

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 10<sup>th</sup> January 2006**

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

**Update Report**

**06/0996/FUL**

**Clock House, Leven Road, Yarm**

**Revised application for the erection of 5 no. detached dwelling houses together with associated means of access, landscaping and drainage**

**Expiry Date 31<sup>st</sup> May 2006**

**ADDITIONAL COMMENTS RECIEVED:**

**Natural England (Summarised)**

1. Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse affect in respect of species especially protected by law, subject to the imposition of a suitable condition relating to mitigation and working methods.

**Historical Buildings Officer (summarised):**

2. The proposed development will undoubtedly have an impact on the existing setting of Clock House. The existing land to the rear is somewhat separate from the setting of Clock House itself due to the existing planting and the lower ground level to the rear. I am satisfied that the proposed two dwellings could be located to the rear without impacting on the setting of Clock House providing land levels are carefully considered. The removal of plot 4 from the scheme has undoubtedly improved the setting of the listed building with the approach into the site remaining uninterrupted with Clock House as the central focus. The proposed dwelling at plot 3 has interesting architectural form and I am satisfied that this property will not dominate views from Leven Road or detract from the setting of the listed building due to the screening proposed. I am also satisfied that the two dwellings proposed off Leven Road will be reasonably screened and will not compete with the setting and aspects of Clock House which is at a much higher and prominent level.
3. I therefore consider that the application in its current form is acceptable and I am satisfied that the proposed dwellings can be implemented without having an adverse affect on the setting of the Listed Building.

**The Head of Integrated Transport and Environmental Policy**

4. Requests that it be conditioned to ensure that surface water discharge from the adoptable section of highway be discharged to an adoptable sewer in order to ensure adequate control over the state of the highway.

### **Additional Objections**

5. An additional 6 letters of objection have been received in respect to the proposal. Objections have been received from the following addresses; 20, 26 Leven Road, 18 Friarswood Close, 34 Valley Drive
6. Concern has been made in respect to the Package treatment plant which formed part of the proposals and it is highlighted that the Environment Agency have indicated that the existing foul sewer system has ample capacity and the presumption should be for all foul water to be connected to the foul sewer. Further objection indicates that persons down stream of the development will not allow additional discharge to pass through their properties.
7. Concern is raised that there will be two new accesses created onto Leven Road yet the Head of Integrated Transport and Environmental Policy, in dealing with an application at 17 Thirsk Road, advised that the council restrict proposed new accesses directly onto principle roads and that Leven Road should be classed as a principle Road.
8. Concern is raised over the impact of drainage following heavy rain associated with the properties to the rear of the site and it is feared properties 5 and 6 will increase the problem.
9. Other objections reiterate those referred to within the main report, specifically relating to the impact on the setting of the listed building, impact on the development of the area as a result of over development, that the development does not enhance or is not sympathetic to the appearance of the area

### **MATERIAL PLANNING CONSIDERATIONS**

#### **Highways Issues**

10. In order to address additional comments received from the Head of Integrated Transport and Environmental Policy with regard to the adequate drainage of the adoptable section of highway it is recommended that condition 9 of the main report be amended as listed within the recommendation below.
11. With regard to the concern in respect to the provision of new access onto Leven Road, the Head of Integrated Transport and Highway Safety has advised that Leven Road is a local distributor road and not a principle road. As such considerations relating to the provision of new accesses are based on different criteria to principle roads. It is confirmed that the two accesses onto Leven Road are considered to be acceptable.

#### **Drainage**

12. Concern remains in relation to the provision of surface water and foul water drainage associated with the scheme, which is intended to be discharged into the watercourse that runs through the site. The Environment Agency have advised that a detailed drainage scheme can be dealt with by condition, although has advised that information relating to discharges, gradients, peak flows, on site attenuation, climate change, operation of an overflow weir and other details will all need to be detailed and considered. Although the discharge into the watercourse may run through other properties, this does not result in it being unacceptable in planning terms as the detailed scheme will be designed to prevent excessive flows, flooding or pollution of the water environment.
13. The location of the two properties to the rear of the site will result in some of the surface water which would normally fall onto the ground and percolate down hill, being directed into surface water drains and as such it is considered

that the development would not unduly affect the impact of rainfall on the properties to the rear of the site.

### **Ecology**

14. The ecological issues of the site have been detailed following several revisions being considered by Natural England. The ecological report concludes that;
- There should be no adverse impact to badgers as there has been no evidence of regular foraging of this species. As such no mitigation is being proposed for this species.
  - No evidence was found which indicated that Clock house was used as a breeding or roost site for bats although they do forage within the tree lines. It is therefore recommended within the report to provide bat bricks within the buildings to enhance roosting opportunities.
  - There are no known great crested newts within 500m of the site and as such no mitigation is being proposed for this species.
15. Natural England have considered the latest submission of information and have no objection to the proposed development subject to an appropriate condition being attached relating to surveys, mitigation and working methods.

### **Recommendation:**

16. That the determination of the application be as recommended within the main report, subject to the amendment of condition 9 and the imposition of an additional condition as detailed below.

That condition 9 of the main report relating to surface water drainage be amended as follows;

***No development hereby approved shall be commenced until a scheme for the provision of surface water drainage works and flow regulation for the development and its associated highway have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall provide for the surface water run off from the adoptable section of highway within the site being connected into a public sewer The approved surface water drainage works shall be implemented in accordance with the approved details prior to the dwellings hereby approved being occupied.***

***Reason: In order to adequately provide for surface water discharge from the site.***

That the following additional condition be included in respect to mitigation of impacts on protected species.

***No development shall take place unless in accordance with the mitigation measures detailed within the protected species report (Clock House Development, Yarm, North Yorkshire, for Homes by Woodford. Naturally Wild Consultants. 08/12/2006) including but not restricted to, undertaking confirming surveys for badger and fox and nesting birds, adherence to precautionary working methods, provision of effective emergency procedures relating to ecological issues and environmental induction for all site personnel, provision of 10. no brick bat boxes and 10 no. tree mounted bat boxes.***

***Reason: To conserve protected species and their habitats.***