

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
24 November 2021
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/0156/FUL

**Land To The West Of St Martins Way, Kirklevington,
Erection of 97no dwellings to include landscaping, drainage infrastructure and associated works and access from St Martins Way**

SUMMARY

Planning permission is sought for a proposed residential development of 97 dwellings with associated parking, landscaping and open space at land south west of the existing village of Kirklevington with access taken from St Martins Way.

177 Objections have been received to the scheme which have been considered in the report, many relate to the principle of housing in Kirklevington and the associated traffic implications.

Notwithstanding the objections received, the principle of residential development (for upto 90 dwellings) has previously been accepted on the site by the Planning Inspector with the proposed access from St Martins Way agreed.

The development has an extant permission and is an allocated site in the local plan. It is considered that there are material benefits arising from the proposed development. As detailed in the report below, the material considerations have been fully considered and the development as proposed is considered to be acceptable in terms of visual impact, highway safety and it does not adversely impact on neighbouring properties, archaeology or the ecological habitat or flooding. Consequently, there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the Local Plan or National Planning Policy framework taken as a whole.

For the reasons 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 21/0156/FUL be approved subject to the following conditions and informatives and subject to, the applicant entering into a Section106 Agreement in accordance with the Heads of Terms below;

01 Time Limit

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

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

Plan Reference Number

Date Received

HJB/PA3864/15A	12 November 2021
SMW:K01 C	8 October 2021
SMW:K00 S	8 October 2021
YD2-19-002-KL_LP006 REV F	11 November 2021
20318:SG	19 January 2021
20318:SG2	19 January 2021
YD2-19-002-KL_LP001 REV F	11 November 2021
YD2-19-002-KL_LP002 REV F	11 November 2021
YD2-19-002-KL_LP003 REV F	11 November 2021
YD2-19-002-KL_LP004 REV F	11 November 2021
YD2-19-002-KL_LP005 REV F	11 November 2021
NA20/7/PL1E	19 January 2021
NA20/7/PL2E	19 January 2021
NA30/7/PL1E	19 January 2021
NA30/7/PL2F	19 January 2021
NA44/7/PL1G	19 January 2021
NA44/7/PL2A	19 January 2021
ND42/7/PL1G	19 January 2021
ND42/7/PL2H	19 January 2021
PA44/7/PL2	19 January 2021
PA44/7/PL1E	19 January 2021
PD30/7/PL1E	19 January 2021
PD30/7/PL2	19 January 2021
PD51/7/PL1C	19 January 2021
PD51/7/PL2	19 January 2021
PT36/7/PL2	19 January 2021
PT36/7/PL1C	19 January 2021
SMW:K:LP	19 January 2021
ND43/7/PL21B (wheelchair adaptable)	12 August 2021
ND43/7/PL1G(wheelchair adaptable)	12 August 2021
ND43S/7/PL1 F	19 January 2021
ND43/7/PL2 A	19 January 2021
YD2_KL_LMR001_REV B	11 November 2021

Reason: To define the consent.

03 Materials

Notwithstanding any description of the materials in the application, the above ground construction of each plot shall not be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings and hard landscaping have been 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 order to allow the Local Planning Authority adequate control over the appearance of the development

04 Construction Management Plan

Work shall be undertaken in accordance with the submitted Construction Management Plan April 2021. The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason: In the interests of highway safety and visual amenity.

05 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.

06 Travel Plans

Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The approved Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the approved Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

07 Retention of existing trees shrubs hedge

Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as part of the landscaping scheme or any 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 and proposed trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

08 Tree and Hedgerow Protection Plan

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until a Tree and Hedgerow Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations
2. BRITISH STANDARD 3998:2010 Tree Work - Recommendations

3. NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the all existing trees and hedgerows on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

9. Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to address the requirements of Local and national planning policy in respect to heritage assets.

10. Sustainable Surface Water Drainage Scheme

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water 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 programme 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 the construction phase;
- IV. Details of adoption responsibilities
- V. A management and maintenance plan of the Surface Water Drainage scheme, this should include the funding arrangements and cover 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 Local Plan Policies SD5 & ENV4 and the National Planning Policy Framework.

11. Drainage – NWL

Unless otherwise agreed in writing the development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Overall Engineering Layout” dated “25/10/21”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5704 and ensure that surface water discharges to the surface water sewer at manhole 5703. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

12. Energy Statement

The development hereby approved shall be built in accordance with the energy statement by JSP Sustainability dated August 2020 and the measures identified shall be implemented on site and brought into use. 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 local plan ENV1.

13. 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 extended phase 1 habitat report issued: August 2020 (Delta-Simons Project No. 19-1651.01)

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles Local Plan Policy and the National Planning Policy Framework.

14. 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.

15. Contaminated land

Work shall be undertaken in accordance with Section 10.0 (Further Works) of the Phase 2 Geo-environmental Appraisal Page (ref: N18292G). Details of the findings and gas monitoring / gas risk assessment shall be submitted to the local planning authority.

Reason: Due to the proposed development’s proximity in relation to historical features, and to ensure contamination is adequately dealt with

16. Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works. Following completion of measures identified in the approved remediation scheme, a

verification report must be submitted in writing and approval by the Local Planning Authority.

Reason: Due to the proposed development's proximity in relation to historical features, and to ensure contamination is adequately dealt with

17 Removal of PD rights - no integral garage conversions;

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order), no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.

Reason: To adequately control the level of development on the site to ensure adequate garaging and parking spaces are made available.

18 Permitted Development Rights means of enclosure

Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), unless shown on the approved plan (SMW:K01 Rec C) no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts.

Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: Working practice

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking revised details and revised information and by the identification and imposition of appropriate planning conditions.

Informative 2: Disposal of Waste Material

All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as 'inert' should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing.

HEADS OF TERMS

- **Affordable Housing** -The provision of a minimum of 20% 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 roundabout.
- **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. An Outline application with for the erection of up to 90 dwellings and associated access (all other matters reserved) was refused by planning committee on the 16th August 2017 for the following reason (Application 16/3035/OUT).

In the opinion of the local planning authority the proposed development would result in a significant increase in vehicle movements thereby adversely impacting on the amenity of the existing residents through additional vehicle noise and general disturbance accessing the proposed development site, contrary to paragraph 17 of the National Planning Policy Framework.

2. The Planning Inspectorate dismissed this appeal and a copy of the appeal decision is attached at Appendix 4.

SITE AND SURROUNDINGS

3. The site is located to the south west of the existing village of Kirklevington and extends to approximately 5.65 hectares. The site is predominantly gently sloping with undulating topography in places. There is an existing hedgerow that runs through the centre of the site in a north to south direction and small overhead power cables running through the southern part of the site. There are existing trees and hedgerows on the boundaries of the site.
4. St. Martins Way is located directly to the east of the site and further housing is located to the north and east. Knowles Farm to the west which has approval for 10 houses (ref; 21/0648/REM) and a current application is under consideration for an equestrian development consisting of stable block, indoor/outdoor riding area, walking pens and storage barn on agricultural land to the south (21/2141/FUL).
5. To the east of the site and south of the existing housing at St Martins Way is a site which has obtained outline and reserved matters consent for 145 dwellings and is currently under construction (St Martins Green - Story Homes).

PROPOSAL

6. Planning permission is sought for the provision of 97 two storey dwelling houses which consist of a mix of open market (18 x 3 bedroom dwellings, 51 x 4 bed dwellings and 9 x 5 bed dwellings) and affordable homes (15 x 2 bedroom dwellings and 4 x 3 bedroom dwellings).
7. The application includes area of open space to the south west corner of the site and to the east of the site. A SUDs pond will be provided to the north of the site with planting to the perimeter.

CONSULTATIONS

8. The following Consultations were notified and any comments received are set out below (in summary):
9. Highways Transport & Design Manager – The proposed development is a full application for the construction of 97 dwellings on a site which benefits from an outline approval (16/3035/OUT) for up to 90 dwellings. The applicant has submitted a Transport Assessment (TA) and a site layout plan, drawing SMW:K00 Rev S, in support of the proposed development.

As set out above the site benefits from a previous approval (16/3035/OUT) for 90 houses and the impact on the highways network was considered as a part of this application and found to be acceptable subject to suitable mitigation measures being provided. The traffic assessments undertaken for the previous approval were based on 100 dwellings and are therefore suitable to determine the impacts of the current proposals however, the applicant has chosen to provide updated information based on a development of 97 dwellings. As the Yarm Aimsum Microsimulation Model includes 100 dwellings for this site no additional testing has been undertaken.

The site will be accessed from St Martins Way, which is accessed from Forest Lane via The Green or Strathmore Drive. The development road would be constructed to adoptable standards and would form an extension of St Martins Way, proposing a 5.5m carriageway with 2 m footways either side taken from the cul-de-sac at the head of St Martins Way.

The trip rates in the TA, which are based upon information derived from TRICS (national trip rate database), and the traffic distribution for the proposed development have been taken to be the same as those accepted for the previously approved residential development within Kirklevington.

(15/1643/OUT). Table 1 and Table 2 respectively show the forecast vehicle trip generation and distribution of the proposed development.

Table 1: Vehicle Trip Generation (for 97 dwellings)

	AM			PM		
	In	Out	Total	In	Out	Total
Trip rate	0.243	0.491	0.734	0.495	0.355	0.850
Trips	24	48	72	48	34	82

Table 2: Traffic Distribution

	Development Traffic Flows (PCU)	
	Weekday AM Peak Period	Weekday PM Peak Period
To A67 North	20	17
To A67 South	27	17
From A67 North	14	23
From A67 South	9	24

In order to assess the impact of the proposed development local capacity assessments have been undertaken at the following junctions:

- J1 – Forest Lane / A67;
- J2 - A67 / Green Lane Roundabout;
- J3 – A67 Crathorne Interchange;

J1 – Forest Lane / A67 – Junction Assessments.

The initial assessment of this junction, which is included in Table 3 below, has demonstrated that the junction would operate within capacity.

Table 3 - Forest Lane / A67 Junction

Movement	Weekday AM Peak Hour		Weekday PM Peak Hour	
	RFC	Q	RFC	Q
2021 with Committed & Not Yet Determined Development				
Forest Lane Left/Right Turn	0.29	0	0.47	1
Right Turn into Forest Lane	0.23	1	0.29	1
2021 with Committed & Not Yet Determined Development + PROPOSED				
Forest Lane Left/Right Turn	0.22	0	0.39	1

Right Turn into Forest Lane	0.28	1	0.38	1
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J2 - A67 / A1044 / Green Lane Roundabout

The impact of the proposed development at this location has been assessed against the agreed mitigation, to be provided by extant approval 16/1959/OUT, and this has shown that the junction, with the agreed mitigation in place, would operate within capacity. The results of the assessment are included in Table 4.

Table 4 - A67 / A1044 / Green Lane Roundabout – Junction Assessments

Movement	Weekday AM Peak Hour		Weekday PM Peak Hour	
	RFC	Q	RFC	Q
2021 with Committed & Not Yet Determined Development				
A67 North	0.88	6	0.83	5
A1044 Green Lane East	1.18	81	0.75	3
A67 South	0.63	2	0.82	4
B1264 Green Lane West	0.77	3	0.78	3
2021 with Committed & Not Yet Determined Development + PROPOSED				
A67 Thirsk Road	0.90	8	0.85	5
A1044 Green Lane (East)	1.20	86	0.76	3
A67 (South)	0.65	2	0.84	5
Green Lane (West)	0.77	3	0.80	4

The results clearly demonstrate that the proposed development would have no discernible impact at this junction.

J3 - A67 Crathorne Interchange.

The impact of the proposed development at this location has been assessed against the proposed Protected Right Turn associated with extant approval 15/1643/OUT.

The junction assessment results, which are included in Table 5 below, show that with the proposed development and no further mitigation at this location the queue on the A67, associated with right turning vehicles, would increase by 6 vehicles (from 9.3 vehicles to 15.6 vehicles).

The predicted queue length increase, of 6 vehicles, would need to be accommodated within the deceleration lane of the proposed Protected Right Turn thereby reducing the stopping distance available for drivers approaching the junction before joining the rear of the queue. This may result in rear end shunt type accidents or side on collisions, if vehicles swerve to avoid the queue of stationary traffic, due to the reduced stopping distances available which would be detrimental to highway safety.

Table 5 - A67 Crathorne Interchange – Junction Assessment

Stream		Weekday AM Peak Hour		Weekday PM Peak Hour	
		RFC	Q	RFC	Q
2021 Base + Committed + Extant					
J4a	A19 Slip Road – LT/RT	0.04	0.1	0.06	0.1
	A67 (Northwest) – AH/RT	0.96	9.3	0.49	1.0
J4b	A67 (LT Exit Lane) – LT/RT	0.31	0.5	0.15	0.2
J4c	A19 Slip Road (LT Exit Lane) – LT/RT	0.32	0.5	0.66	1.9
2021 Base + Committed + Extant + Proposed Development					
J4a	A19 Slip Road – LT/RT	0.04	0.1	0.10	0.1
	A67 (Northwest) – AH/RT	1.01	15.6	0.53	1.1
J4b	A67 (LT Exit Lane) – LT/RT	0.31	0.5	0.15	0.2
J4c	A19 Slip Road (LT Exit Lane) – LT/RT	0.32	0.5	0.67	2.0

The Protected Right Turn associated with application 15/1643/OUT is therefore not considered to provide suitable mitigation at this location and, as with the previous application (16/3035/OUT), a roundabout junction is required.

The delivery of the identified improvement scheme would need to be secured through a s106 / s278 Agreement, as appropriate to mitigate the impact of this development, and be in line with contributions already secured towards implementing the highway infrastructure.

The proposed site layout, has been reviewed against the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments (SPD3) and is considered to be acceptable. Interconnectivity between this site and the adjoining site would be welcome.

The Construction Management Plan is also acceptable in principle and this plan should be agreed prior to construction commencing on the site and this should be secured by condition. It is noted that the single access to the site is via the existing residential area. It would be preferable for access to the site to be taken away from this location but accept that this is outside of the applicant's control. Further discussion and negotiation is encouraged to identify whether an alternative temporary construction access can be secured.

Travel plan: A Framework Travel Plan has been provided and a full Travel Plan should be secured by condition and agreed prior to commencement of the development.

Landscape & Visual Comments - The Highways Transport and Design Manager considers that a pedestrian connection must be made to the adjacent site to the east from the area of the SUDs pond. This is considered to be essential to provide good pedestrian connectivity through the new areas of the village, to the primary school, play facilities associated with the adjacent development and other local services.

To ensure existing boundary planting is protected for the duration of the works, a tree and hedgerow protection plan must be implemented prior to commencement of any work on the

site. This information could be conditioned if not provided up front. Trees must also be located at least 2m from the back of the footway as this forms part of the adopted highway, otherwise a root barrier membrane will be required. Street lighting details have not yet been provided, but these must be located to minimise conflict with proposed tree planting.

From an aesthetic point of view, the basin proposal is very engineered in its form, and squashed up to the northern site boundary. As there is sufficient space in this location, the form and position of the basin could be modified to create a more attractive feature for residents, but this can be considered as part of the discharge of any SUDs conditions. The submitted landscape proposals indicate only a grass mix within the basin. The proposed standard amenity seed mix within the basin will not withstand regular flooding and must therefore be updated to reflect the finalised drainage proposals and regularity of flooding. This can form part of the discharge of the SUDs conditions, as the current soft landscape proposals are not acceptable. The submitted landscape maintenance plan is acceptable.

Flood Risk Management - The applicant has provided information to satisfy the Lead Local Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition.

10. Highways England - No objection but would like to review the wording of the Section 106 for completeness.
11. Hambleton District Council - It is noted that the site benefits from an extant planning permission. Hambleton District Council has no comments to make on the application.
12. Environmental Health Unit (Contaminated Land) - the submitted Phase 11 Contaminated Land Report (Oct 2018, Ref : N18292G) showed that there are no contaminants of concern which may potentially pose a risk to human health for the proposed residential end-use. Therefore, there is no pollutant linkage and no remedial measures are required. I have no objection to the application on the grounds of contaminated land. I would request that on completion of the gas monitoring that a final risk assessment is submitted.
13. Tees Archaeology - The developer has provided a report on an archaeological evaluation of the site which demonstrates the survival of a later prehistoric settlement likely to date from the Iron Age/Romano-British period. The report recommends a programme of archaeological excavation targeted on the south-west corner of the eastern field in order to mitigate the impact of the development on the archaeological resource. I agree with this recommendation. It would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 199). This could be secured through a condition on the development. Suggested wording provided and is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.
14. Northern Gas Networks - no objections, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact us directly to discuss our requirements in detail.
15. Network Rail - no observations to make.
16. Northumbrian Water Limited - 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 "Overall Engineering Layout". In this document it states the foul flows shall discharge to the existing foul sewer to the north at manhole 5704, and the

surface water flows shall discharge to the existing surface water sewer to the north at manhole 5703 at a restricted discharge rate of 5l/sec. We would therefore request that a condition be attached to any planning approval, so that the development is implemented in accordance with this document.

17. Kirklevington and Castle Levington parish council - support the comments submitted by Highways England and insist that a new traffic assessment/survey of the A67 be conducted due to the data submitted in this application being out of date. Any new data assessment/traffic survey must not be conducted until such a time when normal traffic levels return to the A67. This could possibly be in the autumn at the earliest when all schools, colleges, universities, retail resumes normal travel patterns and home workers return to the office. The now completed, and in the process of being completed developments on green lane, Morley Carr and Kirklevington village must also be taken into consideration. An assessment of current covid restrictions at the time of any new traffic assessment/survey must be considered to ensure that representative data reflecting post covid traffic patterns is obtained.

18. Matt Vickers MP - Objects to the above application. The Local Plan-Housing Supply Assessment (2020-2025) and Housing delivery Test Results (January 2021) presented to the Planning committee on 10th March 2021 clearly show that, at present, there is an over provision of +417 dwellings against the Local Plan. This over provision will, in my view, only increase as we move toward the end of the five year plan. It is now time to review the plan, particularly in terms of planned dwelling numbers, and assess how this over provision, and the likelihood of it increasing dramatically will further impact on our Towns and Villages. You will be aware that the original screening request for this site was for 100 dwellings. Subsequently a planning appeal by the developer was successful for up to 90 dwellings on this site. I find it astonishing that Stockton Borough Council subsequently included this site in the Local Plan adopted in 2019. I now find it extraordinarily insensitive to the residents of Kirklevington (and Yarm) that Stockton Borough Council are now entertaining an application by the developer to build 97 houses, even though the local plan has outlined 90 houses. An increase of 7 houses, or 8%. This is an additional smack in the face for our residents from the Local Authority who appear to not listen to their concerns. The concerns raised by our residents in 2016/17 are the same today, if not aggravated by the wider developments in and around Kirklevington and Yarm. I join their concerns regarding access, traffic, flooding, lack of suitable footways, noise, dirt and over development of a peaceful village. These developments are not built overnight, it takes a number of years, from clearing the site, through to final completion. It is simply unacceptable that our residents will have to suffer the misery of building this development, aggravated by accessing and endangering their safety from site traffic, through the narrow lanes of Kirklevington.

You will be aware that concerns were raised and ignored regarding flooding on the nearby Storey development site. Look what has happened. Local residents know the area better than anyone, they know the issues, and what is suitable and what is not for their village. Highways England have served a series of notices on Stockton Borough Council under section 175B of the Highways Act, the latest one on 17th February 2021, recommending that no permission is granted on this application until 17th May. The reasons for this recommendation are straight forward, To ensure that the A19, Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road network and in the interests of road safety. Highways England have identified that there are complexities regarding other applications in the area and how this may/ or may not (as the data is old) in the provision of improvements, in the form of a roundabout at Crathorne. It appears Highways England are echoing some of the same concerns as local residents regarding traffic in the immediate and surrounding area. I also raise the matter of the 10

additional dwellings 21/0648/REM, Reserved matters application for appearance, landscaping, layout and scale for the erection of 10 dwelling houses | Knowles Farm Grove Bank Kirklevington TS15 9NG. This application has been recently delegated to an officer within SBC. Neither application refer to each other and the impact it has on the concerns raised by our residents. It is apparent that two different building sites in close proximity are now going to directly impact on the lives of the residents for some considerable time to come if both applications are granted. I urge Stockton Borough Council to do the right thing and reject this application.

19. SBC Housing Services Manager - No objections to the proposal subject to the housing tenure being secured by a Section 106 agreement.

PUBLICITY

20. Neighbours were notified and 178 letters of objection were received from the addresses detailed in Appendix 12 with the main objections summarised below. The full details of the objections can be viewed online at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Overdevelopment of Yarm
- Increasing the traffic congestion into an already over congested and potentially gridlocked area around Yarm/ Kirklevington.
- Road Safety in Kirklevington including HGV access under the bridge
- Construction Traffic and Access
- Noise through additional traffic
- Drainage and Flooding
- Design and layout not in keeping with the Village
- The design is not in keeping with the village.
- Shortage of Bungalows/starter homes
- Lack of facilities such as a bus service, school places
- Lack of footway and cycle routes to schools, Yarm etc
- Lack of Community consultation
- Possible noise/odours from TW sump & pumping station
- Development will affect privacy and right to light. (Moor Close)
- Impact on Ecology / Wildlife
- Sustainability eg use of modern condensing gas boilers
- Timing of the Surveys

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 Stockton on Tees Borough Council Local Plan 2019.
22. 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

23. 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.
24. 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

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

Strategic Development Strategy Policy 1 (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.

Strategic Development Strategy Policy 3 (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:
 - a. Supporting the aspiration of delivering housing in the Regenerated River Tees Corridor (as identified on the Policies Map) in close proximity to Stockton Town Centre. Key regeneration sites which provide major opportunities for redevelopment include: Queens Park North, Victoria Estate, Tees Marshalling Yard and Land off Grangefield Road
 - 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.
 - c. Creating a Sustainable Urban Extension to West Stockton.
 - d. Promoting major new residential development at Wynyard leading to the area becoming a sustainable settlement containing general market housing and areas of executive housing in a high-quality environment.
 - e. Supporting residential development in villages (as shown on the Policies Map) through the recognition of existing commitments and new build within the limits to development where the land is not allocated for another purpose.

Strategic Development Strategy Policy 5 (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.
 - d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
 - 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.
 - l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.
 - m) Encouraging the reduction, reuse and recycling of waste, and the use of locally sourced materials.
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.
 - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
 - c. Supporting sustainable water management within development proposals.
 - 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.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.

- f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
- g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
- h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (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.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

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 CO₂ 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 CO₂ 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.

Natural, Built and Historic Environment Policy 4 (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.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and
- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.

3. Site specific flood risk assessments will be required in accordance with national policy.

4. All development proposals will be designed to ensure that:

- a. Opportunities are taken to mitigate the risk of flooding elsewhere;
- b. Foul and surface water flows are separated;
- c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
- d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.

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.

7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:

- a. Support reduced run-off rates.

b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

Natural, Built and Historic Environment Policy 5 (ENV) - 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.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

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.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the

cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

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 Dwellings (approx)	Remaining Supply at April 2018
V5 Land West Of St Martins Way, Kirklevington	5.6	90	90

Housing Policy 4 (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.

4. Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make the scheme unviable, they must submit a full detailed viability assessment to demonstrate the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable.

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.
7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.
9. To ensure that homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1st April 2019 the following Optional Standards will apply, subject to consideration of site suitability, the feasibility of meeting the standards (taking into account the size, location and type of dwellings proposed) and site viability:
- a. 50% of new homes to meet Building Regulation M4 (2) "Category 2 - accessible and adaptable dwellings".
 - b. 8% of new dwellings to meet Building Regulation M4(3) "Category 3 - Wheelchair User Dwellings". Where the local authority is responsible for allocating or nominating a person to live in that dwelling, homes should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

Delivering A Sustainable Transport Network

1. To support economic growth and provide realistic alternatives to the private car, the Council will work with partners to deliver an accessible and sustainable transport network. This will be achieved through improvements to the public transport network and routes for pedestrians, cyclists and other users.

New Development

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- a. Transport choices are widened and the use of sustainable transport modes are maximised. New developments provide access to existing sustainable and public transport networks and hubs. Where appropriate, networks are extended and new hubs created. When considering how best to serve new developments, measures make best use of capacity on existing bus services before proposing new services and consideration is given to increasing the frequency of existing services or providing feeder services within the main network.
- b. Suitable access is provided for all people, including those with disabilities, to all modes of transport.
- c. Sufficient accessible, and convenient operational and non-operational parking for vehicles and cycles is provided, and where practicable, incorporates facilities for charging plug-in and other ultra-low emission vehicles. Any new or revised parking provision is of sufficient size and of a layout to facilitate it's safe and efficient operation.

- d. Appropriate infrastructure is provided which supports Travel Demand Management to reduce travel by the private car and incentivises the use of sustainable transport options.
 - e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.
13. The Council's approach to transport infrastructure provision is set out in Policy SD7.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

1. The Council supports the expansion of communications networks, including telecommunications and high speed broadband; especially where this addresses gaps in coverage.

MATERIAL PLANNING CONSIDERATIONS

26. 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

27. The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth.
28. In terms of local planning policies since the approval of the site for residential development by the Planning inspector, the site became an allocation in the local plan and principal of residential development on this land is acceptable. In addition, the extant outline permission (as the reserved matters application has been submitted but remains undermined) remains 'live' and is capable of implementation should the reserved matters application be approved.
29. Concerns have been raised regarding the impact of the scheme on local infrastructure, notably schools, doctors and dentists. However, notwithstanding the lack of objection from these bodies, or substantive evidence to suggest that their capacity is limited, as reported in the Inspectors Appeal Decision for Little Maltby Farm "*any new housing development proposed within this area of the Borough, whether at the appeal site or not, would have a similar impact*". No evidence has been put forward to state the services cannot cope with the development, and therefore it is considered that this in itself would not warrant refusal of the application.

Landscape and visual impact,

30. Kirklevington is a linear village set within an agricultural landscape of fields surrounded by field fences and intermittent hedgerows with an occasional mature hedgerow tree. A number of farms are located across the landscape, but 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 proposed development site as 'Urban Fringe Farmland', and has a medium level of landscape sensitivity, and medium landscape capacity.
31. The application site has existing housing to the north and east, farm buildings to the west and agricultural fields to the south. The adjacent site to the east has planning permission for housing and work has commenced on this development and is well underway. The site is predominantly gently sloping with undulating topography. There is an existing hedgerow

running through the centre of the site and existing vegetation on site boundaries other than that it is an open agricultural field.

32. During the previous application the landscape was assessed by the Highways Transport and Design Team who raised no objections from a landscape perspective and there has been no notable changes to alter this advice, which remains that the proposed scheme would be viewed as an extension to the southern side of the village continuing from the already approved development to the east and as per the existing approved scheme the landscaping belt would serve to create a buffer between the extended village and the open countryside which is considered would prevent the site appearing like unplanned sprawl of building into the open countryside.

Proposed layout and design

33. The scheme shows a mixture of semi-detached and detached 3 – 5 bedroomed dwellings, examples of house types are included at appendix 5 - 11. The layout is fairly linear in nature with open space within the site to the south and east and also a SUDs pond to the north which can become a feature in the future. Whilst comments have been made that the scheme is out of character with the village, it is not considered that there is a clearly defined or predominant character other than at the historic area to the eastern end of the village. Kirklevington has gradually grown with residential developments expanding the village and given there are no special designations or predominant character it is not considered that there is any reason to refuse the application as submitted based on the layout as proposed, which is a modern housing development in a developed village.
34. The houses are generally two storey and are modern in design. Dual aspect dwellings are proposed at important corners to ensure continuity of activity and natural surveillance. The dwellings have been designed to ensure that adequate separation distances are met, and the scheme presents a development which will sit well within the overall context of the area. Use of appropriate materials can be secured by condition.
35. There is a small area of public open space close to the site entrance, and an area to the south west corner of the site. The layout incorporates tree planting to the site perimeter and incidental tree planting throughout the development. The hedgerow to the boundaries of the site are shown to be retained and this can be secured by condition. A tree protection plan has also been conditioned to ensure that they are adequately protected during construction.
36. A noise report accompanies the application to determine if noise from the roads, farm and railway line are at levels which would influence the design of the proposed development. The survey has indicated that the levels of noise will not require any additional attenuation.
37. Policy H4 requires the provision of 20% affordable housing which has been shown on the submitted plans. The Housing Services Manager has agreed in principle the nature of affordable housing should the application be approved, and this requirement would be secured within the Section 106 Agreement. The affordable housing is to the west and the centre of the site in groups, and this is considered acceptable.
38. Comments have been made about the lack of bungalows, and whilst this is acknowledged, to meet the needs of an aging population, providing more accessible homes will ensure that the housing stock is more easily adaptable and therefore Policy H4 requires 50% of the homes to be M4(2) Category 2 – accessible and adaptable dwellings compliant and the scheme achieves this as 62 out of 97 homes proposed are M4(2) compliant.
39. M4(3)(2)(a) relates to Wheelchair adaptable dwellings which are designed and built for potential occupation by a wheelchair user in the future (possibly after minor, non-structural, alterations) and the 8% requirement for this would equate to 7 dwellings. The Wortham

House type complies with M4(3)a (Wheelchair adaptable) and 7 of the homes will be built to this standard. It is therefore considered that the lack of bungalows would not lead to the refusal of the application as accessible homes have been achieved in accordance with the requirements of the development plan.

40. In accordance with the requirements of Policy ENV1 major residential development should achieve a 10% reduction of total predicted energy requirements. An energy statement accompanies the application which demonstrates that the site will achieve an average 10.54% fabric energy efficiency reduction when measured against the Target Fabric Energy Efficiency associated with Part L1A. Photovoltaic arrays will be installed on the roof slopes of a number of properties and the energy efficiency measures and renewable energy proposals will reduce CO2 emissions by 10% which is considered acceptable and in line with the requirements of the policy. Comments in relation to gas condensing boilers are noted however whilst the government are phasing out gas boilers in new UK homes from 2025 alternative forms of heating can be used without planning consent should the housebuilder chose to do so. Under the current Local Plan, all that can be sought is a 10% reduction of total predicted energy requirements which the proposals achieve, and the use of gas boilers would not lead to the refusal of the application as the scheme is in broad accordance with the requirements of local plan policy ENV1.
41. The proposed development is in accordance with Supplementary Planning Document 3: Parking Provision for New Developments (SPD3) and the parking provision is considered to be acceptable.
- Impact on neighbouring properties.
42. The development as submitted meets the separation distances as detailed in SPD1: Sustainable Design Guide. The hedgerows will be retained along the north and eastern boundaries with existing residential properties and given the distances and the boundary treatments it is not considered that the proposal will have an adverse impact on the existing residential neighbours.
43. The councils Environmental Health Manager previously requested a condition be imposed to limit the construction working hours to the site and this condition has been recommended accordingly. Impacts from Construction Traffic is considered later in the report.
- Highway related provisions
44. A transport assessment framework travel plan and construction management plan accompanies the application.
45. The application site has approval for 90 dwellings and this proposal is for 97 and therefore the main focus is whether the additional 7 dwellings as proposed will have a significant highway impact to warrant refusal of the application. 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 HTDM has considered the proposed scheme and noted the concerns of objectors however does not consider that there are any highway safety issues which would warrant refusal of the proposed scheme.
46. The traffic assessments undertaken for the previous approval were based on 100 dwellings and were suitable to determine the impacts of the current proposals however, the applicant has chosen to provide updated information based on a development of 97 dwellings. In addition, assessments have been undertaken at specific junctions which have demonstrated that these would operate within capacity, some with mitigation which includes the provision of a roundabout improvement scheme which will be secured through a S.106 Agreement, and would take account of any contributions already secured towards mitigating the impact of development at this location.

47. The access from St Martins Way shows the existing turning head removed and areas reinstated to verge, the footways would also re-aligned to provide a direct connection to the proposed development. The proposal access is considered to be acceptable and is the same as previously approved.
48. Comments from the HTDM are noted with regards to the footpath link to the adjacent site, however there are existing linkages from the main access to the school and also a link into the adjacent site and the PROW and given there are alternative routes it is considered that the footpath access between sites is desirable rather than a necessity especially given that the adjacent Story Homes site are not proposing a pedestrian connection to the boundary.
49. Concerns have been raised over construction traffic, and whilst usually dealt with by condition, a construction management plan has been submitted with the application and the HTDM has raised no objections. However, a condition has been recommended to ensure the final plan is agreed prior to commencement of development should the application be approved. It should be noted that whilst the previous application was refused due to the impact of traffic, this appeal was dismissed and the Inspector concluded "*that the proposal would not harm the living conditions of occupiers of neighbouring properties, including with respect to noise and disturbance relating to the proposed new access and traffic*".
50. The applicants were requested to investigate the use of the adjacent site for construction traffic and confirmed that they have met with the owner of the access but the owner has not been able to assist with this request. Whilst the applicants appreciate it would be the preference of the community to use an alternative construction access it is not something they are in a position to deliver.

Impacts on drainage

51. A number of objections have been raised regarding drainage; capacity and potential flooding. There are also concerns that the sewage treatment works cannot cope with the additional demand.
52. Northumbrian Water have raised no objections providing the development shall be implemented in line with the submitted documents which confirms the ability of the network to accept flows if sewer connection is the only option.
53. In terms of the Sewage Treatment works, Northumbrian Water have advised previously that the works have been upgraded and that it will be able to take anticipated flows. It has also been previously indicated that if any problems arise with the existing pipework that this will be their responsibility. In view of these matters, it is considered that suitable foul water drainage can be achieved.
54. In relation to the surface water, the applicant has submitted some options and the Lead Local Flood Authority are satisfied that an appropriate drainage solution can be achieved without increasing existing flood risk to the site or the surrounding area. Full details have been conditioned.
55. Comments with regards to existing flooding to the north are noted and the LLFA are working with the applicant to secure a scheme that will improve the existing situation.

Impact on Ecology

56. Within the application site there are trees, hedgerows and other landscape features. A number of objections have been received relating to the impacts on ecology and wildlife and the loss of habitat and wildlife corridors. An extended phase 1 ecology report and protected species and hedgerow report accompanies the application. Whilst this was

undertaken in October 2020, the findings of the initial site assessment have identified habitat from some species however, it is considered that this can be mitigated by taking appropriate precautionary measures both prior to and during the development which included the timing of works and checking surveys before works commence.

57. There are three trees which have bat roost potential, however these trees are adjacent to the open space within the landscape buffer and shown to be retained. If the trees were to be removed then further surveys would be undertaken and European Protected Species Licence should be submitted to Natural England.
58. The surveys recommend retaining hedgerows and landscape features where possible and using native planting within the scheme. This would in part make provision for the habitat / foraging that would be lost. It is considered that 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. These recommendations are considered to reflect a suitable approach to preventing undue impacts on protected species and subject to the re-provision of habitat. Conditions are recommended to address these matters.

Contaminated Land

59. The application has been supported by a Phase 2 Geo-environmental Appraisal which has been assessed by the Councils Contaminated Land Officer. Further works are recommended and no objections have been raised subject to the imposition of a condition to adequately secure these works and the standard unexpected Land Contamination condition which have been recommended.

Archaeology

60. An archaeological evaluation and geophysical survey accompany the application which identified no archaeological resource which requires preservation *in situ*. A programme of archaeological excavation targeted on the south-west corner of the eastern field is recommended in order to mitigate the impact of the development on the archaeological resource. No works are recommended over the remainder of the development area.
61. Tees Archaeology agrees with this recommendation and raise no objections subject to a condition requiring a suitable programme of recording works which has been conditioned.

Planning Obligations

62. Housing proposals need to be considered against Local Plan Policy in respect to planning obligations towards highways infrastructure, (as already detailed in the highways section of this report) and also the provision of open space, recreation and landscaping. In view of the sites position, it is considered any provision needs to be either on site or within the village to best serve the demands of the scheme. The open space is to be provided on site and it is considered acceptable.
63. 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.
64. The applicant has agreed to use local labour and the details of the affordable housing requirement has been detailed earlier in the report.

CONCLUSION

65. The development has an extant permission and is an allocated site in the local plan. It is considered that there are 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.
66. 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.
67. 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 Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor Julia Whitehill
Ward Councillor	Councillor Andrew Sherris
Ward Councillor	Councillor Dan Fagan

IMPLICATIONS

Financial Implications: See report

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

Background Papers

Stockton on Tees Local Plan
Householder Extensions
SPD1 – Sustainable Design Guide
SPD3 – Parking Provision for Developments