

13/13/131

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
27 October 2021  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**20/0813/REM**

**Land South Of Yarm School Playing Fields East Of The Railway, Green Lane, Yarm  
Reserved matters application for the appearance, landscaping, layout and scale for the  
erection of 100 dwelling houses and associated works.**

**Expiry Date 1<sup>st</sup> November 2021**

**SUMMARY**

Outline planning permission was approved for up to 100 dwellings on this site. The applicant is now seeking to approve the reserved matters for the appearance, landscaping, layout and scale of the 100 dwellings.

There are 14 objections to the application many of which relate to the principle of development however given the recent approval for housing on this site the principle of development cannot be revisited.

The details have been considered and subject to conditions the proposed scheme is considered to be acceptable and the application is therefore recommended for approval.

**RECOMMENDATION**

**That planning application 20/0813/REM be approved subject to the following conditions and informatives;**

**01 Approved Plans**

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

Plan Reference Number	Date Received
1304-MIL-100C	12 April 2021
1304-MIL-101C	12 April 2021
1304-MIL-102C	12 April 2021
1304-MIL-104C	12 April 2021
1304-MIL-105C	12 April 2021
1304-MIL-106C	12 April 2021
1304-MIL-108B	12 April 2021
NT14881 001D	12 April 2021
1304-MIL-417T801VALT	26 February 2021
1304 - MIL 001	29 April 2020
1304 - MIL 002	29 April 2020
HT2/PD	29 April 2020
302C801V	29 April 2020
304N801V	29 April 2020
305T801V	29 April 2020

307M801V	29 April 2020
410T801V	29 April 2020
411N801V	29 April 2020
415C801V	29 April 2020
417T801V	29 April 2020
419C801V	29 April 2020
500N801V	29 April 2020
501N801V	29 April 2020
BD-01	29 April 2020
SBC0001	29 April 2020
SBC0002	29 April 2020

Reason: To define the consent.

## **02 Soft landscaping**

Notwithstanding the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for tree 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 which contributes positively to local character and enhances biodiversity.

## **03 Tree within and adjacent to the adopted highway**

Notwithstanding the submitted plans, no development shall be commenced until the Local Planning Authority has approved in writing the details of arrangements for the planting of Street Trees and protection of the adopted highway from tree root damage. Root barriers will be required where trees are planted within 2m of the adopted highway.

Reason: To protect the adopted highway from damage by tree roots.

## **04 Hard landscpaing**

Notwithstanding the submitted plans, no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

#### **05 Scheme for Illumination**

Notwithstanding the submitted plans, prior to the commencement of development full details of the method of external LED illumination:

- (i) Siting;
  - (ii) Angle of alignment;
  - (iii) Light colour; and
  - (iv) Luminance of buildings facades and external areas of the site, including parking courts,
  - (v) Relationship to existing and proposed trees,
- shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenity of adjoining residents, highway safety; and protection of sensitive wildlife habitats

#### **06 Checking survey**

Prior to the commencement of works on site a checking survey shall be undertaken in accordance with the recommendations in the submitted ecology report dated 25<sup>th</sup> February 2021 (Project Number 2760).

Reason: To conserve protected species and their habitats in accordance with the local plan and the National Planning Policy Framework.

#### **07 Car Parking Condition for house type HT2/PD**

Notwithstanding the submitted plans, two incurtilage car parking space shall be provided for house Type HT2/PD in accordance with SPD3: Car parking for new Developments

Reason: To ensure that the requisite number of car parking spaces are provided for the development

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

Informative: Working Practices

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 a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

### **BACKGROUND**

1. Outline planning permission application with all matters reserved except for access for approximately 100 dwellings (Use Class C3) was approved subject to a Section 106 on the 19th May 2017 (application - 16/1959/OUT). The heads of Terms included;
  - Education Contribution for primary and secondary school places based on the Council's standard formula
  - Local Labour Agreement
  - Section 278 Works to comprise the following works:
    - New access junction into the site from the A67;
    - Junction improvement works at the A67 / Green Lane Roundabout Junction;
    - Junction improvement works at the A67 / Crathorne Interchange;
    - New footways, dropped kerbs and tactile paving at new junction providing access to the site from the A67 to connect the development to the existing pedestrian network;
    - New traffic-signal controlled pedestrian crossing facility on Green Lane;

- A new footway connection, between the Rail Halt and the pedestrian link to the site, along the southern side of Green Lane;
  - Improvements to the existing bus stop, on the southern bound carriageway of the A67, immediately to the south of the A67 / Green Lane Roundabout Junction; and
  - The provision of on-road bus stops on the A67 and Green Lane.
- Financial contribution to Traffic Regulation Order to reduce the speed limit on the A67 to 40mph;
  - Affordable Housing at 15%.

2. An Outline application with all matters reserved except for access for approximately 300 dwellings (Use Class C3) including landscape, open space and infrastructure was recently refused and is not subject to an appeal via a planning inquiry to be held in November (Application 18/0910/OUT)

### **SITE AND SURROUNDINGS**

3. The site is an agricultural field and is bound to the north by Yarm School playing pitches beyond which lies Green Lane, established areas of housing and Conyers School. To the south by Hall Wood, beyond which is a cluster of buildings, including residential properties and Kirklevington Hall (Judges Country House Hotel). To the east by an established tree belt and Thirsk Road (A67), beyond which lies HMP Kirklevington Grange.
4. To the north east of the site lies Kirklevington Grange Neighbourhood Centre with its Aldi store and public house; and to the west by the railway line, beyond which lies Yarm Railway Station and new residential development approved under planning permission reference (12/1990/EIS).
5. The subject site is included in part 2 (commitments) of Policy H1 (ref. Y5) which identifies "Land South of Yarm School Playing Fields" (10.5 hectares) for the delivery of approximately 100 dwellings.

### **PROPOSAL**

6. This is the reserved matters application for the appearance, landscaping, layout and scale for the erection of 100 dwelling houses and associated works.
7. The principle of development has already been established and the only matters for consideration are those as detailed above.

### **CONSULTATIONS**

8. The following Consultations were notified and any comments received are set out below:-
9. **Highways, Transport and Design Manager**  
General Summary - As set out below the Highways, Transport and Design Manager is currently unable to support the proposals.  
Highways Comments - This is a reserved matters application and the principle of development, including access from the A67 and highways impact on the wider network, has previously been considered and accepted as a part of the previous outline planning application (16/1959/OUT).  
The main considerations, from a highway's perspective, for this application are therefore the proposed site layout which is shown on drawings 1304-MIL 101 Rev C and 1304-MIL 102 Rev C.  
The proposed site layout is broadly in accordance with the Council's Design Guide and car parking in accordance with SPD3: Parking provision for Developments 2011 has been provided for all open market properties.

House type HT2 has been identified as an 'affordable dwelling, however, confirmation is required that all house types HT2, which only benefits from one integral parking space, will be transferred to an RSL. If this is not the case the parking provision for this house type must be increased to two spaces.

The Highways, Transport and Design Manager is therefore currently unable to support the proposals.

#### Landscape & Visual Comments

**Layout** The proposals and design response described in the Design and Access Statement broadly comply with the drawings submitted, although the proposed house types are significantly more modest than originally planned. Some modifications to the house types have been undertaken including changes to materials and modification to roof profiles to increase the prominence of particular dwelling elevations, although it is not considered that any of the proposed dwelling types can be identified as 'Gateway Buildings'.

**Soft Landscaping** - The submitted landscape masterplan is broadly acceptable, however further consideration of the setting of the site on the edge of the historic parkland associated with the former estate (now Judges Hotel) is still required. Parkland tree planting of large species such as Copper Beech, Lime, Oak, Maple and other exotic/ornamental species where appropriate, as well as single specimen trees, some planting should be undertaken in groups to reflect the character of the existing tree planting on the site.

Tree species selection for all new plantings needs to be reviewed to ensure chosen tree species include those which are adequately suited to local environmental/climatic conditions, not just chosen for aesthetic qualities, e.g. please refer to up to date best practice guidance such as 'Guide to Tree Species Selection for Green Infrastructure (Trees & Design Action Group (TDAG) - free download). The Highways Transport and Design Manager is comfortable that remaining soft landscape information could be conditioned and agreed at a later date.

The proposed modifications to the avenue trees are accepted, however it should be noted that many of these trees will fall within the adopted highway, and therefore a commuted lump sum will be required by the Council to adopt these trees. The plan submitted which describes the proposed adopted land, must include the highway verge between the highway and the footway.

**Public Open Space:** Comments on the provision of open space will be provided by the Environment, Leisure and Green Infrastructure Manager.

**Maintenance and Management** A detailed landscape maintenance plan will be required, however this is covered by condition on the Outline consent.

Should the application be approved it is recommended that the following conditions be applied to any permission to secure:

- full details of soft landscaping on the site;
- full details of hard landscaping;
- protection of the adopted highway from future damage caused by tree roots;
- details of lighting column locations, particularly in relation to site trees; and
- existing and proposed levels.

**Flood Risk Management:** The applicant has now satisfactorily addressed the LLFA earlier concerns, the LLFA wish to make no further comment at this time. All surface water conditions applied to this application are still to be discharged.

#### 10. **Environmental Health Unit**

Following the further chance to comment memo dated 13th April 2021, regarding "revised layout and flood risk addendum", I have no further comments to make other than I request that all of the acoustic mitigation measures as detailed within the noise report submitted as part of planning application 16/1959/OUT are implemented in full.

#### 11. **Kirklevington And Castle Leavington Parish Council**

Request that urgent consideration be taken re the following issues before any final decision is made re this rem application for the following reasons:

1. Drainage pipe from prison - it has come to our attention that a drainage pipe was installed from the prison site/crown land over 20 years ago to allow drainage from the prison site to be drained into Saltergill Beck. this was to alleviate the flooding on the a67 and also on the prison site. The pipe came across/under the A67 and onwards through the land that this application relates to and to Saltergill Beck. From viewing the plans submitted by the developer the pipe goes through the area of land that the suds are due to be sited. This pipe was installed and funded by the home office. This is an important pipe and with the ever increasing size of the prison site and it's activities the volume of water discharge into the pipe will have increased significantly. What action does the developer intend to take to ensure that this pipe is not compromised?
2. Pedestrian Crossing - Green Lane - We would request that details of an adequate and appropriated pedestrian crossing are submitted by the developer at this stage of the application. the Government/Grant Shapp are promoting walking cycling for all which enforces the paramount need for a safe pedestrian crossing and not a refuge on Green Lane.

12. **Tees Archaeology**

Thank you for the consultation. The site has been previously evaluated and was determined to be of low archaeological potential. I therefore have no objection to this reserved matters application

13. **Northern Gas Networks**

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

14. **Northumbrian Water Limited**

Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water will 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 I can confirm that at this stage we would have no comments to make. I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

15. **Hambleton District Council**

no comments

16. **Network Rail**

We have been made aware of the above application for development adjacent to the railway in Yarm. With reference to the protection of the railway, Network Rail has no objection in principle to the development, but we do have some concerns and requirements to be addressed;

Drainage - It is imperative that the drainage scheme for this site does not adversely impact on operational railway safety and exacerbate existing drainage problems on the infrastructure. The scheme includes a large SUDs pond in close proximity to the railway, where the railway is in a cutting below the level of the development. We require further information to enable a full assessment of this aspect of the scheme, in particular a cross section of the proposed pond and details of where the pond's outfall discharges to. For reference our standard drainage requirements are attached separately for consideration.

**Fail Safe Use of Crane and Plant** - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

**Excavations/Earthworks** - All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

**Security of Mutual Boundary** - Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

**Fencing** - Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

**Method Statements/Fail Safe/Possessions** - Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. Please note we will be unable to agree to discharge of a method statement condition without direct discussion and agreement with our Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). We would advise that the developer discuss the proposals with Asset Protection prior to applying for the discharge of condition. Contact details for Asset Protection are below.

**OPE** - Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

**Vibro-impact Machinery** - Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment - The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing - The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable: Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea) A comprehensive list of permitted tree species is available upon request.

Lighting - Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities - Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed. Network Rail is required to recover all reasonable costs associated with facilitating these works.

We look forward to receiving additional information about the proposed drainage scheme in due course to enable us to comment further. In the meantime, I would advise that in

particular the boundary fencing, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Further comments - Thank you for your letter of 26 February 2021 and the further opportunity to comment on the above application. We note and appreciate the additional information supplied by the developer in respect of the drainage scheme for the development. In view of this detail, we are able to withdraw the concerns raised in our previous response (see below) relating to the drainage scheme. Please note that the remaining comments in our previous response remain applicable.

17. **Durham County Badger Group**

Thank you for your letter 7th May requesting comments on the above application. Accepting the EIS identified no badger setts on the site, the badger element of it is now 2 years out of date and should be refreshed for any newly created setts in Hall Wood and on the railway. We would appreciate sight of the refreshed report. Given the site is adjacent to Hall Wood, the additional dog walking may well result in the degradation of the wildlife corridor, especially given the other housing developments between Saltergill Beck and Green Lane and we feel mitigation should be included to reduce the pressure.

18. **Natural England**

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

## **PUBLICITY**

19. Comments were received from the following addresses with the content summarised below. Full detailed comments can be found at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- 1) Mr Paul Murphy 4 Leven Road Yarm
- 2) Mr Mani Venkatesh Grange House Kirklevington Grange
- 3) Mr Robert White Meadowdene Green Lane
- 4) Mr Marek Pawlak 2 Field View Mews Green Lane
- 5) Dr Derek Cruickshank North Park House Green Lane
- 6) Mr Darren Best 3 Lane End Cottages Thirsk Road
- 7) Noel Robinson 2 Lane End Cottages Thirsk Road
- 8) Simon And Karen Benoy 4 Kirklevington Hall Drive Kirklevington

- 9) Ian McDougall 1 Kirklevington Hall Drive Kirklevington
- 10) T Wood 30 Galatea Road Yarm
- 11) E Simmonds 49 Knaith Close Yarm
- 12) E & B Meadows 20 Glaisdale Road Yarm
- 13) Rose Cruickshank North Park House Green Lane
- 14) D Bell 34 The Green Kirklevington

- Totally unsuitable for the area
- Object to increase traffic unless a safe way is found for school children to cross the Shell Roundabout both on their way to Conyers as well as to Yarm School from the Kirklevington Grange side
- Air quality and pollution will increase.
- Increase in flooding problems and impact on prison drainage
- The special character and landscape value of The Leven Valley will be lost for ever.
- Wildlife will be under threat.
- Countryside and farmland will be decimated.
- Lack of infrastructure
- Too Close to my property
- Devaluation of property
- Overdevelopment of Yarm

## **PLANNING POLICY**

20. 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 Stockton on Tees Borough Council Local Plan 2019.
21. Section 143 of the Localism Act came into force on the 15 January 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 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;

#### **Policy SD1 - Presumption in favour of Sustainable Development**

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable

development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

#### **Policy SD2 – Strategic Development Needs**

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.
- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

#### **Policy SD3 - Housing Strategy**

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land.

Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing

requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall;

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.
- c. Providing opportunities for custom, self-build and small and medium sized house builders.

3. The approach to housing distribution has been developed to promote development in the most sustainable way. This will be achieved through:

b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.

4. New dwellings within the countryside will not be supported unless they:

- a. Are essential for farming, forestry or the operation of a rural based enterprise; or

- b. Represent the optimal viable use of a heritage asset; or
- c. Would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
- d. Are of an exceptional quality or innovative nature of design. Such a design should:
  - i. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - ii. reflect the highest standards in architecture;
  - iii. significantly enhance its immediate setting; and
  - iv. be sensitive to the defining characteristics of the local area.

### **Policy SD5 –Natural, Built and Historic Environment**

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:

a. Ensuring that development proposals adhere to the sustainable design principles identified within policy SD8.

c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.

e. Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within policies SD3 and SD4.

f. Ensuring any new development within the countryside retains the physical identity and character of individual settlements.

i. Considering development proposals within green wedges against policy ENV6.

j. Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.

k. Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

a. Directing development in accordance with policies SD3 and SD4.

d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.

### **Strategic Development Strategy Policy 6 (SD6) - Transport and Infrastructure Strategy**

1. To provide realistic alternatives to the private car, the Council will work with partners to deliver a sustainable transport network. This will be achieved through improvements to the public transport network, routes for pedestrians, cyclists and other users, and to local services, facilities and local amenities.

### **Policy SD7- Infrastructure Delivery and Viability**

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.

2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:
  - a. It is not possible to address unacceptable impacts through the use of a condition; and,
  - b. The contributions are:
    - i Necessary to make the development acceptable in planning terms;
    - ii Directly related to the development; and
    - iii Fairly and reasonably related in scale and kind to the development.

**Policy SD8 – Sustainable Design Principles**

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
  - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
  - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
  - c. Need to protect and enhance ecological and green infrastructure networks and assets;
  - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
  - e. Privacy and amenity of all existing and future occupants of land and buildings;
  - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
  - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
  - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

**Housing Policy 1 (H1) - Housing Commitments and Allocations**

1. To deliver the housing requirement and to maintain a rolling five year supply of deliverable housing land, the Council have allocated sites identified within this policy. The majority of the new homes will be delivered through existing commitments (sites with planning permission identified within point 2) with the remainder of new homes being delivered through allocations at:
  - a. Various sites within the Regenerated River Tees Corridor.
  - b. Various sites within the conurbation.
  - c. West Stockton Sustainable Urban Extension.
  - d. Wynyard Sustainable Settlement.

The total number of dwellings set out in this policy is not the same as the housing requirement. This is because some commitments have already delivered a proportion of the dwelling numbers identified and some sites will likely deliver dwellings beyond the plan period, after 2032.

**Commitments**

2. Residential development is proposed at the following main sites, which benefit from planning permission. These sites are re-affirmed for residential development and are illustrated on the Policies Map:

Site Location/Name	Area (ha)	Total Dwellngs (approx)	Remaining Supply at April 2018
Y5 Land South of Yarm School Playing Fields	10.5	100	100

**Policy H4 – Meeting Housing Needs**

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.
2. Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with policy SD8.
3. The Council require 20% of new homes to be affordable on schemes of more than 10 dwellings or with a combined gross floorspace of above 1000sqm.
5. Affordable housing will normally be provided on-site as part of, and integrated within housing development to help deliver balanced communities. This provision should be distributed across sites in small clusters of dwellings. Off-site affordable housing or a commuted sum will only be acceptable where:
  - a. All options for securing on-site provision of affordable housing have been explored and exhausted; or
  - b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or
  - c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or
  - d. Any other circumstances where off-site provision is more appropriate than on-site provision.
6. Where off-site affordable housing or a commuted sum is considered acceptable, the amount will be equivalent in value to that which would have been viable if the provision was made on-site and calculated with regard to the Affordable Housing Supplementary Planning Document 8 or any successor.

#### **Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency**

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation.

The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
  - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
  - ii. Energy efficiency through better insulation and efficient appliances; then,
  - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
  - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
  - v. Conventional energy.
- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO<sub>2</sub> emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO<sub>2</sub> emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

#### **Policy ENV4 - Reducing and Mitigating Flood Risk**

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
  - a. To an infiltration or soak away system; then,
  - b. To a watercourse open or closed; then,
  - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.

#### **Policy ENV5 – Preserve, protect and enhance ecological networks, biodiversity and geodiversity**

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
- c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.
7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable replacement of appropriate scale and species will be sought on site, where practicable.

#### **Policy ENV6 – Green infrastructure, open space, green wedges and agricultural land**

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.
2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure

should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

4. Development within green wedges will only be supported where:

- a. it would not result in physical or visual coalescence of built-up areas;
- b. it would not adversely impact on local character or the separate identity of communities;
- c. it would not adversely impact on recreational opportunities; and
- d. it would not adversely impact on biodiversity.

## **MATERIAL PLANNING CONSIDERATIONS**

24. The application site is allocated for 100 houses in the local plan, already has outline consent and therefore the principle of the development has been established.
25. The main considerations of this application therefore relate to the details of the proposed development and its appearance, landscaping, layout and scale and relationship to existing development and whether it satisfies the requirements of the Development Plan. Whilst comments in relation to the traffic and overdevelopment of Yarm are noted as the scheme has outline permission and these matters cannot be considered further.
26. The outline approval set a development threshold of 100 dwellings, which is the number applied for through this reserved matter application. The houses are modest, and the layout gives a spacious feel to the development with open space and SUDs ponds to the south. The applicant states that the driving principle of the design is to create a 'landscape dominant' character. Mature hedgerows at the site boundaries will be retained and strengthened to encourage habitation and wildlife movement; whilst also providing key visual screening to and from the development platform.
27. In terms of appearance the proposed dwellings are simple and modern in design, however given that there is no dominant character in this area, it is considered that the scheme presents a development which will assimilate within the overall context of the area with a palette of materials that is to be agreed. A condition to ensure the final materials are submitted for consideration is recommended on the outline application however there is a mix of stone and render which is considered acceptable.
28. The dwellings have been designed to ensure that adequate separation distances are met, and the layout of the development is therefore deemed acceptable. The affordable housing is positioned close to the entrance of the site to ensure early delivery and in this instance is considered acceptable.
29. The landscaping as proposed is generally in the area of open space and along the roadside to provide a tree lined avenue, details of which have been considered by the Highways Transport and Design Manager and no objections have been raised subject to conditions as recommended which will consider the finer details. The commuted lump sum as requested can be included in the Section 38 agreement.
30. A new footpath connection onto Green Lane is proposed at the north of the site which will provide access to bus stops, Conyers School and Yarm School. The introduction of a new access point from the A67 will also include for new pedestrian connection points into the site. The HTDM has raised concerns regarding the car parking for house type HT2 however the applicant has confirmed that two spaces will be provided, and this has been conditioned.
31. Whilst comments from Durham Badger group are noted, the condition on the outline ties the applicant to the previous ecology survey and its recommendations, and an updated mammal

survey was submitted which recommends that if development does not commence before late summer 2021 then an updated badger survey is recommended, three months prior to the commencement of works on site. This condition has been recommended.

32. In terms of flood risk, the site falls within Flood Zone 1 (the lowest risk) with a need to demonstrate a satisfactory management of surface water. In relation to the management of surface and foul water arising from the development, Sustainable Urban Drainage Systems (SUDS) are to be provided within the open space area to the south of the development which will ensure that the development will not increase the probability of flooding elsewhere as a result of the increase in the impermeable area. The drainage proposals are considered to be acceptable and will be subject to further detailed design to comply with the condition on the outline consent.
33. With regards to the comments regarding the drain from the Prison. Drainage recorded at the prison shows surface water to the east of the A67 as being discharged to soakaways and land drainage which are unaffected by the development. It is acknowledged that historical or unrecorded drains may be present, however during development, it is standard practice for the contractor to highlight any unrecorded drainage which may be encountered and it may be necessary to divert and repair any unrecorded drainage which is discovered on site. Should diversion of the drains be required, then the proposal will require design and calculations to demonstrate to NWL that the existing capacity is not reduced by any alteration works. Therefore the development will ensure that any existing drainage is not compromised both in terms of its use and capacity.
34. All other matters have been considered at the outline stage and these conditions remain to be discharged including Network Rail matters and levels.
35. Devaluation of properties is not a material planning consideration.

## **CONCLUSION**

36. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Elaine Atkinson Telephone No 01642 526062**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Julia Whitehill</b>
<b>Ward Councillor</b>	<b>Councillor Andrew Sherris</b>
<b>Ward Councillor</b>	<b>Councillor Dan Fagan</b>

## **IMPLICATIONS**

Financial Implications: None

Environmental Implications: See 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.

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