

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
6 September 2017  
REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**17/0511/OUT**

**Land At 18A Braeside, Kirklevington, Yarm**

**Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development comprising of upto eleven dwellings, including two affordable homes.**

**Expiry Date: 18 August 2017**

**UPDATE REPORT**

Members will recall that this application was presented to the Planning Committee on the 16<sup>th</sup> August with a recommendation for approval (copy of the report is attached). The application was deferred to allow further consideration in relation to the impacts of the Sewage Pumping Station on human health.

In addition as Members can see from the Agenda Item in relation to the Publication Draft Local Plan, the local planning authority can demonstrate a 5 year housing supply with the 20% buffer and implication of this is considered in more detail below.

**5 year housing supply**

As members will note; the Council can now demonstrate a 5 year supply however, as this is not yet at publication stage this can be given limited weight and the application will still need to be determined in accordance with Paragraph 14 of the NPPF (the Framework) which states that “for decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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”.

Although paragraph 12 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 211 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, i.e. the closer the policies in the plan to those in the Framework, the greater the weight that may be given.

Policies CS10 and EN13 are relevant to the determination of the application and are detailed below. Policy CS10(3) seeks to protect the separation between settlements, together with the quality of the urban environment, maintained through the protection and enhancement of the openness and amenity value of the strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George. Saved policy EN13 restricts development outside the village limits unless it meets certain criteria.

As policy CS10 seeks to safeguard the countryside, and is broadly consistent with the core planning principles at Paragraph 17 of the Framework, which, inter alia, recognises the intrinsic character and beauty of the Countryside.

However the approach of Saved Policy EN13 in seeking to control the principle of development beyond settlement boundaries is more restrictive than the approach set out in the Framework. The balancing of harm against benefit is a defining characteristic of the Framework's overall approach embodied in the presumption in favour of sustainable development. Because of this, where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date and the proposal should therefore be assessed using the approach set out in the second bullet point of the decision-taking section of paragraph 14 of the Framework and only if the Council is able to demonstrate harm which "significantly and demonstrably" outweighs the benefits of the development should consent be refused.

These matters were considered in detail within the original main report and a recommendation was made using the balanced approach as advised in the Framework concluding that there are important material benefits arising from the proposed development and there are not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This view remains even allowing for the fact that the Council being able to demonstrate a 5 year housing land supply through the emerging Local Plan.

#### Impacts from the Sewage pumping Station

Northumbrian Water (NWL) and Environmental Health (EHO) were consulted for further comments in relation to the potential health implications to future occupiers of the proposed scheme; especially given that neighbours have mentioned 'raw sewerage'.

NWL referred to their previous comments stating it should be the responsibility of the applicant to demonstrate to the Local Planning Authority that the site is suitable for the proposed development and that it would ensure an acceptable level of amenity for future residents. NWL state that they are not equipped to determine whether the individual situation is acceptable as each location and proposal varies, however they advised that there is an inlet and storm tanks which are open, with the remainder of the system being more enclosed units. They suggested that the Environmental Health departments of the Council might be able to advise further.

Environmental Health undertook a site visit on 17/05/2017 where raw sewage was not seen or smelt at any part of the development area. A further visit was undertaken on 22/08/2017 and it was established that there is roughly a 7 metre section of the system which is uncovered and could potentially contain raw sewage in the events of excess rainfall/ storms. This section is behind a fence within the boundaries of the treatment plant and is covered by a metal mesh preventing direct access to any open sewage. Except for this section the remainder of the treatment works are enclosed.

Whilst onsite, representatives of Northumbrian Water advised the system is fitted with an alarm if the levels reach a certain point following excess water which would then require an officer to visit. The site is managed by Northumbrian Water and any discharge of sewage from the pumping station would be dealt with by Northumbrian Water.

Environmental Health do not consider that there is a public health risk from the pumping station and consider that adequate control measures are in place in the event of excess rainwater/ storm water entering the system.

### **PLANNING POLICIES**

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

3. 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:
- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
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.

#### Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

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

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

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

#### **Conclusion and recommendation**

Overall it is considered that on balance the proposed application is acceptable and the additional information supplied above does not change the recommendations in the main report in that the application should be approved with conditions and subject to the completion of the Section 106.