

**DELEGATED**

**AGENDA NO .**

**PLANNING COMMITTEE  
19<sup>th</sup> April 2006**

**REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.**

**05/3125/FUL**

**LAND TO THE REAR OF THE OLD RECTORY GRAMMAR SCHOOL LANE YARM  
ERECTION OF 3 NO. DETACHED DWELLINGS AND NEW ACCESS ROAD  
FROM SPITALFIELDS.**

**Expiry date: 3rd January 2006**

**Summary:**

Members will be aware that this application was deferred at the planning committee on the 1<sup>st</sup> February 2006 in order that the site layout could be amended to achieve greater separation distances, internally within the site. The applicant's agent has addressed this issue by submitting amended plans.

The application site has been subject to various planning applications over recent years. However, having been granted a retrospective change of use of the land from playing fields back to garden area in 2004, outline planning consent was granted in June 2005 for the erection of 4no. detached dwellings (05/0751/REV).

The application site is situated to the west of the Old Rectory, on Grammar School Lane, Yarm. Yarm School and the associated playing fields are located to the north of the site and the residential properties of Spitalfields to the south.

Planning permission is sought for the erection of 3no.-detached dwellings located in the centre and northern area of the site. Vehicular access to the proposed properties is served via an existing cul-de-sac from Spitalfields.

Objections received in relation to the proposed development are detailed in the report and have been addressed in the material planning considerations of this report.

In light of both the Planning Inspectorates decision and the outline consent granted the principle of residential development on the site is considered to be acceptable. It is considered that the appearance of the dwellings, size of amenity areas and distances between properties are acceptable and that on balance the development accords with policy GP1, HO3, HO11 and TR15 of the adopted Stockton on Tees Local Plan, consequently the application is recommended for approval.

**Recommendations:**

***RECOMMENDED that planning application 05/3125/FUL be approved subject to the following conditions.***

**01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority. Drawing Number(s) :- SBC001, 3305/1/2G, 3305/1/3B, 3305/1/4B and 3305/1/5**

**Reason: To define the consent.**

**02. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).**

**Reason: To enable the Local Planning Authority to control details of the proposed development.**

**03. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To achieve a satisfactory form of development.**

**04. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: To achieve a satisfactory form of development.**

**05. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.**

**Reason: In the interests of the visual amenities of the locality.**

**06. Details of a scheme in accordance with BS5837, 1991 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.**

**Reason: In the interests of amenity and the maintenance of landscaping features on the site.**

**07. No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.**

**Reason: To preserve the said trees in the interests of the amenities of the area.**

**08. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**

**09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the building(s) hereby approved shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area.**

**10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or other Order revoking and re-enacting that Order), no buildings or structures for the accommodation of motor vehicles shall be erected other than those of the type and in positions expressly authorised by this permission, without the prior written approval of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area.**

**11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval of the Local Planning Authority.**

**Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area.**

**12. No development approved by this permission shall be commenced until a desk study report providing information on the previous land uses and an evaluation as to whether land contamination is likely to be present is submitted and approved by the Local Planning Authority (LPA). If the site may have a contaminative use a site investigation including risk assessment report and full details of the proposed method for the removal/treatment shall be submitted. And validation report upon completion of the works shall also be submitted and approved by the LPA; all works referred to above shall be carried out by or under direct supervision of a qualified environmental consultant.**

***Reason: To ensure proper restoration of the site.***

**13. No construction activity shall take place on the site before 8.00am on weekdays and 8.00am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).**

***Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.***

**14. Prior to the commencement of the development, details of the vehicle access from Spital Fields shall be submitted to and approved in writing and thereafter implemented to the satisfaction of the Local Planning Authority.**

***Reason: In the interests of highway safety***

Policies GP1, H03 and H011 of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No.3: Housing were considered relevant to this decision.

### **History**

1. The application site has been subject to various planning applications over recent years. In August 2000 outline planning consent was refused for 2no. residential dwellings (00/0963/P), similarly a further application was refused in February 2004 for 4 no. Dwellings and the appeal was subsequently dismissed.
2. However, having been granted a retrospective change of use of the land from playing fields back to garden area in 2004, outline planning consent was granted in June 2005 for the erection of 4no. detached dwellings (05/0751/REV) as the application site was deemed to be classed as 'previously developed land' and the concerns of the planning inspectorate in relation to a Greenfield site had been overcome. Given that outline consent has previously been granted for 4no. residential dwellings the principle of residential development has already been established on the site and this application is subject to policies GP1, HO3, HO11 and TR15 of the adopted Local Plan.

### **The Proposal**

3. The application site is situated to the west of the Old Rectory, on Grammar School Lane, Yarm. Yarm School and the associated playing fields are located to the north of the site and the residential properties of Spitalfields to the south.
4. Planning permission is sought for the erection of 3no.-detached dwellings located in the centre and northern area of the site. It is proposed that the dwelling on plot 2 is proposed to be 14.5m (wide) x 11.5m (length) and have a maximum ridge height of 9.3m, the property on plot 3 will measure 20.7m (long) x 12m (wide) with a ridge height of 9 metres and the house on plot 4 will measure approximately 12m (wide) x 16m (long) and reach a maximum height of approximately 9 metres,
5. Due to concerns raised by the planning committee in relation to some of the internal distances within the site, the applicant's agent has submitted an amended site layout and amended the application site that now allows for the dwelling on plot no.4 to be moved to the east by approximately 3m.

6. Vehicular access to the proposed properties is served via an existing cul-de-sac from Spitalfields.

## Consultations

**The Head of Engineering and Transportation** commented that the proposed development will result in an unadopted privately maintained cul-de-sac of in excess of 5 dwellings with the potential for other dwellings to be served via the Old Rectory and therefore it should be designed, constructed and adopted in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development), current edition.

I am aware of the Planning Inspectors decision on this site dated 3 May 2005 and note that a revised turning head has been provided as part of this application, therefore I can only reiterate that such a development does not have my support for the above reasons stated above.

**The Environmental Health Unit** has concerns regarding the following issues and recommended that planning conditions be imposed.

- Possible land contamination
- Construction Noise

**Northumbrian Water** have no objections to make regarding the proposed development although request that the developer contacts them to discuss new connections to the water supply and also with regards to foul and surface water discharges.

**CE Electric UK** have no objections to the proposed development but draw the developers attention to the Health and Safety Executives publications on working near to electricity.

**Northern Gas Networks** have no objections to the proposed development although requires the promoter of the works to contact them to discuss their requirements in detail

**Landscape officer** has no objections to the proposed development, although requested that information regarding the protection of trees, a detailed landscaping plan and detailed planting plan are submitted.

7. The latest neighbour consultation period expired on the 23<sup>rd</sup> March 2006. A total of 18 letters of objection have been received from the local residents. The main issues are detailed as follows.

- Loss of Greenfield land
- Potential increases in traffic
- Unsuitable Access
- Loss of an open aspect
- Potential impacts on biodiversity
- Potential clearance of trees
- Issues of noise disturbance.
- Questions of the use of large gardens for housing developments.
- The right to access into the site from the spur road.
- Negative impacts this would have on a lot of Yarm residents.

- Implications the adjacent playing fields may have in relation to ball intrusion and noise issues.
- The proximity of the dwellings to the boundary of Yarm School
- Distances between the residential properties.
- Loss of light and privacy.
- Creation of precedent
- Impacts that the development may have on the semi-rural character of Yarm.

## **Planning Policy Considerations**

8. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) 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 Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
9. The following planning policies are considered to be relevant to the consideration of this application:

### Stockton-on-Tees Local Plan

#### **Policy GP1:**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

#### **Policy HO3:**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

**Policy HO11:**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment, which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

**Policy TR15:**

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

Planning Policy Guidance Note 3 – Housing is also considered to be relevant to this decision.

**Material Planning Considerations**

10. It is considered that the main issues of this application are its potential impact on the character of the area, amenity of the neighbouring residents and access and highway safety.

**Principle of development.**

11. The application site has been subject to various planning applications over recent years, in August 2000 outline planning consent was refused for 2no. residential dwellings (00/0963/P), similarly a further application was refused in February 2004 for 4 no. dwellings and the appeal was subsequently dismissed.
12. However, a retrospective change of use of the land from playing fields back to garden area was granted in 2004. As the application was deemed to be previously developed land under the definition laid out in PPG3 as the site fell within the curtilage of the Old Rectory, outline planning consent was granted in June 2005 for the erection of 4no. detached dwellings (05/0751/REV) and the concerns of the planning inspectorate in relation to a Greenfield site had been overcome.
13. Several of the objectors have also raised the issue of the loss of a Greenfield site and question whether the principle of the use of garden areas for new residential developments. Whilst these concerns are appreciated, it is the government's objective to seek more efficient use of land within the urban and rural areas. As outlined in Planning Policy Guidance 3:Housing, previously developed land is that which is or was occupied by a permanent structure and includes the curtilage of the development. As was previously determined in the outline application (05/0751/REV) the application site fell within this definition and the granting of the outline consent has already established that residential development on the site is acceptable.

14. Given that outline planning consent has previously been granted for 4no. residential dwellings the principle of residential development has already been established on the site and this application is therefore subject to policies GP1, HO3 HO11 and TR15 of the adopted Local Plan.

#### **Impact on the Character of the Area**

15. It is proposed that the 3no. detached dwellings will all have hipped roofs and integral double garages, overall the style, size and heights of the dwellings are in proportion with one another and it is considered that the design and external appearance of the dwellings is acceptable in terms of the visual amenity and is in accordance with policy GP1 of the adopted Local Plan.

#### **Impact on Residential Amenity**

16. In terms of the internal arrangement of the plots the separation distances between the proposed dwellings has now been increased by moving plot 4 approximately 3 metres eastwards. Given the distances and angles between properties it is considered that the future residents of the proposed properties will not suffer a significant enough loss of privacy as to justify a reason for refusal. Similarly there are also 2 small lounge windows situated on the southern and northern elevations of plots 3 and 4 although it is considered that a suitable height boundary treatment would address any issues of overlooking between these two properties.

17. The three proposed plots will have a private rear amenity area ranging from 9 metres up to 13 metres, a formal arrangement is also proposed to the front of the properties although in plots 3 and 4 this will predominately be taken up by the driveways. The host dwelling will also have a good amount of private amenity remaining and it is therefore considered that sufficient amenity area is available for dwellings of the sizes proposed and that the development accords with policy HO11 (ii) of the local plan.

18. Of the objections received one is from Yarm School. Concerns have been raised in relation to the proximity of plots 3 and 4 to the boundary with Yarm School and the potential future development of this site for housing and over the internal distances within the site. The amended plans have addressed the internal distance issue within the site, therefore any issues of overlooking or loss of privacy would not be significant enough to warrant a refusal of the application.

The concerns raised in relation to the proximity of the dwellings to Yarm School's playing fields are primarily focused around plots 3 and 4. Plots 3 and 4 are approximately 4.2 and 9 metres from the boundary with Yarm School respectively, the concerns raised over the possible development of this site are premature as no planning consent has been granted for the site and each application has to be judged on its own merits. In relation to possible noise and disturbance issues with plot 3 it is considered that as this is a side elevation and as the only windows/doors fronting directly onto the playing fields are for the dining room, garage, en-suite bathroom an secondary bedroom window that any potential loss of amenity would not be significant enough to warrant a refusal of the application.

19. It is appreciated that during the construction of the proposed dwellings there may be some issues of noise and disturbance to the nearby residents, it is



therefore considered reasonable to impose a planning condition to restrict the hours of construction on site.

20. All other considerations raised by the neighbouring and adjoining residential properties were considered during both the outline application (05/0751/OUT) and also by the Planning Inspectorate, however, none of these issues were considered to be sufficient enough to warrant a refusal of the application.

#### **Access and Highway safety**

21. The Head of Engineering and Transportation have commented that the provision of the proposed dwellings would result in excess of 5 dwellings being served from a private drive and therefore the access should be designed to an adoptable standard. Although they are aware of the Planning Inspectorates decision for the reason outlined above they cannot support the application. In light of the previous decision of the planning inspectorate and outline approval it is therefore considered that there are no significant issues of highway safety that remain.

22. The concerns expressed by local residents in relation to highway safety are fully appreciated however, these were addressed during the planning inspectorates report where it was considered that the access could accommodate the additional dwellings. Concerns in relation to the ownership of the private access are a civil issue and not a material planning consideration.

#### **Conclusion.**

23. In light of the outline consent granted the principle of residential development on the site has already been established as being acceptable. It is considered that the appearance of the dwellings, size of amenity areas and distances between properties are acceptable and that on balance the development accords with policies GP1, HO3, HO11 and TR15 of the adopted Stockton on Tees Local Plan, consequently the application is recommended for approval.

**Corporate Director of Development & Neighbourhood Services**  
**Contact Officer: Simon Grundy**  
**01642 528550**

#### **Financial Implications**

As report.

#### **Environmental Implications**

As Report

#### **Community Safety Implications**

N/A

#### **Human Rights Implications**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

#### **Background Papers**

Stockton-on-Tees Local Plan  
PPG 3.

Planning Applications 05/0751/REV, 04/0690/COU, 03/2872/OUT, 000963/P

**Ward and Ward Councillors**

Yarm Ward

Councillors J Beaumont, B Jones and A Sherris