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Branch Chair
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Authority: Stockton on Tees Borough Council

Type of consultation: Planning Application

Full details of application/consultation: 21/2925/FUL - Erection of 215no. dwellinghouses with associated infrastructure

At land at: Mount Leven Farm, Leven Bank Road, Yarm, TS15 9JJ

Type of response: Objection with comments

Date of Submission: 31st January 2022

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please be aware that following a restructure of CPRE's geographical boundaries, CPRE North Yorkshire now cover the area of Stockton on Tees south of the River Tees, whilst CPRE Durham continue to cover the area of Stockton on Tees north of the River Tees.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
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Comment

The North Yorkshire County Branch of CPRE The Countryside Charity ('CPRENY') welcomes the opportunity to provide Stockton on Tees Borough Council ('The Council') with comments in response to the public consultation on a planning application for 215 dwelling houses at Mount Leven Farm, Yarm.

CPRENY 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).

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The National Planning Policy Framework ('NPPF') was updated in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is, therefore, a material consideration which should be taken into account when plan-making and determining applications.

The planning system should contribute to achieving sustainable development. The aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) 'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) 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.'*

Currently, the relevant Development Plan in force for the Council consists of several adopted documents, including:

- The Stockton-on-Tees Local Plan (Adopted 2019);
- The Tees Valley Joint Minerals and Waste Core Strategy (Adopted 2011); and
- The Tees Valley Joint Minerals and Waste Policies and Sites Development Plan Documents (DPD) (Adopted 2011).

According to the Council's most recent Annual Position Statement (February 2021) ('APS') the Council can demonstrate a 5.33-year supply of available housing land, therefore, for clarity, CPRENY considers that the Development Plan is 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'. This is further considered in the APS and assumed that the development will be delivered within the next 5-year period given that the site has been part-implemented and access road and roundabout constructed.

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 lack of allocation elsewhere in the LP, CPRENY question the need for the removal of this element of the proposed development. A retirement village brings about additional benefits to those residents' seeking independence but a like-minded community with professional assistance nearby if required. Placing adaptable dwellings in line with Building Regulation M4 (2) "Category 2" and M4 (3) "Category 3" homes, within a development mix of market and affordable housing, to address the needs of first-time buyers, families and those wishing to down-size is a totally different development style. The Council will need to ensure that the revised proposal will meet the Council's most up-to-date housing needs assessment prior to the determination of the revised proposal.

It is recognised that there are elements of the proposal which should be welcomed i.e., a reduced number of dwellings and tree lined streets with large areas of open space.

Local Plan policy ENV1 requires all domestic developments of over 10 dwellings 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.'*

The documentation submitted in support of the proposal does not provide any information relating to the above nor has an energy statement been submitted. It is considered that the sizeable development under consideration (or the previous approved scheme) should consider a community energy generation project in line with Policy ENV2b.

A preliminary Ecological Appraisal was undertaken on behalf of the applicants and submitted in support of the proposals. There does not appear to have been any assessment of Biodiversity Net Gain which is not in conformity with the NPPF or Policy ENV5 of the Local Plan. Further the Environment Act (2021) is likely to be transposed into statute soon and will require a minimum of 10% net gain for biodiversity across all developments to be delivered. Many developers already seem to be delivering this as best practise currently.

CPRENY are also aware that there are a number of outstanding highways considerations in relation to the proposed site and those which have been delivered in the vicinity since the previous permission was granted. As such CPRENY will defer to the Highways Authority on these matters, suffice to say that to be considered suitable for development, the Council should be satisfied that the provisions in the NPPF and Local Plan in relation to highways safety and capacity can be positively met.

Conclusion

CPRENY welcomes the opportunity to provide the Council with comments regarding the proposed

development at Mount Leven Farm, Yarm.

CPRENY 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. As such, CPRENY neither support nor object to the principle of residential development on the site.

CPRENY consider that several pieces of evidence should be submitted to the Council in support of the proposals prior to determination to comply with Local Development Plan policies, namely policies H4, ENV1, ENV2, ENV5 and TI1, and various policies in the NPPF, as set out in this representation. Without this information, CPRENY consider that they must object to the revised proposal in its current guise.

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, CPRENY consider that this proposal should be refused.

CPRENY reserve the right to comment further should additional information be consulted upon in support of the development in this location.