

DELEGATED

AGENDA NO .

PLANNING COMMITTEE  
4<sup>th</sup> OCTOBER 2006

REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.

**05/2866/OUT**

**18 Leven Road, Yarm, TS15 9JE**

**Outline application for the erection of 7 no. Dwellinghouses and garages  
(demolition of existing dwelling)**

**Expiry date 2<sup>nd</sup> December 2005**

**Summary:**

The application site is a large residential property built circa the 1930's. The site has a large rear garden and is set back from Leven Road, this particular area of Leven Road is characterised by large residential properties as can also be found at No.'s 16, 20 and 22 Leven Road.

A previous application (05/0990/FUL) for residential development comprising of 1 No. apartment block, containing 12 units, and 4No. detached dwellings with associated garaging and parking was submitted in for consideration in April 2005 but was subsequently withdrawn by the applicant.

This application seeks outline planning consent for the erection of 7no. detached dwelling houses and the demolition of the existing building ('Wainstones'). The applicant seeks only that the siting and means of access be considered.

The application is put before members of the Planning Committee for determination due to the level of support received for the application.

**Recommendations:**

**RECOMMENDED that application 05/2866/OUT be refused for the following reason(s):**

***1. In the opinion of the Local Planning Authority the proposed access to the development by virtue of its inadequate junction spacing with Woodlands Drive would create a substandard access to the detriment of highway safety and the free flow of traffic along Leven Road, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.***

***2. The additional traffic generation from the proposed 7no. dwellings and the proximity of the access road to No. 20 Leven Road, would have an unacceptable impact on the amenity of the these residents through noise and disturbance and is contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.***

**3. In the opinion of the Local Planning Authority the proposed arrangement of the proposed dwellings would result in amenity standards below that which could reasonably be expected for the existing and future residents, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.**

**4. In the opinion of the Local Planning Authority the application site is of inadequate size to satisfactorily accommodate 7no. dwellinghouses resulting in a cramped form of development, contrary to policy GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.**

**5. The proposed development by virtue of its small plot sizes would have a detrimental impact on the quality and character of this area of Leven Road, which is characterised by large dwellings with large plot sizes, contrary to policy GP1 of the adopted Local Plan.**

Policies GP1, H03 and H011 of the adopted Stockton on Tees Local Plan were relevant to this decision.

### **History**

1. A previous application (05/0990/FUL) for residential development comprising of 1 No. Apartment block, containing 12 units, and 4No. detached dwellings with associated garaging and parking was submitted for consideration in April 2005 but was subsequently withdrawn by the applicant.
2. This revised scheme, which proposes 7no. dwelling houses, was submitted in October 2005 and seeks to try and overcome some of the previous issues raised in relation to the application 05/0990/FUL.
3. During the consideration of this application discussions with the applicant/agent have taken place between the case officer and the Head of Integrated Transport in order to try and achieve a better form of development and to provide additional information. It is considered that the application has now runs its course and must be determined as it stands.

### **The Proposal**

4. The application site is a large residential property built during the 1930's. The site has a large rear garden and is set back from Leven Road by approximately 35 metres. No.'s 16 and 20 Leven Road are also large residential properties and surround the site to the west and east respectively. A modern residential development of detached properties can be found to the south of the application site, although presently a large belt of leylandi trees reaching approximately 10 metres in height can be found on the southern boundary separating the application site and the modern housing.
5. Outline planning consent is sought for the erection of 7no.-detached dwelling houses and the demolition of the existing building ('Wainstones'). The applicant seeks only that the siting and means of access are considered with all remaining matters reserved. Details of the house types provided are therefore not a matter for consideration and are only indicative.
6. During the application process various discussions have taken place with the applicant in relation to improving the design and layout of the proposed

development, discussions have also taken place with the Council's Highway engineers in relation to achieving a satisfactory access.

### **Consultations**

The following responses have been received from departments and bodies consulted by the Local Planning Authority

#### **Local Ward Councillor - Andrew Sherris**

Objects to the demolition of the house and proposed site layout, which is over-development, and particularly close to Hemingford Gardens. Requests a full Engineering report in conjunction with Clock House requesting traffic calming and 30mph speed limit on Leven Road.

States that would support limited development with the retention of the main house.

#### **NEDL**

No objections but refers the developer to the Health and Safety Executive's publications on working with and around electricity.

#### **The Twentieth Century Society**

Object to the proposed demolition of 'Wainstones' and it is an impressive example of arts and crafts inspire architecture would encourage reuse rather than demolition.

#### **Yarm Civic Society**

Object to the development which is a good example of an art deco building and therefore of historic interest. Concerns are raised over the potential impacts that agreement to the demolition of 'Wainstones' could have from future development proposals.

#### **Northern Gas Networks**

No objections

#### **Development Plans**

The site lies within the development limits, although not allocated for a particular use. It lies within a residential area and therefore there are no policy objections to development of this site. In assessing the detail of the application, you need to have regard to Local Plan Policy HO3 and Policy HO11.

#### **English Nature**

Having considered the information supplied English Nature is satisfied that the risk of harm resulting to the protected species concerned (bats) as a consequence of demolition of the existing property 'Wainstones' is minimal provided that the mitigation proposed in the submitted ecology report is implemented in full. It is requested that a planning condition be imposed to any planning permission granted to ensure that full adherence to the mitigation recommendations as contained in the report and that copies of the contractors method statement are submitted to the Local Planning Authority and English Nature before any demolition works commence.

#### **Joint Public Transport Group**

A check needs to be made that the entrance off Leven Road does not affect bus stops on Leven Road.

### **Yarm Town Council**

Re-iterates previous objections, which are as follows;

- i) The revised scheme does not resolve problems identified with earlier proposals
- ii) Road traffic safety issues on the following grounds.
  - a) The creation of an offset crossroads junction on Leven Road involving the proposed new access and Woodlands Drive.
  - b) Likelihood of increased traffic at the junction of Leven Road with The Spital which is already a significantly congested junction and which has been the scene of road traffic accidents in the past.
  - c) Restricted sightlines along Leven Road, when exiting the proposed development
- iii) The proposed development will have a significantly negative impact on the visual amenity of the surrounding area and adversely affect neighbours and local residents
- iv) The privacy of existing neighbours will be seriously intruded upon
- v) Public transport in the area is woefully inadequate and thus residents of the proposed new development will be required to use their own private transport to gain access to local amenities thus adding to the congestion already apparent in the town
- vi) Approval of the proposed plans would likely create precedence for future similar developments along Leven Road which would result in the concerns outlined above being magnified many times over and the loss of one of the most visually agreeable residential areas of Yarm.
- vii) It appears questionable from the plans whether the latest proposal is within the building line
- viii) The design of the residence fronting the development adjacent to Leven Road would appear to lend itself for conversion to two semi-detached residences rather than a single residence.

### **Landscape Officer**

I have no objections in principle to the proposed development but would make the following comments;

- The relocation of the access road assists in moving plots 2 and 3 further into the site, resulting in a reduced visual impact when viewed from the neighbouring property No.20 Leven Road.
- The existing mature hedge along the west boundary provides good screening and the relocation of the access road means that this may be retained
- All existing boundary planting should be protected and retained, in particular the planting along the east boundary. Additional planting should be carried out alongside the road to assist in screening the development from No.20 Leven Road.
- A mature conifer hedge is located along the far rear boundary, which is proposed for retention. The hedge provides an excellent all year round visual screen between the development and the properties behind. As a result, the hedge should be protected during the construction period of the scheme and details of its protection should be submitted if consent is granted.
- All planting should be in accordance with B.S.5837 2005 Trees in relation to construction.

Overall, I have no objection to the application as long as the above conditions are adhered to.

### **Environmental Health Unit**

No objections in principle but raised concerns over the following environmental issues request that the following conditions are imposed on the development on the development should it be approved.

- Possible land contamination
- Construction noise

### **Head of Integrated Transport and Environmental Policy**

The application is for 7 detached houses, therefore an adoptable access and layout is required. The development will need to comply with the Design Guide and Specification (Residential & Industrial Estates Development).

Leven Road is an unclassified road subject to a speed limit of 40 mph. The visibility splay for such a junction is 4.5 x 120m. However the current speed limit is considered excessive for nature of the road and a reduction to 30mph is required, given the potential increase in properties served from the road. This would then allow a sight line of 4.5 x 90m, a drawing no NT03540/004 indicating the requisite sight lines has been received, however, this would require confirmation by means of a detailed on site survey.

The proposed access does not comply with guidance regarding junction spacing, therefore the developer was required to complete a departure from standard form for consideration.

An amended and unacceptable Departure from Standard Form has been received, (28 July 2006). The departure from standard form has been considered and as stated in the applicant's submission a category two road requires a 30m junction spacing, this is not achieved and following further consideration of the form, the proposed junction spacing is not acceptable.

Therefore, I object to the application as it does not comply with the Councils design Guide & Specification and would be detrimental to highway safety and the free flow of traffic.

### **English Heritage**

The Secretary of State, after consulting English Heritage, the Government's statutory adviser, has decided not to list the building the reasons are:

Wainstones is a competently designed, asymmetrical detached urban villa of 1936/7, and is one many thousands of dwellings of the period surviving throughout England. Its architect or designer has not been identified, and although of some local significance, it is of modest architectural quality, and lacks the innovative design or constructional qualities, which distinguish the best examples of the period.

Whilst the building is much admired locally for the contribution it makes to the character and appearance of its locality, it is not of sufficient architectural or historic interest to justify listing in a national context.

### **Council for the Protection of Rural England**

Stockton on Tees is blessed with a number of fine Victorian and Edwardian Buildings. Outstanding examples of "Thirties" architect designed residences are however a relatively rare phenomena. 'Wainstones' undoubtedly falls into this category as is confirmed by expert witnesses, namely Linda Polley, Dr Faulkner and the 20<sup>th</sup> Century Society.

This is a totally misconceived application that if approved, would have a detrimental effect on the street scene of the locality, would create a precedent that would inevitably result in a loss of character of the Leven Road area in the future, would contribute further to Yarm's growing traffic problems and result in the loss of its most outstanding buildings.

Also questions the agents supporting statement stating that the Council's SPG no.4 is no longer relevant that the part of the purpose of the document was to protect attractive buildings from demolition, for it to be argued that the it would not be acceptable for the demolition of a building of architectural merit with flats but that it would be acceptable to replace it with houses is beyond belief. Either Stockton Planning is interested in preserving its heritage, both architecturally and historically, or it is not.

7. The Local residents and occupiers have been individually notified of the application. The latest neighbour consultation period expired on the 27<sup>th</sup> April 2006. In total 12 letters of support have been received in relation to the development and 283 objections opposing the scheme have been received. These comments are detailed below in summary.

#### Support

- Design will always be an emotive issue in Yarm given its character and history, however, there is a requirement for modern quality homes in established areas
- High demand for homes in Yarm
- Bridges the gap in the Yarm housing market offering affordable, luxury housing
- Better use of the large plot
- Would help to control the growth of Yarm, rather than expand it.

#### Objection

- No justification for the demolition of the top quality house
- Impact on the character of the area/out of character with area
- Proposed large dwelling on the front of the site lacks a quality design
- Increase in traffic in an already congested area
- Concerns over highway and pedestrian safety
- Impact on privacy and amenity on the occupiers of the neighbouring properties/future residents of development
- Impact on local infrastructure i.e. doctors surgeries and dentists
- Question of need
- Create dangerous junction opposite Woodlands Drive
- Development does not accord with distances suggested in SPG4.
- Creation of precedent
- Objection to traffic calming measures suggested
- Site cannot be classed as a brownfield site
- Lack of public transport in the area
- Over-development of the site
- Details of lighting required
- Road is too big for development, a low key private drive arrangement would be better.
- Concerns over bats and impact on wildlife
- Concerns large dwelling at the front of the site could be sub-divided into two separate dwellings
- Add to pollution in the area

- ❑ Dwelling no.1 protrudes the building line
- ❑ Disposal of sewerage and storm water not clarified
- ❑ Council has a responsibility to preserve distinctive buildings
- ❑ Compromise security
- ❑ Noise pollution
- ❑ Plots sizes for plots 1 and 2 is ludicrous
- ❑ Changes do not overcome concerns
- ❑ Impact on the economy 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).

The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision;

#### **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.

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

### **Material Planning Considerations**

9. The main planning considerations of this application are the impacts on the planning policies, the character of the area, amenity of neighbouring occupiers and access and highway safety.

#### **Principle of development;**

10. The application site is classed as residential curtilage and is therefore classed as 'previously development' land as defined in national Planning Policy Guidance No.3; Housing (PPG3). Therefore the development for additional housing on the site meets the Government's aims of providing better and more efficient use of land.
11. As the site lies within the defined limits to development as shown on the adopted 1997 Stockton on Tees Local Plan proposals map, the principle of residential development is therefore accepted and the proposed development is therefore assessed against policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

#### **Character of the area;**

12. Whilst the applicant has submitted indicative elevations of the size and type of dwelling proposed these are not to be considered as part of the application as the outline consent seeks only the siting and means of access. The finer detail such as design, scale and materials would be considered as part of the reserved matters application.
13. Many of the objections received have made comments over the impact that the removal of the existing dwelling would have on the character of the area and requested that the existing building is retained as it plays an important role within the street scene. Advice and support of the buildings retention have also been provided from lecturers of nearby universities. English Heritage has recently considered a listing request and have stated that whilst the building may have some regional significance the existing 'Wainstones' building is not special enough nationally, to justify a listed building status.
14. Nominations have also been received for 'Wainstones' to be placed on the 'Local List', the Council are currently in the process of working towards considering the various nominations for local listing and acknowledge the support for the retention of the building. However, at present the building has no statutory protection and even being placed on the local list would not offer any statutory protection. Given the above it is considered that it would be unwise to refuse the application on this basis.



15. Objections have also been received in relation to the quality of the proposed large dwelling at the front of the site. Given that the existing building is proposed to be demolished and in order to try and preserve some of the existing character of the area it was felt that a large property rather than two dwellings would be more appropriate on the site, however as stated previously the drawing submitted for this property is only indicative and the design of the unit would be addressed during the reserved matters stage of the application.
16. Equally concerns have been raised over the location of the building on plot one in that it comes forward of the building line. The properties on Leven Road have no defined 'building line' and the siting on each plot varies from one another. The unit is set back from the line of the most forward set building (No.14 Leven Road) and as there is no defined building line it is not considered that the development would be so prominent within the street scene so as to justify a reason for refusal of the application.

**Amenity of the neighbouring properties;**

17. The majority of the distances from the properties within the site are considered to be satisfactory and meet the Council's standards outlined in the Householder Extension Guide. However, No. 20 Leven Road has a balcony, which is situated approximately 21 metres from Plot No. 2. The Local Planning Authority has concerns about the relationship between the two dwellings and the impact on the privacy and amenity of these two properties. Consequently the application is considered to be contrary to policies GP1, HO3 and HO11 of the adopted Local Plan
18. A recent appeal decision at Kentisbury, Yarm also raised the issues of dwellings that are extremely close to the boundary of neighbouring properties have a overbearing and detrimental impact on the amenity of the neighbouring properties. In particular plot no.2 would be approximately 2 metres from the boundary with No. 16 Leven Road and in this instance this plot is considered to have a detrimental impact on the amenity of the residents of this property.
19. Overall it is considered that the proposed site layout has the appearance that the development is 'shoehorned' into the site, resulting in a cramped form of development and in the opinion of the Local Planning Authority represents an over-development of the site as a whole, contrary to policies HO3 and HO11 of the adopted Local Plan.
20. Concerns are also raised in relation to the impact of the access road and additional traffic generation on the occupiers of No.20 Leven Road. This property has living room windows adjacent to the access road and given the proximity of the access road to this property it is considered that the additional traffic would be detrimental to the amenity that could reasonably be expected to be enjoyed by these residents and is contrary to policy GP1.
21. Objections have been received in relation to the possibility of noise pollution from the development. It is accepted that during construction additional noise and disturbance is likely although this could be controlled via a planning condition. Once the development is constructed it is unlikely that the additional properties would cause increases in noise pollution that would justify a reason refusal.

### **Access and Highway Safety;**

22. Concerns have been raised by the objectors in relation to the impact that the proposed development may have on traffic generation and highway and pedestrian safety along Leven Road.
23. The Head of Integrated Transport and Environmental policy has considered the information and departure from standard form submitted in support of the application. Having considered the revised layout and the junction spacing between the proposed access road and Woodlands Drive it is advised that the proposal would create a substandard access due to the inadequate junction spacing between the two. It is considered that this would be to the detriment of highway safety and free flow of traffic along Leven Road and is consequently contrary to policies GP1, HO3 and HO11 of the adopted Local Plan.

### **Concerns over bats and impact on wildlife**

24. English nature have been consulted on this application and have seen and agreed to the site survey and mitigation measures suggested in the ecology report supplied by the applicant. It is considered therefore that the development does not pose any significant impacts on protected species that may be present on the site.

### **Other issues;**

25. Many of the objectors have requested that the existing building is retained as it adds to the character of the area and plays an important role within the street scene, advice and support of the buildings retention have also been provided from lecturers from nearby universities. English Heritage has recently considered a listing request and have stated that whilst the building may have some regionally significance the existing 'Wainstones' building is not special enough nationally, to justify a listed building status. Nominations have also been received for 'Wainstones' to be placed on the 'Local List', the Council are currently in the process of working towards considering the various nominations for local listing and acknowledge the support for the retention of the building. However, at present the building has no statutory protection and even being placed on the local list would not offer any statutory protection. Given the above it is considered that it would be unwise to refuse the application on this basis.
26. Issues in relation to security of neighbouring properties and drainage are not material planning considerations and therefore not reasons for refusal of the application.
27. Many objectors have raised the issue of creating a precedent in the area by allowing this development. However, it is argued that allowing this development would not create a precedent as similar schemes have been allowed both within this borough and the region as a whole and each proposal is considered on its own merits.

### **Conclusion;**

28. In conclusion it is considered that the proposed development would have a detrimental impact on highway safety and the free flow of traffic along Leven Road. There are also concerns over the impact on the development on the amenity of the neighbouring properties and the overall layout and arrangement of the development. For the reasons outlined above the

proposed development is considered to be contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and is consequently recommended for refusal.

**Corporate Director of Development & Neighbourhood Services**  
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**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 Adopted Local Plan (1997)

Planning Policy Guidance 3: Housing

Planning Application 05/0990/FUL

**Ward and Ward Councillors**

Yarm Ward

Councillors B Jones, Mrs J. Beaumont and A Sherris