

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
26 September 2018
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT**

16/3146/OUT

Knowles Farm, Grove Bank, Kirklevington

Outline planning application for erection of 10 no. detached dwellings with associated means of access (demolition of existing farmhouse and outbuildings).

Expiry Date: 31 August 2018

SUMMARY

The application site relates to Knowles Farm and associated land. Knowles Farm is located at the western end of the village adjacent to the railway line which runs north-south. To the north of the site is Knowles Close and to the south are open fields. To the east is an area of are stables and associated land and beyond that and to the south east land which has recently gained approval for housing (Banks – 90 units).

Outline planning permission is sought for the erection of 10 dwellings with all matters reserved other than the access which is taken from Knowles Close. The existing farmhouse, agricultural buildings and commercial steel fabrication on the site would be demolished and cease any commercial activity. The agricultural operations will cease and the land be used for the grazing of horses.

All matters (except access) are reserved for future consideration although the application is supported by an indicative site layout showing how the development could potentially be brought forward.

17 Letters of objection have been received in relation to the application. The statutory consultees have raised no objections but have recommended various conditions which have been included..

The main considerations of this application relate to the principle of development, sustainability of the site, landscape and visual impact, indicative layout and design, impact on neighbouring properties, highway related provisions as well as the impacts on drainage and ecology. These and other material planning considerations are considered in full in the main report however in conclusion the development is an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. Guidance in the National Planning Policy Framework makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered 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.

Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding.

It is considered that in the planning balance, although this proposal is out-with the limits for development, there are no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing.

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 16/3146/OUT 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 as below;

01 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
1623/007	13 December 2016

Reason: To define the consent.

02 Reserved Matters - Details

Approval of the details of the Appearance, Landscaping, Layout and Scale of the development known as the 'Reserved Matters' shall be obtained in writing from the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved plans

Reason: To reserve the rights of the Local Planning Authority with regard to these matters

03 Period for Commencement

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

04 Reserved Matters - Time Period for submission

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

05 Commercial Operations and Livery

Prior to the occupation of the first dwelling;

- the buildings as indicated to be demolished shall be demolished
- the operation of commercial business, currently known as 'Mayhew Steel limited' shall cease
- the livery shall be relocated to the building as indicated and shall not exceed the stabling of 10 horses at any one time.

Reason: To define the consent as this is the basis on which the application has been considered.

06 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 development 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.

07 Discharge of Surface Water

The development permitted by this planning permission shall be implemented in line with the information contained within the submitted document entitled "Flood Risk Assessment" dated 18th September 2016 reference H76226/FRA001 rev B, prepared by jnpgroup and the following mitigation measures detailed within the flood risk assessment.

- Surface water discharges to the sewer at manhole 4602 at a maximum restricted rate of 5 l/sec.
- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm plus an allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

08 Discharge of Surface Water (Northumbrian Water)

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" dated 18th September 2016. The drainage scheme shall ensure that foul flows discharge to the sewer at manhole 4713, and ensure that surface water discharges to the sewer at manhole 4602 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.

09 Ecology and mitigation

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted survey (Ref TP-16-01) dated 19 May 2016, undertaken by Naturally Wild. Work shall be undertaken only in strict accordance with the agreed details.

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.

10 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.

11 Site Construction Access

No development shall take place (except for the purposes of constructing the initial site access) until that part of the access 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.

12 Retention of existing trees shrubs hedge

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable) a plan shall be submitted identifying the trees and hedges to be retained on the site. All those indicated for retention shall be retained and maintained for a minimum period of 25 years from practical completion of the development. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority

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

13 Landscaping Plans

As part of the reserved matters application full details of a soft landscape scheme shall be submitted. This should include 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 in the first planting season following:

- (i) Commencement of the development;
 - (ii) or agreed phases;
 - (iii) 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, and which contributes positively to local character and enhances bio diversity.

14 Maintenance Softworks

As part of the reserved matters application a soft landscape management shall be 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 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 development 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 local planning authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

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.

15 Noise disturbance from adjacent rail traffic:

Prior to the commencement of the first dwelling a noise mitigation strategy based upon the principles contained within the "Noise Survey and Façade Acoustic Design Strategy" by Apex Acoustics dated May 2016 shall be submitted to and approved in writing by the Local Planning Authority for each phase or individual dwelling, as appropriate. The noise mitigation strategy may include specific mitigation measures including but not necessarily restricted to acoustic glazing or acoustic barriers. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained throughout the lifetime of the development.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise

16 Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity of the occupants of neighbouring properties

17. 10% Renewables or fabric first

Prior to the commencement of any of the development hereby approved and unless otherwise agreed in writing with the Local Planning Authority as being unfeasible or unviable, a written scheme shall be submitted to and approved in writing by the local planning authority which details how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or the use of specific building materials. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations or other such superseding guidance. Before the development is occupied the approved scheme of reduction shall have been implemented on site and brought into use where appropriate. The approved scheme shall be maintained in perpetuity thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of promoting sustainable development in accordance with the requirements of Stockton on Tees Core Strategy Policy CS3 (5) Sustainable living and climate change.

18. Contaminated Land

Work shall be undertaken in accordance with the recommendations as detailed in the submitted Phase 1 Environmental Desk Study dated June 2016 (ref: 16060) and full details of the additional works required shall be submitted and approved in writing by the local planning authority. Following the implementation of the recommendations of this report, a verification report shall be submitted to the local planning authority.

Reason: In the interests of ensuring all land contamination is adequately addressed

19. 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 100m² and in the interests of ensuring all land contamination is adequately addressed

20. 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.

21 Commencement of Work

Work shall not commence on the site until work has commenced on the adjacent site approved under application 16/3035/OUT.

Reason: The local authority consider that the development would appear as an isolated development in the interests of the character of the area.

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

Informative: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which

outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"scale" means the height, width and length of each building proposed within the development in relation to its surroundings;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

Informative: Biodiversity Scheme

As part of any reserved matters scheme, a biodiversity mitigation enhancement scheme shall be submitted and approved. This may include the provision of swallow cups to compensate for the loss of potential nesting sites within the stables and barns due to be demolished

Informative; Shade Parameter plan

A shade parameter plan shall form part of any reserved matters application and should be used to inform the final layout to ensure the amenity of the properties and gardens of existing and proposed homes would not be adversely affected by shading from any existing or proposed planting

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 to open space/play facilities in the village

Local Labour Agreement: To use reasonable endeavours to ensure that 10% of the jobs on the development are made available to residents within the Target Areas

BACKGROUND

1. The following applications relate to the application site
S1664/88 Outline Application for residential Development – Appeal Dismissed
14.11.1988
98/0275/P Retrospective application for change of use from agricultural building to the
manufacture of iron gates and railings (Condition to limit the use to the

SITE AND SURROUNDINGS

2. The application site relates to Knowles Farm and associated land. Knowles Farm is located at the western end of the village adjacent to the railway line which runs north-south. To the north of the site is Grove Bank / Knowles Close and to the south are open fields. To the east are stables and associated land and beyond that and to the south east is land which has recently gained approval for housing (Banks – 90 units).
3. The present access track to Knowles Farm leads off Grove Bank. The farm comprises several buildings, a residential house, garden and paddocks.
4. The application site presently carries out several commercial and private activities including
 - A commercial company - Mayhew Steel limited (steel fabrication company)
 - Livery Yard (20 stables, 15 of which are livery)
 - Agricultural operations (fields to the rear)
5. The applicant states that should the residential development be considered acceptable, the commercial operation of the Steel Fabrication Company would cease and the livery business would be relocated further within the land (southern edge) and the livery element would be reduced in scale and the number of stables reduced to 10. The agricultural operations will cease and the land be used for the grazing of horses (this land is located to the south of the development site and although not shown within the blue edge confirmation has been received that this land is within the control of the applicant).

PROPOSAL

6. Outline planning permission is sought for the erection of 10 dwellings with all matters reserved other than the access which is taken from Grove Bank. The existing farmhouse, agricultural buildings and commercial steel fabrication on the site would be demolished and cease any commercial activity. A building will be retained for the rehousing of the livery yard.
7. All matters (except access) are reserved for future consideration although the application is supported by an indicative site layout showing how the development could potentially be brought forward. In addition the application is accompanied by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Flood Risk Assessment
 - Highway Statement
 - Phase 1 Environmental Desk Top Study
 - Landscape and Visual Impact Assessment
 - Noise Assessment
 - Archaeology Assessment
 - Arboricultural Impact Assessment

CONSULTATIONS

8. The following Consultations were notified and any comments received are set out below:-
9. Highways Transport and Design Manager (Executive Summary)

Subject to the comments below the Highways, Transport and Design Manager has no objections to the outline planning application, with all matters reserved except for means of access, for the construction of 10 dwellings.

It was determined that permission for this site was dependent upon the outcome of the application for the adjacent development (16/3035/OUT). This application has been recently upheld at appeal. When viewed in conjunction with this adjacent development, it is considered that the application site will appear as part of the village, and therefore there are no landscape and visual objections to the proposal.

The applicant has submitted a Highways Statement (HS) in support of the proposed development; however, due to the scale of the proposed development this does not assess the impact of the development on the highway network or the cumulative impact of other applications within Kirklevington which, at the time of submission, were awaiting determination.

The traffic generation for the proposed site has been included within the highways impact assessments, utilising the Yarm Traffic model, undertaken by others (Application refs 16/3035/OUT and 17/0224/FUL).

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 traffic modelling shows that there would be limited practical difference in terms of traffic impact on the local road network for all the proposed developments, which includes the proposed site, within Kirklevington.

Taking the above into account the Highways, Transport and Design Manager is unable to object to the proposed development in relation to 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.

The site will be accessed from Forest Lane, via Grove Bank, and will form an extension of Grove Bank. The proposed access arrangements are considered to be acceptable.

An indicative site layout, drawing ref 1623/001C, has been submitted however the road serving the proposed development is shown as a 5.5m shared surface, with a narrow hard margin to either side, which is not in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition. A suitable layout must be provided at Reserved Matters stage.

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 and conditions are included in Appendix F.

10. Parish Council

Kirklevington and Castle Levington Parish Council object to this application for the following reasons:

Kirklevington is an unsustainable village - Egress From Grove Bank - This is a very steep road which leads onto Forest Lane hence being called Grove Bank. It is also close to the railway bridge and near adjacent junction of Ash Grove. This road is not gritted in the winter months.

'Rat Run' - Forest Lane from A67. Forest Lane has seen an increase in fast moving traffic along Forest Lane at peak times as more and more cars, vans and other vehicles use the road as a cut through from the A67 in order to avoid the already heavily congested Green Lane. Congestion on Green Lane is set increase as more and more of the already approved dwellings are built. These vehicles pick up speed on approach to junction of grove bank and Railway Bridge.

Footpaths Forest Lane - There is no direct and continuous footpath along the southern side of Forest Lane. Residents walking from the proposed development will have to cross Forest

Lane to access the footpath on the northern side of the road. All facilities - school, play area, the village hall and post box can be found on the southern side of Forest Lane. The footpath is very narrow in places which results in residents having to walk on the road. The footpath is not wheelchair or pushchair friendly which results in these having to use the road. Kirklevington has several large adapted wheel chair users who are unable to use the footpaths. Children are actively encouraged to walk and ride on their bicycles to school with grants given to the school to provide bicycle shelters and scooter stands. Children riding on the road are put at risk every day and children on scooters have to ride on the footpath, continually having to stop to allow other walkers to pass by. Walkers also find themselves either stepping on to the road to allow other walkers to pass or popping into driveways. As this is an application for executive homes we can assume that there will be children living in them.

Footpath along Pump Lane - this is also very narrow and both pushchair and wheelchair users have to walk on the road. Pump lane is the access point to the village play area which does not have a footpath at that side of the road which results in children walking across the road to access.

- there is already over development in the village with applications for over 260 homes approved or submitted in the last 4 months, a 50% increase in size!! The infrastructure will not cope with additional cars from this and other proposed developments travelling through the village to gain access to the a67

- There is no satisfactory or safe egress heading south onto the A67 and Crathorne interchange from these developments into an increasing flow of traffic from the already approved planning applications for 2,000 homes along the green lane and the Leven Valley area

- Access - A67/forest lane - there is only one road into Kirklevington from the a67 and this is at the side of the crown hotel. from the south the turn into forest lane is an extremely sharp right hand manoeuvre with many unsuspecting visitors to the area being caught out and finding themselves on the wrong side of the road and with no vision as to what is round the corner - parked vehicles and users of the crown hotel crossing over to the car park from an almost non-existent footpath. From the north it is a waiting game with no protected right turn resulting in vehicles queueing behind and many driving up behind at great speed.

- Footpaths on forest lane - the only continuous footpath is on the north side of forest lane. This footpath is very narrow in places which results in residents having to walk on the road. The footpath is not wheelchair or pushchair friendly which results in these having to use the road. Kirklevington village hosts several users of adapted wheelchairs for the disabled and these have to be used on the road as the footpaths are too narrow. Children are actively encouraged to walk and ride on their bicycles to school with grants given to the school to provide bicycle shelters and scooter stands. Children riding on the road are put at risk every day and children on scooters have to ride on the footpath, continually having to stop to allow other walkers to pass by. Walkers also find themselves either stepping on to the road to allow other walkers to pass or popping into driveways. Footpath at side of the crown tapers away to nothing with users of the crown crossing over to the car park on a blind corner.

- Pump lane footpath - this is very narrow and not user friendly for pushchairs and wheelchairs resulting in them having to go on the road.

- Walking along the a67 footpath to Yarm - once again this footpath is very narrow and unlit for a long section. The unlit section borders the lay-by with many parked up vehicles for the night and using the food wagon during the day. With a history of inappropriate anti-social behaviour the footpath alongside is not useable in the dark evenings for safety reasons. The police and also SBC enforcement continue to monitor this problem.

- Transport - Kirklevington does not have a daily bus service and is unlikely to have one in the future - residents have to drive to access education, social care and retail. With the ever increasing number of homes being built in the Yarm/Kirklevington area parking in Yarm has become an almost impossible challenge. This is after queueing for some considerable time to access Yarm

- Sewage - this new development will further compound the sewage and drainage problems of existing old 6 inch pipes already having to service an additional 145 houses from the Jomast site

- Sewage pumping station - the Northumbrian water sewage pumping station on ash grove, Kirklevington is already experiencing extreme difficulties. The site is small and will not be able to increase capacity. This pumping station also takes sewage from Crathorne. Kirklevington is an unsustainable village

11. Environmental Health Unit

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

o 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 below be imposed on the development should it be approved. I am satisfied that the mitigation measures detailed within the Noise Survey will be satisfactory in ensuring that the proposed properties do not exceed the current figures by the World Health Authority Community Noise Guideline Values/BS8233. The following condition is required to ensure the mitigation measures proposed within the noise survey are implemented:

Noise Disturbance from Adjacent Railway - Prior to the commencement of the first dwelling a noise mitigation strategy based upon the principles contained within the "Noise Survey and Façade Acoustic Design Strategy" by Apex Acoustics dated May 2016 shall be submitted to and approved in writing by the Local Planning Authority for each phase or individual dwelling, as appropriate. The noise mitigation strategy may include specific mitigation measures including but not necessarily restricted to acoustic glazing or acoustic barriers. The development shall be implemented in accordance with the approved mitigation strategy and the mitigation measures retained throughout the lifetime of the development.

Reason: In the interests of residential amenity having regards to Part 11 of the National Planning Policy Framework.

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.

Contaminated Land Officer has confirmed work should be undertaken in accordance with the submitted report and a validation report submitted and a condition recommended to deal with unexpected land contamination.

12. 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.

13. Tees Archaeology

The developer has provided a geophysical survey that demonstrates that the site is of low archaeological potential and has therefore satisfied the requirements of the NPPF (para 128). I recommend that no further evaluation work is required.

14. Principal Environment Officer

With regard to the above outline application, paragraph 3 on page 34 of the Design and Access Statement states that the development will be constructed to Building Regulation 2010 Part 1La requirements, which is below the standard required. The applicant is required to submit an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development. The applicant is required to 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 Energy Statement needs to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite renewable energy equipment and/or design efficiencies (fabric first), and these must exceed what is required to comply with Part L (2013) building regulations. These calculations will need to be assessed and agreed by the local authority prior to commencement, and before the development is occupied the equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy for the development for so long as it remains in existence and this should be secured by condition.

15. Historic England

No comments

16. SBC Housing Services Manager

The Strategic Housing Market Assessment (SHMA) 2016 has identified an annual affordable housing need in the borough of 240 units, with the majority of need being for 2 and 3 bedroom properties.

Core strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision states: *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.*

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 serviced by making provision elsewhere.

We note from the Design and Access Statement that the developer is seeking a steer from the Council regarding the affordable housing provision on the site. The view of the Council at this time would be to seek delivery of affordable housing on site in line with the need identified in the SHMA 2016 and should be compliant with Policy CS8 as outlined above. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere. Therefore we would expect that a development of 10 units would deliver 2 affordable units.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2016 a high priority will be accorded to the delivery of 2 and 3 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 target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on 2 affordable units: -

- Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	1 units	Rent
30%	1 units	Intermediate Tenure
100%	2 units	Total

- Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	1 units
3 bed	50%	1 units
4 bed	12.5%	0 units
Total	100%	2 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
1 Units	2 bed	1 x Rented
1 units	3 bed	1 x Rented

Space standards – the Council would expect all affordable housing units to comply with Homes and Communities Agency Level 1 Space standards and associated design and quality standards.

17. 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”. In this document it states that foul water will discharge to the agreed manhole 4713 and surface water will discharge to manhole 4602 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” dated “18th September 2016”. The drainage scheme shall ensure that foul flows discharge to the sewer at manhole 4713, and ensure that surface water discharges to the sewer at manhole 4602 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.

18. 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.

19. Tees Valley Wildlife Trust; Network Rail; Campaign To Protection Rural England; The Environment Agency; Yarm Town Council; Hambleton District Council; SBC Waste Management

No comments received

PUBLICITY

20. Neighbours were notified and letters of objection were received from the addresses detailed below with the main objections summarised below. The full details of the objections can be viewed on line at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. J Wallace; 15 Knowles Close Kirklevington
2. Mr John Wolff 14 Jasmine Fields Kirklevington
3. S Watson 6 Grove Bank Kirklevington
4. Janet Thompson 24 St Martin's Way, Kirklevington,
5. Carol Thersby 1 Knowles Close Kirklevington
6. Mr Maurice Short 5 Knowles Close Kirklevington
7. Mr And Mrs Shaw 7 Knowles Close Kirklevington
8. J D Robson 9 Westlands Kirklevington
9. A Mclee 3 The Green Kirklevington
10. M A Leeser 9 Knowles Close Kirklevington
11. Karen Alton 10 The Green Kirklevington
12. Mrs Katie Hewitt 1 Moor Close Kirklevington
13. Dorothy Clayton 16 St Martins Way Kirklevington
14. Mrs Rosalie Butler 10 Ash Grove Kirklevington
15. David Bell 34 The Green Kirklevington
16. Andrew Alton 10 The Green Kirklevington
17. Gill Allen 4 St Martins Way Kirklevington

A summary of the objections received is detailed below

- Application is “developer led” and not “professional planner” led.
- Impact on the wild life corridor and other environmental issues.
- Overburdening the infrastructure of the village.
- The additional traffic that would be generated is unacceptable
- Access for Emergency Services
- Pathways in the village are not suitable now to afford proper protection to those using them
- Access is not safe, due to limited visibility. This is a dangerous junction
- Site Traffic will have to go through the village
- Loss of agricultural land
- Parking by parents on Forest Lane and Pump Lane is chaotic and dangerous for children. With more vehicles, more parents parking, more chaos and danger.
- With the development of all the new properties scheduled for the area Yarm will eventually become completely grid locked.
- It is outside the village envelope as defined in the existing and draft Local Plans.
- The village is already unsustainable as defined in Stockton's Criteria for village sustainability.
- NPPF requires that biodiversity should be maintained or enhanced. The notional plan of the housing provided, leaves little scope for plantings other than "lollipop trees" and standard, cosmetic soft landscaping. This does nothing for biodiversity.
- Loss of wildlife
- There is no provision for a SUDs, merely direct discharge of surface water to the stell.
- The fields names within the area as seen on the 1839 Kirklevington tithe map contain the word springs there is a potential for ground water flooding refer to the Sherwood Sandstone principal aquifer.
- Development is premature regarding the emerging plan.
- Surface water drainage into Saltergill Beck/Picton Stell could result in flooding elsewhere.
- The Highways Statement produced for this application is hardly representative of the actual traffic volumes and speeds at this location. It was surveyed over a lunchtime period (12:00 - 14:00) on a Saturday in April last year.

- There is over development in the village with applications for over 260 homes approved or submitted in the last 4 months, an almost 60% increase in size!!

PLANNING POLICY

21. 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

22. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Local Planning Policy

23. 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 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.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of Development

25. The National Planning Policy Framework sets out the governments objectives for the planning system and in particular those for achieving sustainable development, which has three distinct elements, economic, social and environmental. The framework also includes the need to identify and meet housing needs as well as responding positively to wider opportunities for growth.

26. Section 5 – Delivering a sufficient supply of homes details the importance Government place on boosting the supply of housing. Paragraph 73 and 74 of the NPPF requires Local Authorities to demonstrate a five year supply of deliverable housing sites, with an appropriate buffer, which is established through a recently adopted plan, or in an annual position statement prepared subsequent to the adoption of a plan.

27. The Council is progressing a Local Plan which, since the original comments made by Spatial Planning and Regeneration, has been submitted to the Secretary of State and is currently under examination. Whilst the Council has identified a 5 year supply as part of the evidence base for the submitted draft Local Plan, in accordance with paragraph 74 of the NPPF, it is not possible to give full weight to this until adoption of the Local Plan.
28. As a result, the application will need to be determined in accordance with Paragraph 11 of the NPPF regarding the Presumption in Favour of Sustainable Development which for decision-taking “means approving development proposals that accord with the development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application process in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or 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”.
29. The Framework stresses the desirability of local planning authorities having up to date development plans, whilst paragraph 213 states that policies should not be considered out of date simply because they were adopted prior to the publication of the Framework and 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.
30. In terms of impact; Policy CS10 and EN13 are relevant 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. Saved policy EN13 restricts development outside the village limits unless it meets certain criteria.
31. As policy CS10 seeks to safeguard the countryside, it is broadly consistent with Paragraph 170 (b) of the Framework, which, amongst other things, 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. As a result, where Policy EN13 is used to restrict housing, it cannot be seen to be consistent with the Framework and is therefore out of date. The proposal should therefore be assessed using the approach set out in point d (ii) of the decision-taking section of paragraph 11 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.

Sustainability

32. 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 the service currently operates 2 days a week. Following the approval of the adjacent site and the Jomast development, provisions have been made to expand services within the village which will make the village sufficiently sustainable to align with national policy. In addition, the approved developments in the village will 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.

Economic/Social Benefits

33. It is recognised that a key benefit of the proposed development would be that it contributes towards 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.

Landscape and visual impact,

34. The development is located on the southwest edge of Kirklevington village close to the recently consented application adjacent site for up to 90 dwellings (16/3035/OUT) which was allowed on appeal.
35. Kirklevington is a small linear village set within an agricultural landscape of small fields surrounded by field fences and intermittent hedgerows with an occasional mature hedgerow tree. A number of farms are located across the landscape, but are largely hidden from viewpoints on the southern edge of the village. The topography around the southern side of the village is generally flat. There are few visible urban interventions in the landscape, with the exception of a line of pylons, which run south of the site. The Stockton Borough Council Landscape Character Assessment lists this site as 'Urban Fringe Farmland', and has a medium level of landscape sensitivity, and medium landscape capacity, but high visual sensitivity. The report suggests that at the time of the study, only development associated with the existing agricultural use should be accepted. When viewed in isolation this application site is a linear finger at the western edge of the settlement separated from the residential areas of the Green and St Martin's Way, by two fields. The development site follows the railway line south away from the village, and visually connects the buildings of Knowles Farm to the village.
36. The application is accompanied by a Landscape Visual impact Assessment which concludes the proposed development would result in a significant change in landscape character from open field to residential development. This change in landscape character in the long term is assessed to be overall of minor negative impact due to assimilation with adjacent residential areas on the edge of Kirklevington. The loss of visual amenity from sensitive receptors (properties and Public Rights of Way) within the visual envelope would be limited in the long term to two locations (near 18 and 3/5 Grove Bank), however states that the visual impact is limited because of local gently rolling landform; mature layered vegetation along field boundaries and around the proposed site boundaries and mature vegetation along the railway line and on the embankment; settlement edge density of built forms and orientation of dwellings. The LVIA concludes that the visual amenity of the site and receptors within the visual envelope will not experience a significant detrimental visual impact and the development will not cause significant negative impact or harm to the visual amenity of the area or the landscape character of the site and the surrounding area.
37. The LVIA has been assessed and the development considered in full and comments from the Highways Transport and Design Manager can be seen in Appendix F.
38. Representative viewpoints overlooking the site have been described in the submitted LVIA and in terms of Grove Bank on completion of the development (based on the indicative layout) receptors would view new residential properties in close proximity. Residents would experience a change in their view from an open view across the rural grassed field, to an urban development of residential properties with properties experiencing a low-minor negative visual impact. Properties in Knowles Close may gain some glimpsed views of the development dependent upon the final style and height of dwellings to be constructed. However the existing mature hedgerow along the eastern edge of the site provides valuable screening.

39. It is considered that when viewed from the railway line the development would be viewed as part of the settlement. The views from the PROW are filtered, by existing mature trees and shrubs within private gardens which soften the edge of the village. The proposed development would be visible in the distance beyond the buildings of Knowles Farm and whilst no additional planting to filter views or soften the edges of the development is proposed within the indicative layout this can be reviewed at reserved matters stage when the final layout is known and landscaping designed. The existing established mature hedgerows should be retained and enhanced where necessary to maximise their screening potential and this has been conditioned
40. Overall it is considered that the proposed scheme when viewed in conjunction with the adjacent consented development 16/3035/OUT, would be viewed as part of the village and there would be no landscape and visual objections. Landscaping may be required to create a buffer between the extended village and the open countryside which could be dealt with at reserved matters stage.

Indicative layout and design,

41. The application seeks permission for up to 10 dwellings on the site and the indicative masterplan submitted as part of this outline planning application shows how the scheme could be developed, although this is part of a later reserved matters application it is considered that a scheme can be achieved that would be acceptable although the final layout may require some changes.
42. Existing mature planting such as the boundary hedgerows and trees should be retained and these buffers enhanced within the final layout to assist in the assimilation of the development into its surroundings. The indicative layout also proposes occasional tree planting throughout the development to reflect its village setting however full landscaping details will be considered at reserved matters stage along with the scale and design of the houses.
43. There is a no public open space (POS) within the development site, nor any SUDS proposed, a contribution towards the improvements to the existing play provision shall be included in the Section 106 the level of which would be made pro-rata to the development impact and subject to other developments coming forward.
44. Sustainable urban drainage (SuDS) should be incorporated into the design and provide amenity benefit as well as flood storage. Designs may include access footpaths and small bridges, seating where appropriate and attractive planting. Opportunities for ecological enhancement, such as reed beds, water's edge habitat etc. should also be explored, and incorporated into the SuDS scheme.
45. Due to the close proximity to the railway, a Noise Assessment has been undertaken which has indicated a number of mitigation measure to be incorporated. Environmental Health have raised no objections subject to a condition to ensure the mitigation measures as proposed within the noise survey are implemented.
46. In terms of the commercial development and the livery the applicant states that the commercial business will cease and the livery be reduced to 10 stables. The application has been considered on this basis and a condition recommended to ensure that this happens prior to the occupation of the first house.

Affordable Housing

47. The application site extends to more than 0.5 ha in area. Core strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision requires 15-20% of the proposed dwellings to be provided as affordable home(s). The Agent considers that the development should be exempted from levies for affordable housing and tariff-based contributions, however the

development falls within the criteria for affordable housing and the Government clarified the ruling that Agent quoted stating that Government policy exempting small housing schemes from affordable housing contributions does not automatically override local policy and therefore affordable housing will form part of the Section 106

Impact on neighbouring properties.

48. The application includes an indicative master plan, albeit this is purely to demonstrate that a development can be achieved on site.
49. The proposal demonstrates that the required separation distances can be achieved between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents and it is considered that a form of residential development could be accommodated on the site although the detailed layout and design would require approval via reserved matters application/s were this outline application be granted.
50. The councils Environmental Health Manager has requested a condition be imposed to limit the construction working hours to the site and a condition has been recommended accordingly.

Highway related provisions

51. A highways statement accompanies the application. The Authors have carried out a site visit and speed survey to assess the visibility splay provision and minimum requirement, and confirm that in their opinion acceptable visibility splays can be achieved. The speed survey was carried out in accordance with *TA 22/81 Vehicle Speed Measurements on All Purpose Roads*, and was undertaken on Forest Lane on the 30th April 2016. As well as this data the report states that the traffic impact on the junction will be low, with a peak hour increase in two way flows of 8 vehicles. The report concludes that as suitable visibility splays are provided at the Forest Lane junction and the traffic impact is low, the junction will continue to operate satisfactory with the addition of development traffic.
52. Concerns have been raised over highway safety in general terms as well as specifically in relation to the proposed access and the resultant additional traffic onto the network in this part of the Borough as well as the impacts of additional traffic in Kirklevington. Concerns have also been raised in relation to pedestrian safety.
53. The application is in outline with all matters reserved other than access which is to be taken from Grove Bank. It should be noted when determining this application that the Local Planning Authority cannot require the development to mitigate existing problems, only mitigate its own impact. The Highways Transport and Design Manager has considered the proposed scheme and noted the concerns of objectors however does not consider that there are any existing highway safety issues which would warrant refusal of the proposed scheme.
54. The Highways Statement includes the traffic generation for the proposed site and this has been included within the highway impact assessments, utilising the Yarm Traffic model, undertaken by others.
55. The Yarm traffic modelling provides a more informed response regarding the impact of the development on the wider network, in the forecast year which assumes all dwellings associated with both the extant approvals and the proposed developments would be built out i.e. occupied, giving a worst case scenario. A comparison of the results from each scenario, was undertaken to ascertain the residual cumulative impact of all the proposed developments within Kirklevington. The results show that there would be limited practical difference in terms of traffic impact on the local road network for all the proposed developments, which includes the proposed site, within 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.

56. In addition, the Council have carried out a series of further sensitivity tests to ensure the results being reported are robust. The work undertaken by the Council have confirmed that:
 - There would be limited practical difference in terms of traffic impact on the local road network with or without the proposed developments as report by the developer;
 - The junctions assessed operate within practical capacity in all scenarios tested.
57. Taking the above into account the Highways, Transport and Design Manager does not raise objections however, as the results show that the proposed development is reliant upon mitigation to be provided by others a contribution towards the cost of the proposed mitigation should be sought which is included in the Section 106.
58. In terms of access to the site, speed surveys have been undertaken to demonstrate the required visibility splays which can be achieved. The existing access arrangements are therefore considered to be acceptable for the scale of the proposed development.
59. Concerns have been raised over construction traffic, however this matter is usually dealt with by condition which has been recommended should the application be approved.

Impacts on drainage

60. A number of objections have been raised regarding drainage; capacity and potential flooding. There is also concerns that the sewage treatment works cannot cope with the additional demand.
61. A Flood Risk Assessment accompanies the application and reviews all aspects of flood risk to the site and proposes a strategy for the discharge of surface water runoff in a manner which will not increase the risk of flooding either on or off site.
62. Northumbrian Water have raised no objections providing the development be implemented in line with the submitted "Flood Risk Assessment and Drainage Strategy" which confirms the ability of the network to accept flows if sewer connection is the only option. In terms of the Sewage Treatment works, Northumbrian Water have advised previously that the works have been recently upgraded and that it will be able to take anticipated flows. It has also been indicated that if any problems arise with the existing pipework that this will be their responsibility.
63. The Flood Risk Assessment identifies the proposed discharge point and rate of discharge from this development, however the applicant has not provided an outline drainage strategy explaining how on site storage will be provided however this information can be secured by condition which has been recommended.

Impact on Ecology

64. Within the application site there are buildings; trees, hedgerows and other landscape features. A number of objections have been received relating to the impacts on ecology and wildlife. The application is accompanied by a bat survey which concludes the proposed development will not impact upon any bats. The report also includes the survey results of other protected species which again states there will be no impact.
65. Several recommendations have been made in the report, mostly regarding nesting birds. Providing the mitigation is adhered to, the report states that the proposed development will not incur a significant impact to either roosting bats or nesting birds.

66. Nonetheless, it is considered particularly important to protect wildlife through ensuring features such as hedgerows and trees are not removed (which has been conditioned) and the proposed recommendations/mitigation as detailed in the reports are implemented to prevent an adverse impact on ecology. A condition has been recommended to this effect.

Contaminated Land

67. The application has been supported by a preliminary risk assessment which has been assessed by the Councils Contaminated Land Officer.
68. The report suggests that prior to development the fuel storage area is decommissioned and a site investigation undertaken and appropriate treatment/ removal be carried out. In addition the report recommends that asbestos surveys are undertaken prior to demolition of the buildings and a site investigation carried out to confirm ground conditions. A condition has been added to ensure that these recommendations are undertaken and a validation report submitted.
69. In addition a condition to adequately deal with any Unexpected Land Contamination has been recommended.

Archaeology

70. An archaeological assessment and geophysical survey accompanies the application. The remains and other possible traces of former ridge and furrow cultivation were identified. No other features of likely archaeological significance have been identified.
71. Tees Archaeology have confirmed that the requirements of the NPPF with regard to archaeology have been met by the developer and raised no objections and confirmed no further evaluation work is required.

Planning Obligations

72. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations towards highways infrastructure, (as already detailed in the highways section of this report) and in respect to the provision of open space, recreation and landscaping.
73. 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.
74. The applicant has agreed to use local labour and the affordable housing requirement has been detailed earlier in the report.

Other Matters

75. 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.

76. 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

77. The development is an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered 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.
78. Other material considerations have been considered in detail and the development as proposed is considered to be acceptable in terms of visual impact and highway safety, it does not adversely impact on neighbouring properties, archaeology or the ecological habitat and flooding
79. It is considered that in the planning balance, although this proposal is out-with the limits for development, there are no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing.
80. 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
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor(s)	Councillor Tony Hampton
Ward Councillor(s)	Councillor Elsi Hampton
Ward Councillor(s)	Councillor Julia Whitehill

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application beyond those detailed in the Heads of Terms.

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 wildlife and ecology, the general character and appearance of the area as well as impacts on adjoining properties and the adjacent 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:

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Emerging Local Plan

Supplementary Planning Document 1– Sustainable Design Guide

Supplementary Planning Document 2 : Open Space, Recreation and Landscaping

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Document 6: Planning Obligations

Supplementary Planning Document 8 – Affordable Housing

Application File and Relevant Planning History as referred to in the report.