

## Appendix 4

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**27 JULY 2016**

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

**15/1643/OUT**

**Land South Of Kirklevington, Thirsk Road, Kirklevington**

**Outline application for the construction of up to 145 dwellings and associated community and sport facilities (all matters reserved)**

This application was placed before committee on the 6<sup>th</sup> July 2016. Prior to the item being heard, a request was made for the item to be deferred until the committee members had been given the opportunity to fully understand the highway implications of the scheme. The application is therefore being placed before committee on the 27<sup>th</sup> July 2016.

This report must be read in conjunction with the main report and update report from planning committee on the 6<sup>th</sup> July 2016 (Shown at appendices 1, 2 & 3). In addition, comments have been made following the previous committee which are detailed below;

A local historian has raised concerns over the archaeology references within the submission as well as the possible position of a mansion house on the site and former uses of the site. These comments have been shared with Tees Archaeology who have advised that, in relation to a mansion house in Kirklevington, whilst this is of interest, there is no evidence to suggest the site of the mansion house is within the development area, in addition to which, a condition is already recommended to archaeologically record both the known remains of a post-medieval brick industry and any previously unrecorded archaeological remains exposed during topsoil stripping. Tees Archaeology are therefore satisfied that dealing with Archaeology by way of condition remains to be an approach proportionate to the evidence and findings.

A number of concerns and objections have been raised about the impacts on wildlife using the site, highlighting in particular the presence of Great Crested Newts, Bats and certain bird species. The submitted ecological statements advise due consideration has taken place and a condition is recommended to provide mitigation for protected species and to make biodiversity enhancements within the site. With regards to certain birds using the site, which is mainly pasture, consideration is given that this land is not a protected landscape or protected for its habitat as some local wildlife sites can be where habitat is considered to be of specific importance. The site is also in agricultural use and any extent of agricultural operations could take place within the site including its use for arable without the need for planning approval. It is not possible therefore from a planning perspective, to control the condition and value of the land within the site relative to specific species. In the instance that the site is developed, then the birds would move on to the next available pasture land suited to them and in view of these matters, it is considered the sites re-development would not have any significant detrimental impacts on wildlife.

On the 6<sup>th</sup> July the council received correspondence from the National Casework Planning Unit who advise on behalf of the Secretary of State. They have received a third party request to 'call-in' the application for the determination of the Secretary of State. The Local Authority has formally agreed to not issue a decision on the application if the committee is minded to approve the application in order to enable the Secretary of State to consider the proposal.

## **Recommendation**

That committee be minded to approve the application subject to conditions and informatives as detailed within the main report and update report and subject to a S106 Agreement as detailed within the Heads of Terms within the main report or such other terms as may be deemed necessary by the Director of Economic Growth and Development Service, and that the application be approved under the same terms should the Secretary of State not call the application in. In the instance that the Section 106 is not signed within 6 months from the date of permission being granted, then the application be refused due to lack of the provision for affordable housing, education and other important infrastructure identified in the report.