

DELEGATED

AGENDA NO
PLANNING COMMITTEE

DATE 23 JULY 2008

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

08/0707/FUL

Old Social Club Adjacent To 23, Kirklevington Grange, Yarm
Erection of 2.no detached dwellings and associated means of access and landscaping
(demolition of former social club)

Expiry Date: 19 August 2008

SUMMARY

Planning permission is sought for the erection of a two detached dwellings and associated means of access and landscaping at the Old Social Club adjacent to 23 Kirklevington Grange, Yarm.

The planning application has been publicised by means of individual letters, and 8no letters of objection have been received mainly relating to access and site traffic, privacy and amenity, visual amenity, and impact on existing landscaping features and drainage systems.

The main planning considerations relate to the principle of development, impact of the development on the character of the area and street scene, impact on neighbours privacy and amenity, access and highway safety, drainage and landscaping.

The applicant proposes to remove two trees, which are covered by tree preservation orders, and a separate application has been submitted for this (08/0708/TPO)

It is considered that overall the proposed development is acceptable and is recommended for approval with conditions.

RECOMMENDATION

Planning application 08/0707/FUL be Approved subject to the following conditions

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>LUD/YARM/L1/08/02</i>	<i>31 March 2008</i>
<i>LUD/YARM/L1/08/03</i>	<i>31 March 2008</i>
<i>LUD/YARM/H1/08/01</i>	<i>31 March 2008</i>
<i>LUD/YARM/H1/08/02</i>	<i>31 March 2008</i>
<i>LUD/YARM/H2/08/01</i>	<i>31 March 2008</i>
<i>LUD/YARM/H1/08/02</i>	<i>31 March 2008</i>
<i>LUD/YARM/L1/08/04</i>	<i>31 March 2008</i>
<i>SBC0001a</i>	<i>9 May 2008</i>

Reason: To define the consent.

- 02. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 03. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be 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 the interests of amenity of the occupants of neighbouring properties

- 04. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.**

Reason: To achieve a satisfactory form of development

- 05. Before development commences a method statement for working in close proximity to the trees on and around the site shall be submitted and agreed in writing by the local planning authority. The statement shall include the methods of working, use of materials and plant, access details and protection of the rooting zone of the trees on and around the site. This method statement should then be carried out in full unless with the prior written agreement to any variation by the Local Planning Authority.**

Reason: In the interest of the protection of the trees on and around the site.

- 06. Existing trees/hedgerows should be protected during the site works with the following provisions, which form part of B.S.5837:2005 Trees in relation to construction:**

- Changes in levels near the branch spread of the trees must be avoided.**
- Where tree roots are encountered, only hand digging will be allowed and the no dig construction methods shown in the tree report should be used where necessary.**
- Compaction to the root spread of the tree must be avoided and a protective fence/barrier as approved should be erected around the branch spread of the trees as shown in. B.S.5837: 2005. The approved fence/barrier shall be maintained during the build period, and consideration of a formal permit to access system shall be proposed in writing to the council.**
- No storage of materials are permitted within the root protection zone (RPZ) of the trees or branch spread, whichever is determined as the critical area.**
- No fires will be permitted near the trees.**
- Service runs should avoid the RPZ of trees and hedging and reference should be made to the document NJUG 10 from the National Joint Utilities Group.**

Reason: In the interests of protecting the landscape features on and around the site.

07. ***Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority.***

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

08. ***The trees to be removed shall be replaced with specimens or a type and species to be agreed with the Local Planning Authority, before the removal of the trees and which is to be planted within the first planting season following the removal of the tree. Should the replacement trees die, become damaged or diseased within five years it shall in turn be replaced within the first planting season following its demise with a species to be agreed in writing with the Local Planning Authority.***

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

09. ***Notwithstanding the submitted plans a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development***

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 unless the Local Planning Authority gives written consent to any variation. Landscape maintenance shall be detailed for the initial 5-year establishment period followed by a long-term management plan for a period of 20 years. The 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

10. ***Before the permitted dwelling is occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68dB(A) (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise.***

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

11. ***The existing access to road A1044 shall not be used for the ingress and egress of vehicular traffic to serve the new development at any time.***

Reason: In the interests of highway safety

12. ***Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.***

Reason: To ensure adequate garaging and parking spaces are made available.

It is considered that the layout of the proposed dwellings, size of amenity areas, distances between properties, landscaping, drainage and highway safety issues are acceptable and the proposed scheme does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles

HO3 Residential Development

H011 Residential Development

EN13 Limits to Development

EN11 Cleveland Community Forest

BACKGROUND

1. This submission seeks planning permission for the erection of two detached dwellings on land at Kirklevington Grange. Previous permissions for a single dwelling under reference numbers 98/1091/P & 02/0908/P (outline and reserved matters) have lapsed but there is an extant outline permission for a single dwelling on the land (06/3339/OUT).
2. The initial application 98/1091/P, was refused by the Local Planning Authority on the grounds that it was outside the limits of development and if approved would create a precedent within the area. This was subsequently allowed at appeal by the planning inspectorate on the 13th May 1999.

SITE AND SURROUNDINGS

3. The application site is a disused social club on the Kirklevington Grange estate in Yarm. Access to the site is taken from the internal roads through the estate, which is located to the east of the application site. To the west of the site is 23 Kirklevington Grange, which is within the applicant's ownership, and to the north is the A1044.

PROPOSAL

4. Planning permission is sought for the erection of a two detached dwellings with associated means of access and landscaping.
5. Plot 1 measures 12.928 metres x 11.015 metres and will house a lounge, dining room, kitchen, family room, hall, cloaks and integral double garage. At first floor there are 4 bedrooms and a study, with an ensuite and dressing area above the garage and family room. The proposed dwelling has an overall height of 8.8 metres with roof lights to the front and rear.
6. Plot 2 measures 12.703 metres x 11.015 metres and will house a lounge, dining room, family room/kitchen, utility, hall and integral double garage at ground floor. At first floor there are 4 bedrooms and a study, with an ensuite and dressing area above the garage and

family room. The proposed dwelling has an overall height of 8.8 metres with roof lights to the front and rear.

7. Access will be taken to each plot separately from Kirklevington Grange and therefore the existing bollards are to be relocated closer to the access with the roundabout at Green Lane.
8. Boundary treatment will consist of a 900mm brick wall to the front which rises to 1.5 metres and a two metre close boarded fence between the plots to the rear and a 1.8 metre fence to the front (1 metre close boarded with 800mm trellis).

CONSULTATIONS

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

Urban Design Engineers Comments

9. The development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments and to that end it is considered that the access to the proposed properties will be via Kirklevington Grange and is considered acceptable.

A 4-bedroom property in this location must provide a minimum of 3 incurtilage parking spaces. A double garage and driveway have been assigned to each property, meeting the parking requirements of these properties.

No objections

Further Comments 28/05/2008

Traffic Management confirmed that they do not feel an additional 2 dwellings will have any impact on the private access and they have no concerns regarding the junction with Castleavington lane.

Further Comments in relation to the access 25/06/2008

The proposed scheme should be accessed from Kirklevington Grange. Any intensification of the access at the roundabout would be unacceptable and objections would be raised to the re-opening of this access

Urban Design Landscape Comments

10. The development footprint be scaled down, and location based on retention of other trees on site during and post any possible build. Also the undertaking by the applicant to produce, for approval a replacement replanting programme (which should be conditioned). Tree survey to be undertaken highlighting the requirements for tree protection recommendations ref BS 5837:2005

In addition to the trees having a TPO served on them, the boundary of the property is hard up to the A1044 (Green Lane) and as such the trees have a high impact as does the boundary fence, as it is situated at the point where cars are slowing down or even waiting. At the moment it is close boarded and in a reasonable state of repair. The proposals for the development should not increase the height of this fence and vegetation should be retained

or replaced with suitably sized specimens to make and immediate impact in such a high impact area.

Northumbrian Water Limited

11. No objections

Environmental Health Unit

12. I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend conditions be imposed on the development should it be approved relating to noise disturbance from adjacent road traffic

Northern Gas Networks

13. No objections

Kirklevington and Castle Leavington Parish Council

14. The proposed houses are vastly different from anything else around the green Originally there was a restriction placed on the site that stipulated that any development could only be built on the footprint of the social club. We presume that, at that time, there must have been a reason for this; has this reason gone away?

NEDL

15. No objections

PUBLICITY

Neighbours were notified and any comments received are below (if applicable):-

R And A Williams, 22 Kirklevington Grange Yarm

16. Kirklevington Grange is a private road, jointly owned by the Prison and the residents and any damage or effects should be of a guaranteed standard.
The HGV's would cause an unacceptable level of inconvenience and safety issues for residents and damage the roads
The proposed dwellings are not in keeping with the area in both appearance and size. The area has feeling of space and these dwellings look cramped and out of keeping with The Green.
The dwellings have feature walls and the area is spacious and open this needs altering
The drainage systems can build up and surface water is also a concern
The trees have TPO's but what is the point if they can so easily be removed. The removal of them would be detrimental to the community and wildlife. Their removal may cause damage to the surrounding properties.

Alan Taylor, HMP Kirklevington Grange

17. The roads and pavements adjoining this development are the property of the MOJ and are managed by the Prison Service. They are very narrow and have not been adopted by the local council. The Drains running across this land are the main drains from the Prison and are still the responsibility of the Prison.

Colette Taylor 1 Kirklevington Grange Yarm

18. The current building is single storey; the proposed property of such a large scale would have an impact on out privacy and amenity.
Plot 2 would look out of place along current properties as there are no brick walls also why it is so close to No 1.
The removal of the tree would have an impact on the environment and may cause subsidence or foundation damage.
Access is to be provided on an already struggling road system, the road is not wide enough and how can this road cope with construction traffic
Surface water drainage system is struggling and there is a strain on the drainage system.
What is to be done to improve this?
I am also concerned about the close proximity of plot 2 to 1 Kirklevington Grange in comparison to plot separation from Plot 1 and 2 and Plot 1 and No 23

Graham Timms, 10 Kirklevington Grange Yarm

19. I have a number of concerns with the planning application proposal:
The removal of the trees - which has only, recently, be given a preservation order - and its impact on the local environment, and the precedence it sets for future developments.
Danger of site traffic to small children playing on and around the green (having a 2 year old daughter, this is an obvious worry)
The effect this constant traffic has on the grange's roads, pavements, and potential damage to cars parked on the street.
Our reason for moving to the grange was to bring up my daughter in a quiet, safe environment that encouraged the appreciation of nature.
This proposal seems to potentially undermine this

T Bowles, 8 Kirklevington Grange Yarm

20. Major concern is the access to the development which is wearing and the delivery vehicles will add to this wear and tear. Access for these vehicles would be better from the Roundabout.
We already are experiencing on-street parking from prison visitors.
There are concerns with drainage as surface water is a problem.

Mr J G Collinson, 7 Kirklevington Grange Yarm

21. I have no objection too the building of the proposed dwelling houses on the above site, However I must propose that any contractor's vehicles be prohibited from using the roadway around Kirklevington Grange, This roadway is jointly owned by the residents and the Prison Department and is too narrow for these vehicles to gain access to this site. Access must only be gained from Green Lane.

John Chapman 5 Kirklevington Grange Yarm

22. The access to these properties will have an affect on the residents as it is a narrow road and it will be difficult for HGV's to manoeuvre the site. Access should be from Green Lane.

The surface water system is inadequate
British Gas has a way leave over land to treat the gas governor in the land
Have permission from the prison been given to move the bollards
The foul drainage system was built for 22 house and 100 prisoners, which has since increased, how much increase in capacity can this system accommodate?
The prison and the residents own the roads jointly. Will the new occupiers contribute to the upkeep of the roads/lighting?

K and J Donoghue 11 Kirklevington Grange Yarm

23. The Roads and Pavements around the 'Grange' are privately co-owned by the prison service and the owners of the existing residential properties. This single lane road is used by residential owners for access and parking and objection to the use of this road as the road and pavement surfaces are worn as it stands, although some repairs were made in late 2007. HGV's will likely to have a direct and detrimental impact upon the quality of road and pavement surfaces. How will repairs be carried out and no approach has been made to residents relating to this matter. The road through the prison car park is very busy and there is always on-street parking. One of the attractions to the Grange was the safe and quiet environment, which the Grange offered. The likely occurrence of HGV's will put all children at greater risk. Is there any intent for the two plots to share ownership of the Grange roadway with the Prison and the existing residential properties? Why is the Green Lane entrance not being used?

Surface Water Drainage is inadequate are there any plans to resolve this issue

Pedestrian Access is required to Yarm

The use of walling is out of character. The dwelling will block further light from nearby dwellings and would be out of keeping with the area. Would such loft conversions include facilities to further strain the drainage systems?

The letter states that notice is being served upon the prison in respect to ownership of the road access around the Grange. This is inadequate, as the roadway is co-owned by the prison and all residential properties around the Grange. Notice will therefore be required to be given to all other properties on the Grange, in addition to the prison.

Ministry of Justice Custodial Property Section

24. HMPS has no objection to granting the Deed of grant with the necessary rights of access and egress to the client's property and a draft deed will be drawn up for approval.

PLANNING POLICY

- 25 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 Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.
- 26 The following planning policies are considered to be relevant to the consideration of this application:-

Adopted Stockton-on-Tees Local Plan

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Policy EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
- (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

- (iii) It contributes to the diversification of the rural economy; or
- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

Policy EN11

The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

MATERIAL PLANNING CONSIDERATIONS

28. The main planning considerations of this application are the principle of development, impact of the development on the character of the area and street scene, impact on neighbours privacy and amenity, access and highway safety, landscaping and drainage.

Principle of development

29. The application site lies outside the limits to development where further development is usually resisted unless there is a locational requirement for the development and subject to it being required for purposes relating to farming, forestry, sport, recreation, tourism or contributes to the diversification of the rural economy and accordingly the initial application in 1999 for development on the site was refused by the Local Planning Authority. This was subsequently allowed at appeal by the planning inspectorate.
30. The Inspector opined that although the site was outside the limits to development, he felt that there were several material considerations, which would outweigh that policy objection, and allow development on the site. He considered that the application site was not located in open countryside as it was sited between a built up area and a large prison. He stated that the site already contained a building, and felt that the proposed dwelling was far better for the local amenity than the existing building at that time.
31. Subsequent approvals have been given for residential development on the site, which have lapsed, however there is an extant outline permission for a single dwelling on the site.
32. Therefore it must be considered whether there has been any significant change in circumstances or policy since those approvals. The policy with same limits to development is still extant and it is considered that there has been no significant change since the appeal decision and subsequent approvals for development have been given. Therefore the Inspectors decision is still considered relevant.
33. Accordingly, it is considered that as no changes in material considerations has occurred since the initial outline consent for a single dwelling was granted by the Planning Inspectorate and the principle of residential development is acceptable on this site as demonstrated by past approvals for residential purposes including one as recently as 2006.

Impact on the character of the area and street scene

34. The existing building within the application site is single storey in height and has been vacant since 1997. The premises are considered to be out of character with the surrounding area, as the adjacent dwellings within the vicinity are mainly two storey residential dwellings.
35. The proposed dwellings will be set back from the highway a similar distance to the existing dwellings within the vicinity and will be two storey in height and although of a more modern appearance than the other properties in Kirklevington Grange, will be positioned so as not to dominate the street scene, with the dwellings facing onto the access to the roundabout and not the centre green.
36. There are other detached properties in Kirklevington Grange, namely 21, 22 and 23 Kirklevington Grange all of which do not face directly onto The Green but form part of the Estate. It is therefore considered that detached dwellings are not out of character with the area and will not have an adverse effect on the street scene for the reasons outlined above.
37. Comments have been made regarding the proposed boundary treatment, which is walls and fences, with neighbours commenting that it is out of character and anti-social. There is

an existing fence around the Social Club and various hedges throughout the estate. Although many properties have an open frontage this is at the choice of the individual resident as there are no open plan conditions on the estate, which will restrict means of enclosure.

38. The proposed developments face onto the access road and not actually onto the open green space where the majority of dwellings are open plan in nature. It is therefore considered that the means of enclosure would not have an adverse visual impact on the area and the proposed means of enclosure are acceptable.
39. Neighbours have stated that the development is cramped and therefore overdeveloped. The plot coverage is approximately 22% for Plot 1 and 18% for Plot 2. Advice often given is that the footprint of the building must take no more space up than 33% of the plot and therefore the proposed scheme is to be well below this limit and is not considered over development.

Impact on neighbours privacy and amenity

40. The main neighbours that would be affected by the erection of these dwellings would be 1 and 23 Kirklevington Grange who flank the application site.
41. 1 Kirklevington Grange is a two storey semi-detached dwelling and the occupier has objected to this proposed scheme. The neighbours attached garage and utility room is closest to the boundary with the application site. In the side elevation there is a window in the gable of the main house and a small obscurely glazed window in the side of the extension at ground floor, which is partially screened by the existing boundary fence.
42. The proposed dwelling at Plot 2 will be nearest this property and will be approximately 3.5 – 4 metres from the first floor window of 1 Kirklevington Grange. Only one window is proposed in the side of this new dwelling, which will serve the en-suite bathroom and will not give rise to overlooking. Whilst privacy may be reduced by the presence of a dwelling adjacent to the western boundary it is considered that this would not be to such an extent to warrant refusal of the application.
43. The proposed dwelling will project no further to the rear than the neighbour and it is therefore considered that there should be no adverse effect on the amenity of the neighbour through overshadowing. The light into the first floor window in the gable of 1 Kirklevington Grange may be reduced, however not to such an extent to warrant refusal of the application.
44. 23 Kirklevington Grange is located to the west of the application site and is well screened by an existing area of trees, some of which are covered by tree preservation orders.
45. The side elevation of the dwelling at Plot 1 will be nearest this property and will be approximately 17.5 metres from the east elevation of No 23. Although the Council offers no specific minimum distance on new housing development, it suggests in SPG2: Household Design Guide that 11 metres back to side distance is acceptable for extensions and therefore the separation distance of the two dwellings is acceptable. Only one window is proposed in the side of this new dwelling, which will serve the en-suite bathroom, and it is therefore considered that there will be no impact on privacy and no adverse impact on amenity due to the separation distances.
46. The two houses proposed are positioned so that they are not projecting beyond each other to the rear. There are no windows in the side elevations that would effect each others

privacy and adequate boundary treatment is being erected and therefore it is considered that there will be no adverse impact on the privacy or amenity of either property proposed.

47. Overall it is considered that the proposed erection of the two dwellings as shown on the submitted plans will not have an adverse effect on the privacy or amenity of neighbouring properties to such an extent to warrant refusal and each plot will not have an adverse effect on the privacy or amenity of the other.

Access and Highway Safety

48. The application proposes the continued use of existing access to the site from Kirklevington Grange. The road is co-owned by the residents and the prison and therefore the applicant needed to serve notice on all the owners, which has been carried out.
49. The Head of Technical Services has no adverse comments to make regarding this application, as the scheme meets the parking requirements of these properties and as the access to the proposed properties will be via Kirklevington Grange it is considered acceptable. A condition has been recommended to prevent the garages being converted without the need planning permission in order to retain adequate off-street car parking.
50. The Head of Technical Services (Traffic Management Section) have reviewed their response due to the comments received from residents regarding highway safety. They have confirmed that they do not feel an additional 2 dwellings will have any impact on the private access and they have no concerns regarding the junction with Castleavington Lane and therefore still raise no objections to the proposed scheme.
51. Objectors have queried why the access cannot be taken from the roundabout on the A1044. At present there are 'No Entry' signs from this access point and 3no. large concrete planters obstruct access to the site. The Head of Technical Services would resist any attempt to re-open the road and access the development from this point as it would have an adverse effect on highway safety at the roundabout.
52. Objectors have stated the roads are small roads that cannot take construction traffic, however it is considered that this would be for a limited time only and would not justify refusal of the application.
53. It has been pointed out that the maintenance of the roads is something that is funded by the residents and the prison and queries raised whether the applicant would enter into a similar agreement and whether any damage through construction vehicles would be made good.
54. The applicant has provided a copy of a letter from the Ministry of Justice who have confirmed that they have no objections to the proposed scheme, and are going to issue a draft 'deed of grant' for consideration by the applicant. It is therefore likely that this will include arrangements for repairs and maintenance as also agreed by other residents and the relocation of the bollards. However this is a civil matter and not material to the consideration of the present planning application.

Landscaping

55. The proposed scheme involves tree removal, 2 of which are covered by a preservation order. An associated application has been submitted in relation to that matter (08/0708/X). In brief this application for the removal of the trees is considered acceptable subject to replacement planting.

56. There are other trees to be removed on the site and 6 replacement trees are to be planted some along the rear of the site facing onto the A1044, details of which should be submitted along with a scheme for the protection of the trees that are to be retained. The Head of Technical Services has provided details of the trees that should be planted and their positions and this has been forwarded to the applicant for attention. The requirement of a scheme for replacement planting and tree protection can be conditioned accordingly.
57. The site is within an area designated as Community Forest in the Adopted Stockton on Tees Local Plan, where tree planting and retention is encouraged. The development does not involve the loss of trees and indeed the landscape proposals would see further tree planting. Therefore it is considered that the proposal would support the aims of the Community Forest
58. The Head of Technical Services states “that as the boundary of the property is hard up to the A1044 (Green Lane) the trees have a high impact as does the boundary fence and that proposals for the development should not increase the height of this fence and vegetation should be retained or replaced with suitably sized specimens to make an immediate impression in such a high impact area”. This is the area where some replacement trees are to be planted and a condition relating to the retention of trees, shrubs and bushes can be conditioned and has been recommended
59. The applicant does not intend to alter the fence as part of this application and should the height need to be raised at a later date then this would require a separate new planning application.
60. The Head of Technical Services have commented that the scheme is too large and the footprint should be reduced, however the footprint has been reduced substantially from pre-application discussions to avoid damage to the trees and a coverage of 22% and 18% respectively for each plot is considered to be acceptable.

Drainage

61. Concerns have been raised over the capacity of the drainage systems in Kirklevington Grange. The dwellings will connect to the main system and Northumbrian Water has raised no objections to the proposal. It is therefore considered that the proposed drainage will be acceptable.

Other matters

62. Environmental Health has requested conditions relating to noise insulation from adjacent road traffic. This condition has been recommended accordingly.
63. Neighbours have stated that there is a gas governor on site, which needs access. Northern Gas Work has commented on the proposal and has raised no objections.
64. The Parish Council queried whether there was a restriction placed on the previous approvals that stated the development could only be built on the footprint of the original building. This was checked and no such restriction was placed on the appeal decision or subsequent applications

CONCLUSION

65. In light of the Planning Inspectors decision and that no changes in material considerations has occurred since the initial outline consent was granted, the principle of residential

development, is acceptable. It is considered that the layout of the proposed dwellings, size of amenity areas, distances between properties and highway safety issues are acceptable and that the development generally accords with policies GP1, HO3, HO11, EN11 and EN13 of the adopted Stockton on Tees Local Plan, consequently the application is recommended for approval.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

WARD AND WARD COUNCILLORS

**Ward Yarm
Ward Councillor Councillor J Earl**

**Ward Yarm
Ward Councillor Councillor Mrs J. Beaumont,**

**Ward Yarm
Ward Councillor Councillor A B L Sherris**