

**DELEGATED**

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

**17/0511/OUT**

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

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

**Expiry Date: 18 August 2017**

**SUMMARY**

Outline Planning permission is sought for upto 11 detached dwellings, including two affordable homes with all matters reserved other than access at 18a Braeside which will be demolished to provide access to the site. This will accommodate a 4.8m wide roadway and a 2m wide footpath on either side. The remaining area will accommodate planting and acoustic fencing to protect the amenity of the adjoining properties (16 & 18 Braeside).

The application site lies outside the limits to development and is located within flood zone 1.

10 objections have been received along with one letter offering general representations.

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.

The National Planning Policy Framework (NPPF) sets out the governments objectives for the planning system and in particular those for achieving sustainable development. The three dimensions of sustainable development are economic, social and environmental. The NPPF also includes a number of core planning principles one of which is the need to identify and meet housing needs as well as respond positively to wider opportunities for growth. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

In terms of local planning policies there are no specific designations which apply to this site other than the site lies outside the limits to development, consequently the site forms part of the open countryside. Saved Policy EN13 seeks to strictly control development within the countryside beyond these limits and restricted to limited activities necessary for the continuation of farming and forestry contribute to rural diversification or cater for tourism, sport or recreation provided it does not harm the appearance of the countryside. However, just because the site is outside the 'limits of development', the proposed development should not be ruled out purely on the grounds of falling outside the settlement boundary and there are other factors to be weighed in the overall balance which are considered in more detail below.

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

Whilst there are currently a limited amount of services within the village which include a school, community centre; children's play area, public house, church and car repair garage, there is no daily regular bus service. However following the approval of the 'Jomast' site, provisions have been made to expand services within the village. Given that the village already has a number of services, and given that the site is not a significant distance from the southern edge of Yarm where there is a shopping parade, secondary school and train station, the village was considered to be sufficiently sustainable to align with national policy and to support new residential development.

Concerns have been raised regarding the impact of the scheme on local infrastructure, notably shops, secondary schools, doctors and dentists. However, 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.

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

The application is in outline only however the applicant has submitted an illustrative site layout plan. The proposed development is for 11 new dwellings within an agricultural field on the northern edges of Kirklevington village. Access to the site requires the demolition of a single property on Braeside to facilitate a new access road into the site.

The development is located on a site on the edge of the village and bordered on the western edge by a wooded area, and on the southern edge by existing residential properties. The proposed development does not extend beyond the northern limits of the existing developed area of the village. The Highways Transport and Design Manager has advised that the proposed extent of residential development within this application is the maximum that would be acceptable in this part of Kirklevington with respect to landscape character and visual impacts subject to a number of landscape conditions and overall it is not considered that the proposed scheme will adversely impact upon the character and appearance of the immediate surroundings to the application site or the village, and this view is supported by the Highways Transport and Design Manager.

The indicative layout provides only limited details and the finer details (the reserved matters) will be considered at reserved matters stage should the application be approved however it is considered that the indicative layout has demonstrated that a scheme can be achieved on site, however should the application be approved, the reserved matters application will control and considered the detailed scheme.

The application is in outline, however an indicative plan has been submitted which demonstrates that the required separation distances as detailed in SPD1: Sustainable Design Guide; can be achieved between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents and it is considered that a form of residential development could be accommodated on the site although the detailed layout and design would require approval via reserved matters application/s should this outline application be granted. Overall it is considered

that the proposed development can be accommodated on site without having undue impacts on residents; however the final details will be considered at reserved matters stage, if the development is approved.

The application is in outline with all matters reserved other than access which is to be taken from Braeside and the Highways Transport and Environment Manager has raised no concerns in relation to highways safety in relation to this site.

Concerns have also been raised over the resultant additional traffic onto the network in this part of the Borough and the impacts of additional traffic in Kirklevington. However whilst it is accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe. The Highways, Transport and Design Manager has therefore confirmed that he is unable to object to the proposed development in relation to the impact on the highway network however, the results show that the proposed development is reliant upon mitigation at the A19/A67 Crathorne interchange and the A67 / A1044 / Green Lane Roundabout.

Details of the proposed site access arrangements have been submitted showing access from Braeside. The proposed access would extend Braeside and result in the creation of a T junction. The development would therefore alter the road layout and change the nature of the road. This may require changes to the road, including the addition of road markings, to make users aware of the changes in traffic priorities. Whilst the access proposals are acceptable in principle, the detailed design of the layout would have to be undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement.

Concerns have been raised over construction traffic, however a condition to ensure a suitable construction management plan be submitted by the applicant for consideration prior to commencement of works has been recommended which will ensure the disruption is minimised for residents and suitable traffic controls, if required can be put in place.

A flood risk assessment and drainage strategy accompanies the application. The application site is located within flood zone 1 where development is generally directed. Conditions in relation to foul and surface water drainage have been recommended.

Northumbrian Water have raised no objections to the close proximity of the development to the sewerage treatment works however advised that disturbance could occur and therefore a noise impact assessment and odour assessment was requested and submitted which should the works are not a constraint to development.

Other matters in relation to Ecology, land contamination and Archaeology and other material considerations are considered to be acceptable subject to conditions.

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

### **RECOMMENDATION**

**That planning application 17/0511/OUT be approved subject to the following conditions and informatives and subject to, the applicant entering into a Section 106 Agreement in accordance with , the Section 106 Agreement detailed in the Heads of Terms below or other such terms as may be deemed necessary by the Director of Economic Growth and Development Services**

**01 Approved Plans**

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

Plan Reference Number	Date on Plan
01	24 February 2017
02	24 February 2017

Reason: To define the consent.

**02 Reserved Matters - Details**

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

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

**03 Period for Commencement**

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

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

**04 Reserved Matters - Time Period for submission**

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

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

**05 Construction Management Plan**

No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the routing of associated HGVs;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

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

**06 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.

**07 Tree Assessment**

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans (whichever is applicable). As part of the reserved matters application all trees on site and within 10m of its external boundary shall be indicated on the Site Survey Plan. These trees shall be assessed in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations section 4.

The assessment should concur with the latest site plans and include for the following information:

- (i) A plan to scale and level of accuracy appropriate to the proposal showing the position of every tree on and adjacent to the site with a stem diameter over the bark measured at 1.5 metres above ground level at 75mm and all root protection areas.
- (ii) A tree schedule as detailed in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations
- (iii) A schedule of all tree works specifying those to be removed, pruning and other remedial or preventative work.
- (iv) Details of any ground level changes or excavations within 5 metres of the Root Protection Area of any tree to be retained including those on adjacent land.
- (v) A statement setting out long term future of the trees in terms of aesthetic quality and including post development pressure.
- (vi) Details of any statutory of domestic services shall be designed in accordance with Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007

Reason: To assess the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

**08 Retention of existing trees shrubs hedge**

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

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

**09 Tree Protection**

No development shall commence until full details of proposed tree protection has been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters scheme. Such protection shall comply with (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In

Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ). The requirements of Stockton on Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection), which is available upon request.

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

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

#### **10 Surface Water Drainage**

The drainage system to be adopted by Northumbrian Water in relation to the proposed development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

#### **11. Surface Water Drainage**

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

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

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

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

#### **12. Surface water management**

No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained

during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

Reason: To reduce flood risk during construction / development of the site

**13. Levels**

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

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

**14. 10% Renewables or fabric first**

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

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

**15. Ecology and mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the preliminary ecological appraisal (February 2017) unless otherwise agreed in writing by the local planning authority.

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

**16. 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.

**17. Unexpected Land Contamination**

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

Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

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

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

### **Informative: 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 gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

### **Informative: Drainage**

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilising the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS integrate into the landscape. The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure.

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

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

### **Informative : Northumbrian Water**

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer. If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

### **Informative: Reserved Matters**



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

"access", means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

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

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

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

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

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

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

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

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

(e) the provision of other amenity features;

## **HEADS OF TERMS**

### **Affordable Housing**

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

### **Education**

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

### **Offsite Highway Works**

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

### **Open Space**

Contribution towards open space/play facilities.

## **SITE AND SURROUNDINGS**

1. The site is arable land currently partially occupied by stables and open storage buildings with associated hard standing and access tracks.
2. The site is bounded to the North by arable land within the applicant's ownership, and to the east by arable land, to the west is a small area of woodland (the trees of which are covered by a tree preservation order) with an open field beyond and the boundary of 49 Ash Grove. To the south are residential properties in Braeside.
3. The application site lies outside the limits to development and is located within flood zone 1.

## **PROPOSAL**

4. Outline Planning permission is sought for upto 11 detached dwellings, including two affordable homes with all matters reserved other than access.
5. The existing bungalow which occupies the site at 18a Braeside will be demolished to provide access to the site. This will accommodate a 4.8m wide roadway and a 2m wide footpath on either side. The remaining area will accommodate planting and acoustic fencing to protect the amenity of the adjoining properties (16 & 18 Braeside).
6. An indicative plan has been submitted which shows how a possible development could be achieved on site.

## **CONSULTATIONS**

7. The following Consultations were notified and any comments received are set out below:-
8. Spatial Planning & Regeneration

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

Policies of relevance to this application are:

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

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

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

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

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

Subject to the comments below the Highways, Transport and Design Manager has no objections to this outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development comprising of up to eleven dwellings, including two affordable homes.

Whilst the applicant has not submitted any information to assess the impact of the proposed development on the highway network, the cumulative impact of this and other applications within Kirklevington awaiting determination has been considered by the Council as the Local Highway Authority using the Yarm Traffic model.

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

The traffic modelling shows that there would be limited practical difference in terms of traffic impact on the local road network for all the proposed developments within Kirklevington, which includes the proposed site, with or without all the proposed developments within Kirklevington.

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

The applicant proposes to demolish 18A Braeside to form the proposed access which would extend Braeside and result in the creation of a T junction. The development would, therefore, alter the road layout and change the nature of the road. This may require changes to the road, including the addition of road markings, to make users aware of the changes in traffic priorities. Whilst these access proposals are acceptable in principle, the detailed design of the layout would have to be undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement. All costs of the highway works would have to be met by the applicant.

An indicative site layout, drawing ref AJR17:08 01, has been submitted and this is considered to be broadly in accordance with 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). The details of the site layout will be considered fully at Reserved Matters stage.

A Construction Management Plan should be agreed, should the application be approved, prior to construction commencing on the site and this should be secured by condition.

Views of the development site are limited due to its location at the rear of existing properties. There may be glimpsed views from the A67 for pedestrians and vehicles using this route to travel south towards the A19, however views will be oblique and glimpsed against the existing residential backdrop.

The proposal has no incidental green space to incorporate tree planting. A design which retains existing boundary vegetation and introduces new tree planting into private gardens will reflect the rural character and integrate the development into the edge of the settlement. The comments are attached in full at appendix 6.

10. Highways England Company Limited  
Offer no objection

11. Environmental Health Unit

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

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

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

A scheme should be provided to control dust emissions as a result of demolition works, such as dampening down, dust screens and wheel washers to prevent mud being tracked

onto the highway. Mobile crushing and screening equipment shall have any appropriate local authority PPC permit required and a copy of this permit available for inspection.

I agree with the conclusions of the submitted Noise Impact Assessment and the Odour Assessment. Both reports conclude that neither the noise nor odour from the existing sewerage treatment works are likely to cause a significant disturbance to the occupants of the proposed properties.

12. Contaminated Land officer

I have reviewed the Environmental Information provided along with historical records held by this Local Authority and have found no grounds for objection in principle to the outline Planning application. I would advise that the unexpected Land Contaminated condition be implemented if the development is approved.

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

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

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

Disposal of foul and surface water: The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

How to Satisfy The Condition: The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Sewage treatment works odour & noise: The proposed development is located within 10 metres of Kirklevington sewage treatment works (STW). By nature of its function as part of our statutory duty as sewerage undertaker, the works can produce odour and noise during daily operations. We include these comments as information only so that awareness is given to the presence of the works in proximity to the development site

Public sewers crossing site: We can inform you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

15. Tees Archaeology

The applicant has provided reports comprising an archaeological desk-based assessment and the results of a geomagnetic survey of the site. This has demonstrated that the site is of low archaeological potential and the applicant has therefore satisfied the requirements of the NPPF (para 128). I recommend that no further evaluation work is required.

16. Kirklevington And Castle Leavington Parish Council

The parish council wish to object to this planning application for the following reasons:

- transport assessment? - no transport assessment has been submitted with this application. Why? When all other planning applications have and are expected to provide one.
- close proximity to the sewage works - open channel with raw sewage less than 15m from homes. Vermin present at all times.
- narrow road - the road to access proposed development site is narrow. Refuse vehicles will have to reverse into site to access.
- cars using Braeside - any increase in the number of vehicles travelling along braeside will be of concern.
- Braeside - Braeside is on an incline and, in winter months, travelling down the road to exit onto forest lane can be precarious - no winter gritting of road.
- children's safety - children walking to school need to cross forest lane to access the school site. Their safety is paramount. No safe crossing point due to parked vehicles and volume of traffic using forest lane.
- footpaths - forest lane does not have continuous footpaths on the south side of the road. What footpaths that there are on the north side are very narrow in places which results in families having to walk in single file. All facilities - school, village hall, play area and village green as situated on the south side of forest lane. No footpaths on forest lane are wheelchair friendly.
- Braeside/ forest lane and Strathmore drive - staggered crossroad. Drivers unsure as to who has right of way.
- school car parking - waiting school pick-up cars park along the south side of forest lane morning and evening opposite the entry point of Braeside making entry to forest lane difficult against west bound traffic having to travel on the wrong side of the road.
- rat run - forest lane has become a 'rat run' for vehicles trying to avoid the already very congested green lane. Cars drive through the village for onward journeys to Appleton wiske and beyond with some vehicles doubling back towards Yarm for ease of travel. This will only get worse as more and more houses are built and occupied on green lane.

17. 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>

18. SBC Housing Services Manager

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

**Core strategy Policy 8 (CS8) – Housing Mix and Affordable Housing Provision states:**  
*Affordable housing provision within a target range of 15 – 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.*

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

We note from the Planning statement that the developer is proposing to provide 2 affordable housing units within the site. Based on a market scheme of 11 units, 2 affordable units equates to 15%, which is acceptable as it is in line with the need identified in the SHMA 2016 and is compliant with Policy CS8 as outlined above. The affordable units should be provided on site unless the developer can provide robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

The mix of affordable housing currently required to be provided is 30% intermediate and 70% rented tenures, and based on the SHMA 2016 a high priority will be accorded to the delivery of 2 and 3 bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

A worked example based on **2 affordable units**: -

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

Proportion	No. of units	Tenure
70%	0 units	Rent
30%	2 units	Intermediate Tenure
100%	2 units	Total

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

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

Total	100%	2 units
Tenure for the above would then be split as follows:		
No. of units	Size	Tenure
1 Units	2 bed	0 x Rented 1 x Intermediate Tenure
1 units	3 bed	0 x Rented 1 x Intermediate Tenure
0 units	4 bed	0 x Rented 0 x Intermediate Tenure

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

19. Principal Environment Officer  
As the proposal is 10 dwellings or more, the applicant will be required to submit an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development, and provide details of the fabric U-values for the proposed buildings in order to demonstrate compliance with Part L (2013) building regulations. In accordance with Core Strategic Policy 3 (CS3), the Energy Statement needs to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite renewable energy equipment and/or design efficiencies, and these must exceed what is required to comply with Part L (2013) building regulations. These calculations will need to be assessed and agreed by the local authority prior to commencement, and before the development is occupied the equipment or design efficiency measures shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy for the development for so long as it remains in existence and this should be secured by condition.
20. Historic England  
Thank you for your letter of 1 March 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
21. SBC Private Sector Housing  
No comments received
22. SBC Waste Management  
No comments received
23. Councillors  
No comments received
24. Northern Powergrid  
No comments received
25. The Environment Agency  
No comments received
26. Campaign To Protection Rural England

No comments received

27. Yarm Town Council  
No comments received

28. Hambleton District Council  
No comments received

29. Tees Valley Wildlife Trust  
No comments received

30. Network Rail  
No comments received

## **PUBLICITY**

31. Neighbours were notified and comments received are set out below :-

- Mrs Rosalie Butler 10 Ash Grove Kirklevington
- Mr John Davison 2 Braeside Kirklevington
- Mrs Anne Lewis 12 Braeside Kirklevington
- Mr Paul Leversidge 14 Braeside Kirklevington
- Mr Ian Prosser 16 Braeside Kirklevington
- Mrs Amanda Poland 18 Braeside Kirklevington
- Mrs Marilyn Welsh 4 Braeside Kirklevington
- Mr Neil Thompson 45 Ash Grove Kirklevington
- David Bell 34 The Green Kirklevington
- Mrs Gillian Leversidge 14 Braeside Kirklevington

32. The main reasons for objection are as detailed below

- The development is outside the village envelope.
- It will lessen the strategic gap
- Detrimental to the strategic wild life corridor as assessed in the Tees Valley Structure Plan
- Increase Flood risk elsewhere
- With a field named Wellings north of Kirklevington's garths as seen on the Kirklevington tithe map ground water flooding with reference to the Sherwood sandstone principal aquifer is a possibility.
- Access and egress from Braeside is inadequate and will endanger school children
- Topography of Braeside is unacceptable for development.
- Forest Lane does not have suitable footpaths and the extra traffic envisaged for the proposed development west of St Martin's Way must be taken into account.
- Access and egress from Forest Lane onto Thirsk Road is dangerous and the scene of many accidents.
- The planning submission is premature regarding Stockton's emerging plan.
- Stockton on Tees cannot justify passing this plan until they have reassessed the cumulative impact of agreed developments within Yarm, Kirklevington and the surrounding road network.
- Yarm is becoming less viable as a tourist attraction due to excessive traffic.
- Kirklevington has a limited bus service but it is little used.
- Development is detrimental to farming in this rural area and there is no need for affordable rural housing as farming is unlikely to be able to expand.
- Extra burden on water and sewerage systems.
- Back land development.



- Effect on drains
- Foul slurry is transported away from the sewage facility by a continuous flow of tankers along Ash Grove once a week, with further inconvenience to those residents every two to three months for other work at the sewage plant.
- Proximity of properties to the foul drainage system.
- Impact on services
- Impact on properties adjacent to the proposed entrance.
- Impact from construction work
- Loss of a valuable view to our beautiful countryside.
- Devalue the price of the properties.
- There have been two properties for sale in the road for over one year.
- Impact on Wildlife
- Sight-lines of traffic are not clear for traffic exiting Braeside.
- Impact from cars parking near Kirklevington Primary School at Drop-off and Pick-up times

33. One letter making general comments has also been received from the following address with the comments summarised below

- Mr Michael Thompson 10 Braeside Kirklevington  
We would wish to ensure that the demolition and construction process is suitably managed to minimise any potential harm to residential amenity.  
Construction/demolition vehicles are likely to prevent two-way traffic flow owing to the gentle curve on Braeside. A construction management plan should be conditioned.

## **PLANNING POLICY**

34. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

35. National Planning Policy Framework

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

36. Local Planning Policy

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

Core Strategy Policy 1 (CS1) - The Spatial Strategy

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

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

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

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

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
8. Additionally, in designing new development, proposals will:
  - \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
  - \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
  - \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
  - \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

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

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

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

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- \_ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- \_ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- \_ In the Core Area, the focus will be on town houses and other high density properties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\_ highways and transport infrastructure;

\_ affordable housing;

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

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

Development outside the limits to development may be permitted where:

(i) It is necessary for a farming or forestry operation; or

(ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

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

(iii) It contributes to the diversification of the rural economy; or

(iv) It is for sport or recreation; or

(v) It is a small scale facility for tourism.

### **MATERIAL PLANNING CONSIDERATIONS**

37. 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

38. 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.
39. Paragraph 47 of the NPPF details the importance the Government attaches to boosting significantly the supply of housing. Paragraph 49 goes further by stating that when a five year land supply cannot be demonstrated the relevant policies for housing should not be considered up-to-date. Paragraph 215 also states that weight should be given to those policies in existing development plans according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
40. In terms of local planning policies there are no specific designations which apply to this site other than the site lies outside the limits to development, consequently the site forms part of the open countryside. Saved Policy EN13 seeks to strictly control development within the countryside beyond these limits and restricted to limited activities necessary for the continuation of farming and forestry contribute to rural diversification or cater for tourism, sport or recreation provided it does not harm the appearance of the countryside. However, just because the site is outside the 'limits of development', the proposed development should not be ruled out purely on the grounds of falling outside the settlement boundary and there are other factors to be weighed in the overall balance which are considered in more detail below.

#### The supply of deliverable housing land

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

#### Sustainability

42. One of the core land-use planning principles, in the National Planning Policy Framework is "*the need for planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable*". Objections have been received from residents commenting that the site is generally unsustainable and this development will put pressure on the limited services they do have.
43. Whilst there are currently a limited amount of services within the village which include a school, community centre; children's play area, public house, church and car repair garage, there is no daily regular bus service. However following the approval of the 'Jomast' site, provisions have been made to expand services within the village. Given that the village already has a number of services, and given that the site is not a significant distance from the southern edge of Yarm where there is a shopping parade, secondary school and train station, the village was considered to be sufficiently sustainable to align with national policy and to support new residential development.
44. Concerns have been raised regarding the impact of the scheme on local infrastructure, notably shops, secondary 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.

#### Economic/Social Benefits

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

#### Landscape and visual impact.

47. The application is in outline only however the applicant has submitted an illustrative site layout plan. The proposed development is for 11 new dwellings within an agricultural field on the northern edges of Kirklevington village. Access to the site requires the demolition of a single property on Braeside to facilitate a new access road into the site.
48. The development is located on a site on the edge of the village and bordered on the western edge by a wooded area, and on the southern edge by existing residential properties. The proposed development does not extend beyond the northern limits of the existing developed area of the village. The Highways Transport and Design Manager has advised that the proposed extent of residential development within this application is the maximum that would be acceptable in this part of Kirklevington with respect to landscape character and visual impacts. The proposal is contained within a single field, and the development must retain the existing hedgerow boundary and trees to the east as this would provide essential screening of the development from viewpoints to the east. This can be conditioned should the application be approved
49. Views of the development site are limited from the village due to its location at the rear of existing properties. However the site will be visible from the new entrance on Braeside where the existing property will be demolished to facilitate access and receptors will gain views of residential properties and gardens within the development. There may be glimpsed views from the A67 for pedestrians and vehicles using this route to travel south towards the A19, however views will be oblique and glimpsed across the existing field boundaries, against the existing residential backdrop. It is likely that receptors would perceive only minimal change in their view from this location. Receptors travelling north are unlikely to gain views of the development.
50. Overall it is not considered that the proposed scheme will adversely impact upon the character and appearance of the immediate surroundings to the application site or the village, and this view is supported by the Highways Transport and Design Manager.

#### Indicative layout

51. The indicative layout provides only limited details and the finer details (the reserved matters) will be considered at reserved matters stage should the application be approved.
52. As advised by the Highways Transport and Design Manager as the site has no incidental green space, it is essential to secure an attractive streetscape by introducing trees and soft landscaping within private gardens. The viable location of the trees, in terms of canopy and root spread will influence the final building locations. In addition, consideration should be given to different boundary treatments, which will help to create a sense of place within the development and external boundaries facing out to the north and east should also be considered to maintain the edge of village character. This can be controlled at reserved matters stage.
53. The applicant has confirmed the properties in the main will be dormer bungalows and two semi detached dwellings; the scale of the dwellings; if acceptable can be dealt with at reserved matters stage.
54. The development includes no incidental green space and Kirklevington Parish Council has an equipped play area located off Forest Lane within the village and the extant planning consent for residential development (15/1643/OUT) proposes to enhance this play provision by constructing a MUGA for older children. In the event that application 15/1643/OUT does not come forward or other recreational improvements are required it is desirable to secure funding for improvements to the existing play provision. This can be secured by the Section 106 Agreement as detailed in the Heads of Terms, however, should other housing applications in Kirklevington currently awaiting determination be granted planning consent then the level of contribution would be made pro-rata to the development impact.
55. Overall it is considered that the indicative layout has demonstrated that a scheme can be achieved on site, however should the application be approved, the reserved matters application will control and considered the detailed scheme.

#### Impact on Neighbouring Properties

56. The application is in outline, however an indicative plan has been submitted which demonstrates that the required separation distances as detailed in SPD1: Sustainable Design Guide; can be achieved between existing and proposed properties which would prevent undue impacts on privacy and amenity for existing residents and it is considered that a form of residential development could be accommodated on the site although the detailed layout and design would require approval via reserved matters application/s should this outline application be granted.
57. Turning to the impact on 16 and 18 Braeside, between which the access road will run into the site, the illustrative site layout plan shows an acoustic barrier fence being provided to the side boundaries of the two bungalows along the access road.
58. 16 Braeside is a bungalow located to the east of the entrance and has a window in the side elevation. The proposed access road will be located approximately 6.5 metres from this window which is not considered to be unacceptable for a distance to a road from a side window especially taking in into account the proposed boundary fence which will be erected to aid with noise attenuation. The residents will still have private amenity space and although the view from the property will change the indicative separate distances are acceptable and in excess of the guidance in SPD1.
59. 18 Braeside is a bungalow with no windows in the side elevation. The proposed road will be approximately 5 metres from this property and taking in into account the proposed boundary fence which will be erected to aid with noise attenuation it is not considered that

the development would have a significant adverse impact in terms of noise and disturbance from vehicles. The residents will still have private amenity space and although the view from the property will change the indicative separate distances are acceptable and in excess of the guidance in SPD1.

60. Overall it is considered that the proposed development can be accommodated on site without having undue impacts on residents; however the final details will be considered at reserved matters stage, if the development is approved.

#### Highway related provisions

61. The application is in outline with all matters reserved other than access which is to be taken from Braeside. 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. Issues in relation to existing problems with indiscriminate parking and the general layout and topography would not be a reason for refusal, and the Highways Transport and Environment Manager has raised no concerns in relation to highways safety in relation to this site.
62. Concerns have also been raised over the resultant additional traffic onto the network in this part of the Borough and the impacts of additional traffic in Kirklevington.
63. The impact of the proposed application on the highway network has been assessed by the Highways Transport and Design Manager taking into consideration the Council's Yarm Traffic Model. The Yarm traffic modelling provides an informed response regarding the impact of this proposed development on the wider network and its impact as part of a cumulative assessment of highway impact from other planning applications that affect the same sections of highway.
64. The Council have carried out a series of further sensitivity tests to ensure the results being report are robust, which have included journey time assessments with additional traffic growth to take account of the continued economic growth within the area; and assessments of the A67 / Forest Lane junction and the Crathorne Interchange with all traffic from the proposed development routing via the A19.
65. Local capacity assessments have been undertaken at Forest Lane / A67 junction; A67 / Green Lane Roundabout; and A67 Crathorne Interchange, which has shown that with the agreed mitigation in place, all junctions would operate within capacity.
66. The modelling results (with mitigation place) show that there would be limited practical difference in terms of traffic impact on the local road network with or without this application or cumulatively with other applications awaiting determination in Kirklevington. This is because the development would be a small proportion of both the population and the overall future development proposals within the Yarm area and within this, it is reasonable to predict that 'peak spreading' would occur as users stagger journey times to avoid traffic congestion.
67. It is accepted that the highways network within the vicinity of Yarm, would suffer some congestion, however, it cannot be demonstrated, within the context of NPPF, that the residual cumulative impact of the proposed development on the highways network would be severe. The Highways, Transport and Design Manager has therefore confirmed that he is unable to object to the proposed development in relation the impact on the highway network however, the results show that the proposed development is reliant upon mitigation at the A19/A67 Crathorne interchange and the A67 / A1044 / Green Lane Roundabout. As such a



contribution towards the cost of the proposed mitigation should be sought and secured by a legal agreement which forms part of the heads of terms.

68. Details of the proposed site access arrangements have been submitted showing access from Braeside. The proposed access would extend Braeside and result in the creation of a T junction. The development would therefore alter the road layout and change the nature of the road. This may require changes to the road, including the addition of road markings, to make users aware of the changes in traffic priorities. Whilst the access proposals are acceptable in principle, the detailed design of the layout would have to be undertaken to the satisfaction of the Highway Authority and agreed as part of a Section 278 Agreement.
69. Concerns have been raised over construction traffic, however a condition to ensure a suitable construction management plan be submitted by the applicant for consideration prior to commencement of works has been recommended which will ensure the disruption is minimised for residents and suitable traffic controls, if required can be put in place.

### Flood Risk and Drainage

70. A flood risk assessment and drainage strategy accompanies the application. The application site is located within flood zone 1 where development is generally directed. Every development should not increase flood risk elsewhere and drainage schemes will be designed to ensure this is the case and therefore the proposed development will be acceptable at this location in terms of flood risk considerations.
71. The applicant has undertaken percolation tests to determine the suitability of the ground for soak away drainage; these have however proved that the ground is totally unsuitable for this form of SUDs scheme. It is therefore proposed that an attenuation/storage facility be provided and released into an adopted SW manhole which is situated on the northern boundary of the step back. All sewage generated from the development will be discharged into a new chamber formed on the adopted sewer which crosses the northern boundary all with the consent of NWA, which is to be agreed.
72. Northumbrian Water have been consulted and raise no objections but do however request that a condition be recommended to ensure full details of drainage are provided prior to commencement of works which has been recommended.
73. The local authority flood risk management team has confirmed that the applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development however as this application is in outline, the information can be secured by condition.
74. Northumbrian Water have raised no objections to the close proximity of the development to the sewerage treatment works however advised that disturbance could occur and therefore a noise impact assessment and odour assessment was requested and submitted.
75. The Noise Impact Assessment determined that as a result of fixed plant items associated with the treatment works, and without mitigation in place, the No Observed Adverse Effect Level (NOAEL), perceived as 'noticeable and not intrusive', would be achieved for all external and internal areas stating '*Noise can be heard but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.*'
76. The submitted Odour Assessment states due to the prevailing wind direction, location of the site and magnitude of potential odour releases, impacts are considered unlikely to result in any significant loss of local residential amenity and based on the assessment results, it is

not anticipated that significant odour impacts would occur at any sensitive location on the proposed development site as a result of operation of the Sewage Treatment Works.

77. These reports have been assessed by the Environmental Health Team who have assessed the findings and raise no objections to the principle of development in this location and therefore the presence of the treatment works is not considered to be a constraint to development.

### Ecology

78. An Ecological Assessment accompanies the application and following a site assessment and in review of the findings, various recommendations were made which are summarised below:
- Whilst the host property was considered to be of low to negligible value for roosting bats and the stable block and the barn were deemed to be of negligible risk for roosting bats, recommendations have been made in relation to the demolition works.
  - A low-level lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats, birds and small mammals
  - Any Vegetation within the proposed development area should be removed outside of the breeding bird season or if removed within the breeding bird season, a competent ecologist should undertake a breeding bird risk assessment to check for any active birds' nests.
  - Landscaping planting should use native plant species or species of known wildlife value that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals.
79. If all recommendations listed above are implemented in full, the survey concludes that there will be no significant impact upon any protected species or habitats.
80. The recommendations are considered to reflect a suitable approach to preventing undue impacts on protected species and a condition is recommended to ensure these recommendations are adhered to.

### Contaminated Land

81. In relation to possible land contamination; no objections have been raised subject to the imposition of a condition to adequately deal with any Unexpected Land Contamination which has been recommended.

### Archeology

82. An archaeological desk-based assessment and detailed geomagnetic survey report was undertaken. The course of a former field boundary has been detected, a second linear anomaly in this area could reflect a former gully, such as a drain, or possibly a former small stream course and slight traces of former cultivation were detected. One service was also detected.
83. Tees Archaeology has confirmed that the studies have demonstrated that the site is of low archaeological potential and the applicant has therefore satisfied the requirements of the NPPF and no further evaluation work is required.

### Planning Contributions

84. Housing proposals need to be considered against Core Strategy Development Plan Policy CS11 in respect to planning obligations towards highways infrastructure, (as already

detailed in the highways section of this report) and in respect to the provision of open space, recreation and landscaping. 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; however as it cannot be provided on site a contribution has been requested as detailed in the Heads of Terms.

85. In accordance with Core Strategy Development Plan Policy CS11, contributions towards education can be required from development in order to offset the demands placed on the surrounding educational provisions. The Councils education contribution is calculated at the time of the development commences and whether a payment is required is based on the capacity within schools at that time.
86. Details of the affordable housing requirement has been detailed earlier in the report.

### Other Matters

87. In accordance with the requirements of Core Strategy Policy CS3(1) major residential development such as this would need to be built to Level 4 of the Code for sustainable homes and would also require renewables to be provided on site to ensure 10% of total predicted energy requirements would be provided on site. Code Construction is now getting phased out from the planning system and no such requirement is considered necessary in this regard although a condition is recommended relating to provision of renewables or equivalent.
88. Northern Gas Networks have raised no objections to the scheme although advised that there may be gas apparatus in the area and recommended the developer get in touch with them. Attaching an informative to the decision is recommended which will advise the developer to make suitable contact.
89. Objector's state there is not a need for the development in the area and houses are up for sale in the area. A simple internet search has shown 7 houses for sale of various which is not considered to be excessive for a village of this size and there may be many reasons why these houses are for sale and this would not be a reason to refuse the application.
90. Objection in relation to devaluation is not a material planning consideration.

### CONCLUSION

91. The development is an unallocated site located outside the established urban limits and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the National Planning Policy Framework makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. It is considered that there are important material benefits arising from the proposed development and there are not any adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.
92. 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

93. It is considered that in the planning balance, although this proposal is out-with the limits for development, there are no designations on site or circumstances which would outweigh the matters of the need for a deliverable 5 year supply of housing.
94. For the reasons stated above and detailed in the report it is recommended that the application be Approved with Conditions and subject to the completion of a Section 106 Agreement as detailed within the Heads of Terms.

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

#### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor(s)</b>	<b>Councillor Tony Hampton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Elsi Hampton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Julia Whitehill</b>

#### **IMPLICATIONS**

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

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

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

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

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

*The assessment of the application has taken into account the impacts on drainage wildlife and ecology, the general character and appearance of the area as well as impacts on adjoining properties and the adjacent landscaping. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within the report.*

##### ***Human Rights Implications:***

*The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.*

##### ***Community Safety Implications:***

*The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Within this report consideration has been given to implications of increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development*

##### ***Background Papers:***

*The Town and Country Planning Act 1990.*  
*National Planning Policy Framework*  
*Stockton on Tees Local Plan Adopted Version June 1997*  
*Core Strategy Development Plan Document March 2010*  
*Supplementary Planning Document 1– Sustainable Design Guide*  
*Supplementary Planning Document 2 : Open Space, Recreation and Landscaping*  
*Supplementary Planning Document 3: Parking Provision for New Developments*  
*Supplementary Planning Document 6: Planning Obligations*  
*Application File and Relevant Planning History as referred to in the report.*