keeping with the character and appearance of the area in which they are located, do not have an unacceptable impact on the living conditions of neighbouring communities, provide an adequate standard of living accommodation for potential future occupants, and have an internal layout which is adaptable to alternative residential uses.

12. To ensure the existing residential areas remain sustainable places to live, the Council will:

a. Actively seek to bring long-term empty homes back into use.
b. Improve the condition of existing homes through the delivery of schemes, including those to enhance energy efficiency.

c. Explore options with local communities for the regeneration of residential areas. This may include:

i. The renovation and renewal or demolition and redevelopment of existing housing stock as appropriate to meet local housing need and aspirations.

ii. Public realm improvements.

13. Support is given to the completion of the Parkfield and Mill Lane Regeneration Scheme- H1(2. R3).

14. At the following specific commitments, the Council require the delivery of the following mix of house types through the current planning permission or any subsequent application.

Site Name	House Type
Allens West - H1(2.E2)	Full Range of House Types
Mount Leven (Part of) - H1(2.Y4)	Housing specific to meeting the needs of the ageing population
Betty's Close Farm - H1(2.IB6)	Custom and self-build housing
Lowfield - H1(2.IB7)	Custom and self-build housing

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.

6. The following are designated heritage assets:

a. Scheduled Monuments - Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle Mound and Bailey; Larberry Pastures Settlement Site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge

10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.

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

12. Any reports prepared as part of a development scheme will be submitted for inclusion on the Historic Environment Record.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure
Delivering A Sustainable Transport Network

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

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

a. Retaining essential infrastructure that will facilitate sustainable passenger movements by bus, rail and water;

b. Supporting proposals for the provision of infrastructure which will improve the operation, punctuality and reliability of public transport services;

c. Supporting upgrades to railway stations within the Borough to improve access and safety;

d. Improving public transport interchanges to allow integration between different modes of transport;

e. Working with public transport operators to maintain and enhance provision wherever possible;

f. Working with partners to promote the provision of accessible transport options for persons with reduced mobility; and

g. Ensuring appropriate provision is made for taxis and coaches.

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

a. Improving, extending and linking the Borough's strategic and local network of footpaths, bridleways and cycleways; and

b. Improving the public realm and implementing streetscape improvements to ensure they provide a safe and inviting environment.

4. Sites and routes which will play a role in developing infrastructure to widen transport choice will be safeguarded from development which would impact negatively on their delivery or attractiveness to potential users; routes include:

a. Bridge and footway/cycleway link across the Rivers Tees between Ingleby Barwick and Egglecliffe;

b. Cycleway/footway from Durham Road, Thorpe Thewles to Wynyard Woodland Park;

c. Cycleway/footway to the north of Mill Lane, Long Newton;

d. Cycleway/footway from Elton Interchange to Durham Lane Industrial Estate;

e. Cycleway/footbridge across the A689 (via a bridge) to connect with the wider cycleway network at Wynyard Road; and

f. Car parking to the west of Egglecliffe Station and footbridge over the railway line.

5. Essential infrastructure that will facilitate sustainable freight movements by rail and water will be retained.

Highways Infrastructure

6. To support economic growth, it is essential that the road network is safe and that journey times are reliable. The Council will seek to provide an efficient and extensive transport network which enables services and facilities to be accessible to all, accommodate the efficient delivery of goods and supplies, whilst also minimising congestion and the environmental impact of transport.

7. Targeted improvements will be delivered at the following priority locations (routes are safeguarded where identified):

a. Strategic road network:

i. A66 (including A66 Elton Interchange);

ii. A19 Widening Norton to A689 (route safeguarded);

iii. A19/A689 Interchange; and

iv. A19/A67 Interchange (Crathorne).

b. Local road network:

- i. Junctions associated with the West Stockton Sustainable Urban Extension;
 1. Darlington Back Lane and Yarm Back Lane junction.
 2. Horse and Jockey Roundabout (Durham Road, Junction Road and Harrowgate Lane).
3. Harrowgate Lane and Leam Lane.
 - ii. Junction of A1027, Junction Road and Norton High Street, Stockton; and
 - iii. Junction of Durham Road, A1027 and Bishopton Avenue, Stockton.
 - iv. A689 at Wynyard:
 1. Improvements at five roundabouts on A1185 Seal Sands Link Road- Wolviston Services- Wynyard Business Park- Wynyard East- Wynyard West.
 2. Additional Lane on the northern carriageway of the A689/A19 junction to provide 3 lanes (removing existing footway) and a replacement separate cycle/footbridge over the A19.
8. The Council and its partners will support the development of the Key Route Network which through continual assessment of the strategic and local road network, will help identify and ensure appropriate improvements are delivered.

Aviation

9. The Councils approach to development at Durham Tees Valley Airport is outlined in Policy EG5.

New Development

10. Existing sustainable transport and public transport infrastructure will be protected from development which would impair its function or attractiveness to users.
11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.
12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:
 - a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
 - b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
 - c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.
 - d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
 - e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.
13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.

8. Taking into consideration viability, the Council require developers of new homes, employment or main town centre uses to deliver, as a minimum, on-site infrastructure including open access ducting to industry standards, to enable new premises and homes to be directly served by local fibre and internet connectivity. This on-site infrastructure should be provided from homes and premises to the public highway or other location justified as part of the planning application. Where possible, viable and desirable, the provision of additional ducting will be supported where it allows the expansion of the network.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

38. The NPPF confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development and, in order to achieve this purpose, 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.
39. As members will be aware from the background to this application, outline planning permission was previously granted for the provision of a retirement village by Planning Committee. 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 establishing the principle of the development and the scheme has been implemented and therefore remains extant. The site is allocated in the local plan for housing, under Policy H1 (2. Y4) and also in Policy H4 (Housing specific to meeting the needs of the ageing population).
40. Para 5.59 which supports policy H4 of the local Plan states "*Meeting the needs of our ageing population and those living with a disability presents challenges for housing provision, which is already evidenced by the funding being spent on adapting homes to meet need and the impact on public services of treating people who fall in the home. Providing more accessible homes will ensure that the Borough's housing stock is more easily adaptable and will help people to maintain their independence for longer. This policy recognises the existing commitment at Mount Leven in Yarm, which is anticipated to deliver housing provision specific to the ageing population*".
41. The main change with regards to this application is the change from a specialist 'retirement village' restricted to the over 55's with associated facilities and a care home. However, it should be noted that the extant approval, within over 55 provision in the Section 106, does not prevent people under the age of 55 living in the properties as long as there is one qualifying resident occupying the dwelling. You could therefore in theory have family units living within the premises if one member of the household was over 55.
42. Rather than provide an age specific product, this application is proposing all properties will be Accessible and Adaptable housing meeting Building Regulation category M4(2) which enables people to live more independently in the future, and also that of those dwellings 9.3% (20 bungalows) are M4(3) compliant (wheel chair user dwellings). Both go beyond the Policy requirement which is 50% and 8% respectively. Comments that the houses do not comply are noted, however a

condition has been recommended to ensure that house types are built to this requirement.

43. Whilst the scheme as proposed does not restrict houses to over 55's it will deliver accessible housing which people of any age could occupy for longer whilst maintaining independence into their later years, as well as providing wheelchair user dwellings.
44. Given the incorporation of these standards it is considered that the proposal will meet the future needs of an ageing population and therefore it could be argued that the development is not totally contrary to the policies outlined above.

Loss of the Green Wedge

45. Following the approval of the previous permission for the retirement village site, the site was removed from being allocated as Green Wedge under the current Local Plan and is instead an allocated site for housing in the local plan.
46. Reference to the RELP is noted however this was not taken forward and the LPA updated the evidence for the current local plan. That Local Plan was subject to consultation and independent examination prior to adoption which allocated the site as a housing commitment and also removed the green wedge status of the land
47. Comments in relation to the erosion of green wedge are noted, however, as above the site is not within the green wedge. Nevertheless, the nature of the development is one which will retain the existing openness of the Leven Valley and the separation between Ingleby Barwick and Yarm will be retained at a level which was previously accepted at the time of the approval of the retirement village. The proposal is therefore not considered to undermine the role of the green wedge.
48. The 'Country Park' was previously secured through a Section 106 agreement and this has again been secured through the new Section 106 Agreement.
49. Comments in relation to the Councils 5 year supply are noted and whilst the LPA does exceed the 5 year supply currently this does not prevent the approval of further homes to boost supply. The provision of any housing buffer is subject to fluctuation dependant on the delivery of dwellings on an annual basis. Nevertheless, as the site is a housing commitment and forms part of the overall housing delivery strategy of the current local plan.

Landscape and Visual Impact

50. The application site is currently a greenfield site which is free from any built development except for the existing Mount Leven Farm buildings and some agricultural storage buildings. To the west lie the residential properties forming the eastern fringe of Yarm which consist of a mix of two storey and single storey dwellings.
51. The applicant has submitted a LVIA and has revised the site layout to overcome previous concerns. It should be noted when considering the scheme the LPA is considering the differences between the consented retirement village and the current proposals, and not the differences between the green field site and the current proposals. The LVIA provides a representative sample of viewpoints in the local area. The assessment included 8 named viewpoints as well as considering impacts on residential properties, users of PRow and local roads. Whilst a number of objectors

question the selection of viewpoints it should be noted that the LVIA does not seek to review every possible viewpoint towards the development, and the LVIA as submitted is acceptable.

52. The LVIA confirmed that the change from single to 2 storey dwellings will result in major/moderate effects from viewpoint 7 and residential properties on the edge of Yarm. The scale of effects on these receptors is due to the close proximity of the development and change from an undeveloped agricultural landscape to a residential estate. A moderate scale of effects will be experienced from three of the selected viewpoints (1 2 & 8) and dwellings on the edges of Egglecliffe and Ingleby Barwick. Receptors in these locations are further from the development boundary and already experience distant views of residential properties within the landscape above the Leven Valley and River Tees valley. Landscape mitigation will further soften views of the proposals and reduce the scale of effects over time, as planting matures and the HTDM accepts the findings of the submitted LVIA.
53. Given that the site has an extant permission for a retirement village, the key difference between the current application and the previous consent is the inclusion of 2-storey dwellings. Whilst there will be a change, as demonstrated in the LVIA, it is considered that the change when compared to the consented retirement village development is not significant enough to raise an objection on landscape and visual grounds and with the modifications that have been submitted the HTDM raise no objection subject to the inclusion of a number of planning conditions which have been recommended.
54. Comments regarding some the landscaping proposed being outside the red line boundary are noted and it has been confirmed that this can be provided as the agreement of the landowner has been secured.

Amenity and General Layout

55. The proposed scheme has generally adhered to the 'village' principles with four separate residential parcels proposed.
56. The houses proposed are generally traditional market houses, and given the location adjacent to houses in Yarm is it not considered that there is an existing prevailing character to adhere to. The bungalows are in the more sensitive part of the site which is to the eastern boundary overlooking the Leven Valley. It is considered that with the use of appropriate materials (which can be conditioned) that the design and scale is acceptable.
57. The scheme includes areas of open space and landscaping with footpath links to allow good connectivity between the different villages and the PRoW. Improvements to the public open space (POS) have now been included indicatively on the submitted site plan, including for informal kickabout, and play through the inclusion of natural play and trim trail elements. Details of POS and play provision will be agreed through conditions which have been recommended.
58. The development now has a sufficient level of tree planting within the general site and plot gardens to create an attractive tree lined development. Final details of the tree and shrub planting specification and planting methods are required and these can be secured through a planning condition. The final details for means of enclosure and hard landscaping details are also secured through a planning condition.

59. Separation distances from the main elevations of the proposed dwellings meet with the Council minimum separation distances between habitable rooms of 21 metres or between habitable rooms to blank elevations of 11 metres. Given that the proposed residential dwellings therefore meet with the Council's adopted guidance, it is considered that satisfactory levels of residential amenity will be provided for future residents of the development. The proposed dwellings also allow for amenity space to the front and rear.
60. Parking provision is provided in accordance with Supplementary Planning Document 3: Parking Provision for New Developments (SPD3).
61. Comments in relation to noise from the EHO are noted and a condition in relation to road traffic noise. Whilst the pumping stations will be below ground. To comply with Building Regs, they need to be a certain distance from the nearest property, which together with being below ground should avoid unacceptable noise impacts. Nonetheless a condition has been recommended to ensure that there will be no noise from the plant that would adversely affect occupiers of the new premises.
62. The proposed layout is therefore considered acceptable and accords with the principles of Policy SD8.

Impact on Neighbours

63. Externally the proposed residential properties will be in excess of 40 metres from those on the eastern fringes of Yarm, 60 metres to the properties on Leven Bank Road, 130 metres from Bridgewater and over 500 metres from those dwellings on the western edge of Ingleby Barwick. The separation distances between the existing and proposed dwellings are considered to be sufficient to preserve acceptable levels of residential amenity for existing and future residents. In view of these considerations the proposed development will not have such a significant impact on the neighbouring properties existing levels of residential amenity that it would justify a refusal of the application on these grounds.
64. The proposed footpath through Busby Way has now been altered and will not impact directly on 16 Busby Way. Whilst this may lead to additional pedestrian traffic it is not considered that the proposal is so unacceptable to justify refusal of the application.
65. The houses are moving closer to Braeworth Close however at over 40 metres separation with an existing landscape buffer between it is not considered that this would justify refusal of the application.
66. Impacts during any associated construction activity could be minimised and controlled through planning conditions which has been recommended.

Highway Implications

67. A number of objections relate to the traffic implications of the proposal, the access and roundabout and also the absence of sustainable links.
68. The application is accompanied by a Transport Assessment and various technical notes as well as a travel plan. The information has been assessed with the HTDM and Highways England and no objections have been raised.
69. The impact on the overall highway network has been assessed using the Yarm Aimsun Model (YAM) which has demonstrated that journey times will increase by a

maximum of 25 seconds within the model, which occurs on the Leven Road 'Journey Time Route', which is not considered to be a severe impact within the context of the NPPF. In addition, information has been submitted demonstrate that the change in tenure will not have a severe impact, within the context of the NPPF, at key junctions. No concerns regarding the impact of the proposals on the capacity of the local highway network have been raised.

70. The site would be served from the existing roundabout on the A1044 Leven Bank which was approved and constructed as a part of the extant approval for a retirement village. The capacity of the junction has been assessed and is considered to be acceptable. There have been 4 recorded accidents within the last 5 years and given the nature of the accidents there is no evidence to demonstrate that the junction is currently operating unsafely and is considered suitable to serve the proposed development.
71. The layout has been designed to incorporate a bus loop and stops, whilst Arriva cannot provide a bus at present the proposal will futureproof the development and allow for bus access should a future service be achievable.
72. In order to provide sustainable connections to the wider network and access to bus stops on Glaisdale Road, the applicant is proposing a link from the northern edge of Village 4 to Busby Way via an adjacent site which has approval for housing. An indicative plan has been provided which is acceptable and the Owner is agreeable to this link being provided and a revised scheme will be submitted to deliver this housing development on Busby Way.
73. In addition a footpath link is also proposed to the eastbound stop at the top of Leven Bank. Comments in relation to land ownership are noted however the footpath will be provided in the adopted highway and there will be no need to access third party land.
74. The footpaths will be secured by a Section 106. It is considered that with these provisions the site is sustainable and able to achieve required links to access public services.
75. Whilst comments from the HTDM stating that that the site should be offered for adoption and all roads and sewers constructed to the relevant standards to allow them to become maintainable at public expense are noted, the applicant does not have to have roads and sewers adopted and as detailed in the submission, a management plan will be in place which will mean that residents will pay a private management company to maintain the infrastructure. This is no different to residents paying a maintenance charge for open spaces/landscaping and buyers will be aware of this requirement prior to purchase and the LPA cannot insist they are adopted.

Features of Archaeological Interest

76. As members may be aware, the applicant submitted an archaeological field evaluation as part of the outline planning application. Archaeological features were noted in two areas; and planning conditions were imposed on the outline planning application. Tees Archaeology have raised no objections to the proposed scheme subject to these conditions being repeated.
77. The Round Hill Monument is situated at the junction of the River Tees and Leven, set back from the river edges by approximately 100 and 90 metres respectively. The surrounding land is formerly agricultural in nature and is due to be handed to the

Council as a result of the Betty's Close Farm development, meaning there would be limited change in its immediate setting. The principle of residential development on the application site has been established and given the proposed separation distances between the scheduled monument and the proposed dwellings along with the associated landscaping, it is not considered that there is any significant conflict with policy in respect of its setting.

Flood risk and Drainage

78. The application site is within flood zone 1 and the application is accompanied by a flood risk assessment and a drainage strategy.
79. The proposed development site is defined as land having a less than 1 in 1,000 annual probability of river or sea flooding, there are no records of fluvial flooding, or surface water flooding at the existing site. Any flood risk from surface water can be managed by the development proposals.
80. Whilst comments from objectors are noted the Lead local Flood Authority (LLFA) are satisfied that the surface water proposal will not increase existing flood risk to the development or the surrounding area.
81. The Drainage Strategy proposes to collect surface water run off which will be conveyed through the online dry storage basins before discharging into the water course at Greenfield run-off rates. Flows will be restricted in manholes using flow control devices. The Drainage strategy states that the drainage layout will be in accordance with guidance and the majority of attenuation will be created using dry basins
82. The LLFA highlight that proposed SuDS design does not meet the minimum design requirements highlighted within the CIRIA SuDS manual which recommends that SUDs basins should not exceed a maximum of one metre, nonetheless elsewhere in the guidance it also states that they can be up to two metres.
83. CIRIA guidance states that where basins are greater than 1 metre, justification should be provided and evidence set out that the risks relating to safety and performance have been managed appropriately. The LLFA have suggested that insufficient evidence has been provided however the Applicant states that the maximum water depth for a critical 1in100 year storm in the proposed basin is 1.342m and consider that this additional 342mm of depth above 1.000m will not have a significant additional health and safety risk to the public given the 1% chance of this storm occurring per year. However mitigation measures to protect public safety can also be installed such as specific planting, signage etc and this has been conditioned.
84. As agreed with the LLFA, detailed landscape architects drawing/design, and maintenance /safety details can be conditioned.
85. In terms of foul drainage, the development will discharge into a public foul water manhole and two pumping stations will be required to facilitate this which are below ground close to plots 1 and 31. NWL have been consulted and raised no objections provided it is approved and carried out within strict accordance with the Drainage Strategy Report which has been conditioned. Comments relating to public mains are noted and the layout has taken account of these mains and provided easements.
86. Objectors state that NWL are not the best persons to review this matter however NWL are the drainage authority for this area and determine whether proposals for

foul drainage area acceptable. Pumping Stations will be built to Building Regulation Standard.

87. As with the roads, all drainage and SUDs features will be private with a Management Company ensuring the long-term maintenance of the site
88. Overall it is considered that a satisfactory drainage solution can be provided and that there will be no increased flood risk that would justify the refusal of the application.

Ecology and Protected Species

89. Objections have been received relating to the principle of development on this land and the impact on wildlife, however it should be noted that the permission for the retirement village is extant and can be implemented, thereby losing this open area. Nonetheless the application is accompanied by a preliminary ecological appraisal which confirms that all surveys were carried out in line with the Chartered Institute of Ecological and Environmental Management (CIEEM) standards and undertaken by a Wildlife consultant who holds all the required Natural England Survey Licences.
90. The report makes a number of recommendations which have been conditioned to ensure that protected species are adequately protected and all development will be in accordance with identified mitigation measures.
91. The proposal is therefore not considered to have any impacts on protected species over and above those established as part of the outline planning application.
92. Comments with regards to invasive species are noted *No non-native invasive species of plant listed under Schedule 9 of The Wildlife and Countryside Act 1981 were identified within the survey area. Therefore, there will be no impact on the proposed works.*

Nutrient Neutrality

93. Natural England have recently published advice in relation to nutrient discharge into nearby water bodies caused by new housing developments. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), a Competent Authority is required to conduct a Habitat Regulations Assessment (HRA) for any plans or projects that could impact on a European site. However, a 'shadow' HRA can be completed by the applicant and adopted by the competent authority.
94. The submitted shadow HRA confirms that as wastewater will discharge to Gately Moor Reservoir WwTW, which has a hydrological connection to the River Tees, Ramsar and SPA that a Likely Significant Effect cannot be ruled out and an Appropriate Assessment is required.
95. The Appropriate Assessment identifies that 33.45 Kg TN/yr will need to be mitigated, which can be undertaken by land reversion/ abandonment of the limited grazing which was to be used to help maintain the Country Park. The applicant therefore proposes to retain 13.75 ha of the Country Park, which would need to be managed in an alternative way to ensure that nitrogen generated by the application will be mitigated. A Heads of Terms within a S.106 agreement is required to secure this provision alongside a new management and maintenance arrangement for the Country Park.
96. Natural England have considered the proposals and agree with the findings of the HRA/AA and agree that to make the development acceptable, the mitigation measures should be secured along with the monitoring and management strategy to

ensure that the mitigation is in place, verifiable and enforceable for the duration of the development's operational phase. As the land is to be a Country park which is secured in perpetuity it is considered that the mitigation is verifiable and can be effectively monitored.

97. Based on the comments from Natural England and subject to the mitigation secured through a Section 106, it can be concluded that following mitigation there would be no adverse effect on the integrity of the Conservation Objectives of the Teesmouth and Cleveland Coast SPA/ Ramsar site, either in-isolation or in-combination and the revised HRA and Appropriate Assessment is adopted by the LPA to fulfil our duty as competent authority
98. Comments have been made regarding the methods uses and that only the additional dwellings have been considered, however Natural England have confirmed that this is appropriate given the extant permission.
- Crime and Antisocial-behaviour;**
99. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. The Police's Architectural Liaison Officer has considered the application and has no significant concerns with regard the proposed layout and has made some suggestions which ahs been passed to the Developer.

Other Matters

100. Comments have been raised with regards to services and impact on such facilities, however no objections have been raised from the providers and there are obligations in the Section 106 to require contributions towards these facilities.

CONCLUSION

101. In view of the extant consent for a 'retirement village' on the site, the principle of a form of development has already been established. The main considerations therefore relate to the changes in this scheme which affect the product offer (i.e market housing) and change in the extent of built form.
102. For the reasons outlined within the report above, it is not considered that the changes proposed result in any significant conflict with the policies of the Local Plan and there are not technical reasons why the proposed scheme is unacceptable and would justify a refusal of the application.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

IMPLICATIONS

Financial Implications: As report

Environmental Implications: As 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.

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

Background Papers: National Planning Policy Framework, Local Plan, Application File and planning history

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor Julia Whitehill
Ward Councillor	Councillor Andrew Sherris
Ward Councillor	Councillor Dan Fagan