

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
16 August 2017  
REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**17/0224/FUL**

**24 Forest Lane, Kirklevington, Yarm**

**Erection of 19 residential dwellings, including new access, landscaping and infrastructure (Demolition of 24 Forest Lane).**

**Expiry Date:** 30 June 2017

**SUMMARY**

Full planning permission is sought for the construction of 19 residential dwellings comprising of 16 x 5 bedroom houses and 3 x 2 bedroom bungalows to the rear of 24 Forest Lane. A SUDs pond is proposed to the north of the site.

The site lies wholly within the limits of development for the village and was previously allocated for residential development under policy HO2; however this allocation is not a saved policy and therefore carries no weight.

In order to facilitate the creation of the access, the existing bungalow at 24 Forest Lane is to be demolished along with other ancillary buildings located within the garden of the property.

Neighbours were notified and letters of objection have been received.

The main considerations of this application relate to the principle of development, sustainability of the site, landscape and visual impact, layout and design, impact on neighbouring properties, highway related provisions as well as the impacts on drainage, ecology and archaeology.

The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth.

Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

In terms of local planning policies there are no specific designations which apply to this site other than the site lies within the limits to development, where development is generally accepted subject to the criteria as detailed in saved policy HO3 which is considered later in the report.

When considering housing applications a significant material consideration would be the requirement for the local planning authority to demonstrate a five year supply of deliverable housing sites. The Council has a deliverable housing supply of 4.50 with a 20% buffer which falls short of the required five years. Therefore, in accordance with paragraph 49 of the NPPF, policies

in the development plan that deal with housing supply are considered out of date and proposals should be considered in the context of the presumption in favour of sustainable development.

One of the core land-use planning principles, in the National Planning Policy Framework is “*the need for planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable*”. The village is considered to be sufficiently sustainable to support new residential development contributes towards addressing the shortfall in the boroughs 5 year housing land supply, as well providing affordable housing units. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF

The application has been assessed by the Highways, Transport and Design Manager from a Landscape perspective and it is considered that the proposed extent of residential development within this application is the maximum that would be acceptable in this part of Kirklevington with respect to landscape character and visual impacts and it is considered that the proposed development will not have an adverse impact on the character and appearance of the area.

The development site is rectangular in shape with properties either side of the road, culminating in a private drive at the northern end of the site, with properties facing back towards Forest Lane. The road has an attractive curved layout allowing for an island of landscaping at the centre of the development, to incorporate tree planting to screen the northern end of the development. It is considered this would create an attractive streetscape introducing trees and soft landscaping into the development reflecting the rural character around the edges of the settlement.

The proposal includes detached property house types and a terrace of bungalows. The properties are a modern design with a variation on each house type to create a more interesting street scene and will fit in with the character and appearance of the area.

The proposed scheme provides adequate levels of parking, adequate space for manoeuvring of vehicles and provision for refuse collection and the layout of the development is not considered to have any detrimental impacts on highway safety.

The development site is located close to properties in Jasmine Fields; Forest Lane and Penders Lane. The plans have been assessed and it is considered that with the provision of the additional planting and boundary treatments as proposed the development will not have an adverse impact on the privacy or amenity of neighbouring properties sufficient to warrant refusal of the application.

Concerns have been raised over highway safety in general terms and the resultant additional traffic onto the network in this part of the Borough and the impacts of additional traffic in Kirklevington. The Highways Transport and Design Manager has considered the scheme and whilst is accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe. The Highways, Transport and Design Manager has therefore confirmed that he is unable to object to the proposed development in relation the impact on the highway network however, the results show that the proposed development is reliant upon mitigation to which the applicant should contribute and forms part of the heads of terms.

Details of the proposed site access arrangements have been submitted and are considered to be acceptable in principle.

The Highways Transport and Design Manager has considered the construction management plan and raised no objections however a condition has been recommended to ensure the final plan is agreed prior to commencement of development should the application be approved.

The application site lies within flood zone 1 where development would first be directed. A Flood Risk Assessment and Surface Water Management Strategy accompany the application. A condition requiring full details of the drainage scheme have been recommended.

Other matters in relation to archaeology, ecology and land contamination have been considered in full and can be adequately dealt with through the imposition of conditions

In conclusion, as the site is within the limits to development and unallocated for any other use, the proposal is considered acceptable in principle, and meets the three strands of sustainable development; and raises no concerns in relation to visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding

For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

## **RECOMMENDATION**

**That planning application 17/0224/FUL be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below or other such terms as may be deemed necessary by the Director of Economic Growth and Development Services**

### **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 on Plan    |
|-----------------------|-----------------|
| 2804-D-20-007         | 2 February 2017 |
| NT12873/ 002          | 27 January 2017 |
| 2804-D-20-004 REV C   | 6 February 2017 |
| 2804-D-20-003 REV C   | 27 January 2017 |
| 2804-D-20-002 REV F   | 2 February 2017 |
| 2804-D-20-001 REV C   | 27 January 2017 |
| 2804-D-90-004         | 27 January 2017 |
| 2804-D-20-005 REV C   | 27 January 2017 |
| 2804-D-20-010 REV B   | 27 January 2017 |
| 2804-D-90-02 REV A    | 27 January 2017 |
| 2804-D-20-006 REV B   | 27 January 2017 |
| 2804-D-90-003 REV K   | 27 January 2017 |
| 2804-D-90-001 REV A   | 27 January 2017 |
| C002                  | 18 July 2017    |

Reason: To define the consent.

### **03 Materials**

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.

#### **04 Flood Risk/Drainage**

The drainage system to be adopted by Northumbrian Water Limited in relation to the proposed development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 1001, and ensure that surface water discharges to the surface water sewer downstream of the tank sewer 0202 at a maximum restricted rate of 5 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

#### **05 Discharge of Surface Water**

The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure
- III. A management plan detailing how surface water runoff from the site will be managed during construction Phase
- IV. Details of adoption responsibilities;
- V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The buildings hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

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 guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

#### **06 Construction Management Plan**

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;
- (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 to minimise the deposit of mud, grit and dirt on public highways 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 routing of associated HGVs;

- (x) measures to protect existing footpaths and verges; and 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 visual amenity.

### **07 Site Construction Access**

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access(es) extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the Councils Design Guide and Specification.

Reason: In the interests of highway safety.

### **08 Scheme for Illumination**

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking courts and pitches, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of external lighting 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 amenities of adjoining residents, highway safety.

### **09 Landscaping Softworks**

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to commencement of soft landscaping works full details of Soft Landscaping has been submitted to and 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 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 unless otherwise agreed with the LPA in writing in the first planting season following commencement of the development or agreed phases 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.

### **10. Tree Protection**

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

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 existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality that should be appropriately maintained and protected

### **11. Maintenance Softworks**

No development shall commence until full details of proposed soft landscape management has been submitted to and approved in writing by the Local Planning Authority.) The soft landscape management plan shall include maintenance access routes to demonstrate operations can be undertaken from publically accessible land, long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden [delete as required] shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan prior to the occupation of the

- (i) Development ;
- (ii) or approved phases.

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 LPA 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.

### **12. 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 condition (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 condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

### **13. Energy Statement**

Prior to the commencement of the development, an energy statement should be submitted identifying the predicted energy consumption and associated CO2 emissions of the development, and provide details of the fabric U-values for the proposed buildings in order to demonstrate compliance with Part L (2013) building regulations. In accordance with Core Strategic Policy 3 (CS3), the predicted CO2 emissions of the development are required to be reduced by at least 10% through the use of onsite renewable energy equipment and / or design efficiencies, and these must exceed what is required to comply with Part L (2013) building regulations. The development should be completed in accordance with the agreed energy statement details.

Reason: To ensure a satisfactory form of development.

#### **14. Ecology and mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the ecology survey; bat survey and subsequent updates unless otherwise agreed in writing by the local planning authority.

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

#### **15. 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 and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.

#### **16. 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: Due to the proposed development's proximity in relation to historical features, namely: 1956: Unknown filled ground pond, marsh, river, stream or dock. Less than 100m<sup>2</sup> and in the interests of ensuring all land contamination is adequately addressed

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

#### **Informative 1: Working practice**

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 seeking revised details and information and by the identification and imposition of appropriate planning conditions.

#### **Informative – Flood Risk Assessment**

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. 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.

The drainage system must be designed to operate without flooding for up to the 1 in 30 year event and accommodate the 1 in 100 year plus climate change making sure sufficient steps are taken to ensure that any surface flows between the 1 in 30 and 1 in 100 year events plus climate changed are stored within the proposed development site. The updated guidance states the new allowance for climate change and we now require both +20% scenario and a +40% scenario. Therefore new surface water drainage schemes designed within flood risk assessment/drainage strategies require at least three sets of calculation; 1 in 30 year event, 1 in 100 year plus 20% climate change and 1 in 100 year plus 40% climate change.

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations; 1 in 30 year event; 1 in 100 year plus 20% climate change and 1 in 100 year plus 40% climate change;

- Drainage systems can be designed to include a 20% allowance for climate change;
- A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
- If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

#### **Informative: Northumbrian Water**

For information only: We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct 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 will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

#### **Informative: 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 chargeable.

### **HEADS OF TERMS**

#### **Affordable Housing**

The provision of a minimum of 15% affordable housing to be provided on site.

#### **Education**

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

#### **Offsite Highway Works**

The Owner shall enter into a Highways Agreement prior to the Commencement of Development to contribute to the delivery of the Crathorne Interchange Works/Green Lane Roundabout.

#### **Open Space**

Contribution towards open space/play facilities.

### **BACKGROUND**

1. Outline planning permission (06/0766/OUT) for 15 dwellings has previously been granted for the site but was not implemented and has subsequently expired.



## **SITE AND SURROUNDINGS**

2. The application site is located on northern edge of Kirklevington and extends to approximately 1.38 hectares of land currently in agricultural use.
3. The site is bound on three sides by existing residential development (South, east and west), with further agricultural land to the north. Access to the Site is to be taken from Forest Lane which requires the demolition of 24 Forest Lane.
4. The site lies wholly within the limits of development for the village and was previously allocated for residential development under policy HO2; however this allocation is not a saved policy and therefore carries no weight.

## **PROPOSAL**

5. Full planning permission is sought for the construction of 19 residential dwellings comprising of 16 x 5 bedroom houses and 3 x 2 bedroom bungalows. A SUDs pond is proposed to the north of the site.
6. In order to facilitate the creation of the access, the existing bungalow at 24 Forest Lane is to be demolished along with other ancillary buildings located within the garden of the property.
7. Affordable housing will be provided on site by means of the provision of 3no 2 bedroom bungalows representing 15% affordable housing.
8. To the north of the site a field access is retained and the submitted information states this area will continue to be in the control of the vendor and used for production of haylage and confirming vehicle access is only required infrequently.

## **CONSULTATIONS**

9. The following Consultations were notified and any comments received are set out below:-
10. SBC Highways Transport And Environment

Subject to the comments below the Highways, Transport and Design Manager has no objections to this full planning application for the erection of 19 residential dwellings, including new access, landscaping and infrastructure (Demolition of 24 Forest Lane).

The impact of the proposed application on the highway network has been assessed by the applicant, within the Transport Statement (TS) submitted in support of the proposed development, and also using the Council's Yarm Traffic Model.

The Yarm traffic modelling provides an informed response regarding the impact of this proposed development on the wider network and its impact as part of a cumulative assessment of highway impact from other planning applications that affect the same sections of highway.

The modelling results show that there would be limited practical difference in terms of traffic impact on the local road network with or without this application for the erection of 19 dwellings or cumulatively with other applications awaiting determination in Kirklevington would be a small proportion of both the population and the overall future development proposals within the Yarm area.

Taking the above into account the Highways, Transport and Design Manager is unable to object to the proposed development in relation the impact on the highway network however, the results show that the proposed development is reliant upon mitigation to be provided by others at the A19/A67 Crathorne interchange and the A67 / A1044 / Green Lane Roundabout. As such a contribution towards the cost of the proposed mitigation should be sought and this should be secured by a legal agreement.

Details of the proposed site access arrangements are considered to be acceptable in principle. The detailed design of the layout would have to be undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement. All costs of the highway works would have to be met by the applicant.

The proposed development as illustrated on Drawing Number 2804-D-90-003 REV K has been designed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) and Supplementary Planning Document 3: Parking Provision for New Developments.

The applicant will need to enter into a Section 38 Agreement for the highway; footpaths shared spaces, verges and highway trees which will become highway maintainable at the public expense. A Construction Management Plan should be agreed, should the application be approved, prior to construction commencing on the site and this should be secured by condition.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

Detailed comments are attached at Appendix for information.

11. Highways England Company Limited

No objection

12. Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's 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.

Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy". In this document it states that foul water will discharge to the agreed manhole 1001 and surface water will discharge to the agreed connection point located downstream of the tank sewer 0202 at a restricted rate of 5 Litres per second if it is proven that there is no other option for the disposal of surface water.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 1001, and ensure that surface water discharges to the surface water sewer downstream of the tank sewer 0202 at a maximum restricted rate of 5 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

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. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

For information only: We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct 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 will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

13. 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 chargeable.

14. Tees Archaeology

The developer has provided an archaeological evaluation of the site consisting of desk-based assessment, earthwork survey and trial trenching (2005) and geophysical survey (2016). This demonstrates that there is medieval archaeology surviving in the southern part of the site.

It would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). This would take the form of archaeological excavation of the area containing medieval archaeology. I recommend that the local authority attach the following condition to secure this work:

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 condition (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 condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

15. Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

## 16. Spatial Planning & Regeneration

As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The development plan for Stockton on Tees Borough is made up of policies from the adopted Core Strategy (2010) and saved policies from the Local Plan (1997) and Local Plan Alteration Number One (2006).

Policies of relevance to this application which are considered in detail in this response are:

' Core Strategy Policy CS10: Point 3 states that 'The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of' Strategic gaps between the conurbation and the surrounding towns and villages''

' Local Plan Policy EN13: identifies what uses types of development are considered acceptable outside the limits to development which are identified around the main urban and the villages.

' HO3: identifies that within the limits to development residential development may be permitted provided certain criteria are met.

Whilst policies CS10 and EN13 have been referenced above it is noted that the only element of the site that is located out with the Limits to Development and within the Strategic Gap is an area intended for the provision of a SUDS basin associated with the proposed development.

As you will be aware, the NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development.

In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

## 17. Kirklevington And Castle Leavington Parish Council

Kirklevington And Castle Leavington Parish Council wish to express our following concerns:

1. On approaching the development along Forest Lane from the west, there is a blind bend in the road and any vehicle exiting the site will not be seen until the last minute.
2. As above, exiting the proposed development will be challenging with the blind bend in the road to the west on Forest Lane.
3. We would question the width of the road at the site of 4.8m as inadequate.
4. We are also concerned that the refuse vehicles and any other large vehicles will have to reverse into the site as a turning manoeuvre within the site will not be possible. Such a manoeuvre just before the blind bend in the road on Forest Lane will be dangerous.
5. The positioning of the bungalows close to the entrance to the site, with only one parking space per property, will cause problems within the proposed development as it is envisaged that any second vehicle, either owned by the residents of the bungalows or visiting the properties, will cause an obstruction.
6. At the consultation it was brought to the developer's attention that we were not happy with the layout of the site and we were led to believe that they had taken this on board and were in agreement. The dwellings backing on to Jasmine fields are too close. The positioning of the bungalows at this point would be more sensible.
7. We would question as to why the urban drainage suds have been placed behind the hedge in the lower field and outside of the village envelope. These should be within the proposed development.

8. By placing the above suds in the lower field, are we to presume that there will be a phase 2 to this proposed development in the future?

9. We are extremely concerned that vehicles from the proposed site will increase the number of vehicles both exiting from and entering by The Crown at the A67/Forest Lane junction. This is already a very challenging junction. It is the ONLY road entering Kirklevington village from the A67

18. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- Construction/ Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

I would recommend the conditions as detailed be imposed on the development should it be approved.

- Demolition and Dust Emissions

A scheme should be provided to control dust emissions as a result of demolition works, such as dampening down, dust screens and wheel washers to prevent mud being tracked onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.

19. Principal Environment Officer

In agreement with the proposed D&A statement. Sections 11.1 - 11.8 of the submitted Design and Access Statement highlight the proposed strategy for reducing energy use and carbon emissions, and it confirms that the development will achieve a 10% improvement in carbon emission reductions over and above current Building Regulations (Part L 2013).

This should be secured by condition through provision of an Energy Statement identifying how the predicted CO2 emissions of the development will be reduced by at least 10% over what is required to comply with Part L (2013) building regulations, through the use of onsite renewable energy equipment and/or design efficiencies.

20. SBC Housing Services Manager

I confirm that the originally proposed 3no x 2 bedrooled bungalows affordable housing requirement is acceptable.

21. Hambleton District Council

No comments received

22. Councillors

No comments received

23. SBC Children, Education And Social Care

No comments received

24. SBC Waste Management

No comments received

25. Northern Powergrid

No comments received

## **PUBLICITY**

26. Neighbours were notified and letters of objections were received from the 7 addressed detailed below with the main objections summarised below. The Full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. David Bell 34 The Green Kirklevington
2. Mr Jim Wallace 15 Knowles Close Kirklevington
3. Mrs Vikki Sherwood 4 Penders Lane Kirklevington
4. Mr John Wolff 14 Jasmine Fields Kirklevington
5. Mr Richard Nann 3 Jasmine Fields Kirklevington
6. A McLee 3 The Green Kirklevington
7. Mr Russell Sherwood, 4 Penders Lane Kirklevington

27. The main reasons for objection are;

- Impact on existing infrastructure
- The land is susceptible to flooding.
- Increase in traffic on Forest Lane, and egress from the village at the Crown or via Pump Lane
- Infrastructure of amenities (e.g. sewerage. electricity) - Waste water drainage :The proposed waste water pipe that will connect the Duchy development actually travels across our property. We have been considering an extension that would run near the pipe, so Northumbrian Water has been out a few times to investigate. The pipe is slow moving and seems to struggle with the load already on it. A few houses on Jasmine Fields have horrible smell of drains in wet weather from sewer gas backflow
- Loss of sunlight
- Unclear provision for hedgerows – will they be protected or removed
- Placement of bungalows
- Overlooking The developer seems to have completely ignored feedback from their consultation exercise
- The plans attached to this application do not accurately portray the existing situation, particularly in respect of the houses at 1 and 3 Jasmine Fields, both these houses have extensions to the rear (not shown on plans) . The extension to my property projects four metres into my garden. ie. 4 metres closer to the rear boundary, thus 4 metres closer to the proposed new housing. These houses would have a direct line of sight into the living area of my home. This is extremely intrusive.
- Biodiversity Implications : The ecological report acknowledges that the swallow breeding colony, a will be destroyed by the removal of the old stabling outhouses, and recommends that the developer constructs, as mitigation, some sort of alternative building to compensate. This is highly unlikely, given the proposed plan of the houses. Biodiversity enhancement should be promoted by the inclusion of readily used, brick nesting cavities into the gable ends of the houses. These have been proven to be adopted by alternative species like bats and swifts. The engineering report states that the SuDS pond at the north side of the development, will be managed to be dry. If this could be designed to retain 0.5 m of water the sites biodiversity would be greatly enhanced. The above measures should be required in the 106 details should the development be approved. The newly re-established Tees Valley Nature Partnership is championing such biodiversity enhancement features.

## **PLANNING POLICY**

28. 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 Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 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 [planning 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

### **National Planning Policy Framework**

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in this Framework indicate development should be restricted.

### **Local Planning Policy**

The following planning policies are considered to be relevant to the consideration of this application.

#### Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.
3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

#### Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

#### Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
8. Additionally, in designing new development, proposals will:
  - \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
  - \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
  - \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
  - \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

#### Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:
  - i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
  - ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
  - iii) The priority accorded to the Core Area;
  - iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.
2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.
3. Areas where land will be allocated for housing in the period 2016 to 2021:
 

|                                |                                       |
|--------------------------------|---------------------------------------|
| Housing Sub Area               | Approximate number of dwellings (net) |
| Core Area                      | 500 - 700                             |
| Stockton                       | 300 - 400                             |
| Billingham                     | 50 - 100                              |
| Yarm, Eaglescliffe and Preston | 50 - 100                              |
4. Areas where land will be allocated for housing in the period 2021 to 2024:
 

|                  |                                       |
|------------------|---------------------------------------|
| Housing Sub Area | Approximate number of dwellings (net) |
| Core Area        | 450 - 550                             |
| Stockton         | 100 - 200                             |
6. Proposals for small sites will be assessed against the Plans spatial strategy.
7. There will be no site allocations in the rural parts of the Borough

#### Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).
2. A more balanced mix of housing types will be required. In particular:
  - \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;



\_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;

\_ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.

#### Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

#### Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

\_ highways and transport infrastructure;

\_ affordable housing;

\_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

### Saved Policy HO3 of the adopted Stockton on Tees Local Plan

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### Saved Policy EN30 of the adopted Stockton on Tees Local Plan

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

## **MATERIAL PLANNING CONSIDERATIONS**

29. The main considerations of this application relate to the principle of development, sustainability of the site, landscape and visual impact, layout and design, impact on neighbouring properties, highway related provisions as well as the impacts on drainage, ecology and archaeology. These and other material planning considerations are considered as follows;

### Principle of Development

30. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth.
31. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
32. In terms of local planning policies there are no specific designations which apply to this site other than the site lies within the limits to development, where development is generally accepted subject to the criteria as detailed in saved policy HO3 which is considered later in the report.

### The supply of deliverable housing land

33. When considering housing applications a significant material consideration would be the requirement for the local planning authority to demonstrate a five year supply of deliverable housing sites. The Council has a deliverable housing supply of 4.50 with a 20% buffer which falls short of the required five years. Therefore, in accordance with paragraph 49 of the NPPF, policies in the development plan that deal with housing supply are considered out of date and proposals should be considered in the context of the presumption in favour of sustainable development.

### Sustainability

34. One of the core land-use planning principles, in the National Planning Policy Framework is "*the need for planning to actively manage patterns of growth to make the fullest possible use of public*

*transport, walking and cycling and to focus significant development in locations which are or can be made sustainable”.*

35. Whilst there are currently a limited amount of services within the village which include a school, community centre; children’s play area, public house, church and car repair garage, there is no daily regular bus service. However following the approval of the ‘Jomast’ site, provisions have been made to expand services within the village and provide a large area of open space; a small scale shop, and a multi-use games area for children. The combination of these services as well the other services within the village have been considered and the opinion is that Kirklevington would be sufficiently sustainable to support new residential development.
36. Concerns have been raised regarding the impact of the scheme on local amenity infrastructure and these matters are considered later in the report.

#### Economic/Social Benefits

37. It is recognised that a key benefit of the proposed development would be that it contributes towards addressing the shortfall in the boroughs 5 year housing land supply, as well providing affordable housing units. These have both social and economic benefits as set out within the three elements of the definition of sustainable development. Furthermore, the development would provide a number of jobs in the construction industry and supply chain in the short term and such benefits are consistent with the NPPF and in particular paragraph 17, which encourages Local Authorities to ‘drive and support’ economic development.

#### Impact on the character and appearance of the area

38. The application has been assessed by the Highways, Transport and Design Manager from a Landscape perspective and it is considered that the proposed extent of residential development within this application is the maximum that would be acceptable in this part of Kirklevington with respect to landscape character and visual impacts.
39. The proposal is contained within a single field, which narrows beyond the edge of the proposed development. Only the proposed SUDS pond is located beyond this natural boundary. The SUDS pond must be designed to minimise impacts on character and visual amenity, and outfalls, access tracks etc. must be designed to integrate with the landscape and the final design can be given further consideration during the discharge of application process should the application be approved. The development retains the existing hedgerow boundaries and trees to the north, east and west, retaining the existing field pattern.
40. Views of the development site are limited due to its location at the rear of existing properties, however the site will be clearly visible from the new entrance on Forest Lane, where the existing property will be demolished to facilitate access. Receptors will gain views along the residential street towards the landscaped central area within the development.
41. There will be glimpsed views from the A67 for pedestrians and vehicles using this route to travel south towards the A19. Views will be oblique and glimpsed across the existing field boundaries, against the existing residential backdrop. It is likely that receptors will perceive only minimal change in their view from this location. Receptors travelling north are unlikely to gain views of the development.
42. Overall it is considered that the proposed development will not have an adverse impact on the character and appearance of the area.

#### Site Layout

43. The development site is rectangular in shape with properties either side of the road, culminating in a private drive at the northern end of the site, with properties facing back towards Forest Lane. The road has an attractive curved layout allowing for an island of landscaping at the centre of the development, to incorporate tree planting to screen the northern end of the development. It is

considered this would create an attractive streetscape introducing trees and soft landscaping into the development reflecting the rural character around the edges of the settlement.

44. The layout also includes for occasional trees within private gardens, however these must be located a sufficient distance from the dwellings. Principals for soft landscaping have been submitted, these are broadly acceptable, but some further details and refinement of species is required, which has been conditioned.
45. In addition conditions in relation to tree and hedgerow protection measures during construction and submission of a management plan to ensure public areas of the site are maintained in perpetuity are recommended.
46. Policy HO3 requires the site to be not allocated for another use, no overhead cables crossing the site, and for the site not to be used for recreational purposes and a development that is sympathetic to the character of the locality and takes account of and accommodates important features within the site. Whilst there are overhead cables crossing the site, it is proposed for the lines to be rerouted and run underground through the site. The site therefore complies with criteria i, ii, iii, and iv. Other matters (criteria v and vi) are considered later in the report.
47. The proposal includes detached property house types and a terrace of bungalows. The properties are a modern design with a variation on each house type to create a more interesting street scene. No details of the materials for the development have been submitted and a condition will be recommended for the details of the materials to be submitted. Although the design of the development is a modern design is considered that with a suitable palette of materials the development will fit in with the character and appearance of the area.
48. The proposal has not provided any details of the street lighting proposed for the development and to ensure the proposal will not impact on the neighbouring properties or highway safety a condition will be placed on the application for details of the illumination to be provided to the Local Planning Authority prior to the commencement of the development.
49. The proposed scheme provides adequate levels of parking, adequate space for manoeuvring of vehicles and provision for refuse collection and the layout of the development is not considered to have any detrimental impacts on highway safety.
50. The development includes incidental green space. Kirklevington Parish Council has an equipped play area located off Forest Lane within the village and the extant planning consent for residential development (15/1643/OUT) proposes to enhance this play provision by constructing a MUGA for older children. In the event that application 15/1643/OUT does not come forward or other recreational improvements are required it is desirable to secure funding for improvements to the existing play provision. However, should other housing applications in Kirklevington currently awaiting determination be granted planning consent approved then the level of contribution would be made pro-rata to the development impact. This has been included in the Heads of Terms.

#### Impact on neighbouring properties

51. The development site is located close to properties in Jasmine Fields; Forest Lane and Penders Lane.
52. The application site layout shows additional planting along the boundary with Jasmine Fields and Penders Lane and a fence along the properties in Jasmine Fields and Forest Lane which would be acceptable to protect the privacy and amenity of these residents although there will be a short period of time before the additional planting is established.
53. The application has been assessed and the separation distances as proposed for all properties complies with the guidance indicated in SPD1: Sustainable Design Guide which states that the

Council will normally expect a minimum of 21 metres separation to be provided between the main habitable room windows on facing residential properties. Where main habitable room windows will face windows of secondary rooms, such as bathrooms and hallways, or a blank gable, there should normally be a gap of at least 11 metres between the two properties.

54. Overall it is considered that with the provision of the additional planting and boundary treatments as proposed the development will not have an adverse impact on the privacy or amenity of neighbouring properties sufficient to warrant refusal of the application, however as requested by Environmental Health a condition has been recommended to control hours of construction.

#### Highways Impact

55. Concerns have been raised over highway safety in general terms and the resultant additional traffic onto the network in this part of the Borough and the impacts of additional traffic in Kirklevington.
56. The applicant has submitted a Transport Statement (TS) in support of the proposed development, however, at the request of the Local Highway Authority the impact of the proposed development on the highway network together with any cumulative impact along with other applications within Kirklevington awaiting determination has also been assessed using the Council's Yarm model.
57. The Yarm traffic modelling provides an informed response regarding the impact of this proposed development on the wider network and its impact as part of a cumulative assessment of highway impact from other planning applications that affect the same sections of highway.
58. In order to validate the traffic modelling work undertaken by the developer, in support of the proposed application, the Council have carried out a series of further sensitivity tests to ensure the results being report are robust which have included journey time assessments with additional traffic growth to take account of the continued economic growth within the area; and assessments of the A67 / Forest Lane junction and the Crathorne Interchange with all traffic from the proposed development routing via the A19.
59. Local capacity assessments have been undertaken at Forest Lane / A67 junction ; A67 / Green Lane Roundabout; and A67 Crathorne Interchange, which has shown that with the agreed mitigation in place, all junctions would operate within capacity.
60. The modelling results (with mitigation place) show that there would be limited practical difference in terms of traffic impact on the local road network with or without this application or cumulatively with other applications awaiting determination in Kirklevington. This is because the development would be a small proportion of both the population and the overall future development proposals within the Yarm area and within this, it is reasonable to predict that 'peak spreading' would occur as users stagger journey times to avoid traffic congestion.
61. It is accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe. The Highways, Transport and Design Manager has therefore confirmed that he is unable to object to the proposed development in relation the impact on the highway network however, the results show that the proposed development is reliant upon mitigation at the A19/A67 Crathorne interchange and the A67 / A1044 / Green Lane Roundabout. As such a contribution towards the cost of the proposed mitigation should be sought and secured by a legal agreement which forms part of the heads of terms.
62. Details of the proposed site access arrangements have been submitted showing access from Forest Lane (Following the demolition of 24 Forest lane) and the site access arrangements are considered to be acceptable in principle, the detailed design of the layout would have to be

undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement.

63. The Highways Transport and Design Manager has considered the construction management plan and raised no objections however a condition has been recommended to ensure the final plan is agreed prior to commencement of development should the application be approved.

#### Flood Risk and Drainage

64. The application site lies within flood zone 1 where development would first be directed. A Flood Risk Assessment and Surface Water Management Strategy accompany the application.
65. Foul water will discharge to an agreed manhole and surface water will discharge to the agreed connection point located downstream of the tank sewer 0202 at a restricted rate of 5 Litres per second. Northumbrian Water have no objections to this application providing the application is approved and carried out within strict accordance with the "Flood Risk Assessment and Surface Water Management Strategy" which can be conditioned. NWL confirm in their response, that whilst they do not comment on the merits of the flood risk scheme/management strategy they confirm the ability of their network to accept flows if sewer connection is the only option.
66. In terms of surface water sun off the proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site and a provision for "Urban Creep", should be included within the detailed surface water drainage design which can be conditioned.
67. A public sewer crosses the site and the applicant has confirmed that due to the layout design part of the section of sewer crossing the site will require diversion under a section 185 agreement with NWL. Preliminary discussions have taken place between the applicant and NWL who indicated that this diversion would be acceptable subject to detailed design and easements will be required where the sewer cross proposed front garden areas.
68. Northumbrian Water have confirmed that the treatment works to which foul flows are transferred has sufficient capacity to handle the flows generated from the development.

#### Archaeology

69. The application site lies within an area of archaeological interest and an Archaeological Desk-Based Assessment and a Geo-Physical Survey accompanies the application. In addition, trenching has been undertaken on the site, with a total of 5 trenches excavated within the field. No archaeological remains were identified in trenches 1, 2 and 3, however, in trenches 4 and 5, medieval and post-medieval features (gulleys and pits) were identified.
70. Tees Archaeology have no objections to the proposed scheme, however requested that a record is made of any archaeological remains that will be destroyed by the development which would take the form of archaeological excavation of the area containing medieval archaeology. An appropriate condition has been recommended to ensure this work is undertaken.

#### Ecology

71. An Ecology Survey and Bat Survey Report accompany the application which details potential impacts and makes various recommendations / suggests mitigation measures. The proposal involves the demolition of 24 Forest Lane; however the assessments found no evidence of bats and concluded that bats are unlikely to roost at the property.

72. The outbuildings must be checked for the presence of Barn Owls before demolition and the report stated that if Barn Owls are found the ecologist will be consulted for further advice. Part of the mitigation measures set out in the Study propose the provision of a Barn Owl box off site that must be erected before any site clearance work takes place. This has already been provided.
73. As the removal of the outbuildings will result in the loss of nesting sites used by Swallows, offences against nesting birds could be committed under the Wildlife & Countryside Act 1981 (as amended) as the demolition of the former stables will result in the loss of a building that has been used as a roosting place by a Barn Owl, which is a Schedule 1 species. However the mitigation, compensation and enhancement method statement sets out, in addition to the offsite barn owl box referenced previously, the following measures:
- Creation of nesting sites for swallows to help them nest in garages or in outhouses; and
  - Incorporate bat roost units into the highest points in the gable ends of new houses on the development to provide bat roosting places, thus enabling the site to support roosting bats in the future.
74. If hedgerows are to be removed it is likely that nesting bird habitat will be lost, however hedgerows are to be retained and enhanced where required.
75. Overall it is considered that if the proposed development is carried out in accordance with the recommendations/mitigation as detailed in the submitted reports that the development will not have a significant adverse impact on ecology. A condition has been recommended to this effect.

### **Planning obligations**

76. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations.
77. An Affordable Housing Statement has been submitted as part of this application that sets out the applicant's position and confirms an in principle agreement to provide 3 no two bedroom bungalows on site.
78. In accordance with Core Strategy Development Plan Policy CS11, contributions towards education can be required from development in order to offset the demands placed on the surrounding educational provisions. The Councils education contribution is calculated at the time of the development commences and whether a payment is required is based on the capacity within schools at that time.
79. The contribution to highway mitigation and open space is considered earlier in the report.

### **Other Matters**

80. In accordance with the requirements of Core Strategy Policy CS3(1) major residential development such as this would need to be built to Level 4 of the Code for sustainable homes and would also require renewables to be provided on site to ensure 10% of total predicted energy requirements would be provided on site. Code Construction is now getting phased out from the planning system and no such requirement is considered necessary in this regard although a condition is recommended relating to provision of renewables or equivalent.
81. Northern Gas Networks have raised no objections to the scheme although advised that there may be gas apparatus in the area and recommended the developer get in touch with them. Attaching an informative to the decision is recommended which will advise the developer to make suitable contact.

## **CONCLUSION**

82. In conclusion, as the site is within the limits to development and unallocated for any other use, the proposal is considered acceptable in principle, but subject to the consideration of details.
83. The development as proposed is considered to be acceptable in terms of meeting the three strands of sustainable development; visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding
84. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

**Director of Economic Growth and Development Services**  
**Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

## **WARD AND WARD COUNCILLORS**

|                           |                                   |
|---------------------------|-----------------------------------|
| <b>Ward</b>               | <b>Yarm</b>                       |
| <b>Ward Councillor(s)</b> | <b>Councillor Ben Houchen</b>     |
| <b>Ward Councillor(s)</b> | <b>Councillor Elsi Hampton</b>    |
| <b>Ward Councillor(s)</b> | <b>Councillor Julia Whitehill</b> |

## **IMPLICATIONS**

### ***Financial Implications:***

*There are no known financial implications in determining this application*

### ***Legal Implications:***

*There are no known legal implications in determining this application.*

### ***Environmental Implications:***

*The assessment of the application has taken into account the impacts on drainage, ecology, the general character and appearance of the area as well as impacts on adjoining properties and the landscaping. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within the 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 which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.*

### ***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. Within this report consideration has been given to implications of increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development*

## **Background Papers**

*Stockton on Tees Local Plan Adopted 1997*  
*Alteration Number 1 to the Adopted Local Plan – 2006*  
*Core Strategy – 2010*  
*Application File*



## **Supplementary Planning Documents**

*SPD1 – Sustainable Design Guide*

*SPD2 – Open Space, Recreation and Landscaping*

*SPD3 – Parking Provision for Developments*

*SPD6 – Planning Obligations*

*SPD8 – Affordable Housing*