

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 6th December 2006

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

06/3003/FUL

**Former School House and Offices, The Wynd, Wynyard Village
Revised application for the erection of 5 no. houses and 11. no. Apartments
with associated car parking, garages and landscaping (Demolition of existing
building).**

Expiry date: 27th December 2006

Summary

Members will note that a previous application for planning permission (03/3034/FUL) for the erection of 4no. three storey houses and 18no. three storey apartments was considered at Committee on the 12th May 2004. The application was amended through its progression to a terrace of 8 houses and 10 apartments but ultimately refused. The proposed development was further dismissed at appeal based on excessive scale and massing and the definition of the land to the rear of the site.

Since then, two further applications have been submitted and withdrawn due to there still being unresolved outstanding matters by the time a decision was to be made, in particularly in respect to the nature and definition of the land to the rear of the site and the likely impacts on protected species within the area.

The application now being considered seeks permission for a residential development consisting of a three storey 11 unit apartment block, a terrace of four houses and one detached house, associated parking, bin and cycle stores and other ancillary development.

A total of 42 letters of objection have been received in respect to the proposed development. The main areas of objection relate to the scale of the development and its impact on the character of the surrounding area, the impact on protected trees both within and adjacent to the site, insufficient levels of parking, detrimental impacts on highway safety, access onto the adjoining highway network and the definition of the land to the rear of the site which is considered to be greenfield and therefore unsuitable for development.

The Head of Integrated Transport and Environmental Policy has raised no objection to the scheme, considering the levels of parking and the highways impacts of the scheme to be acceptable. The Council's Landscape Officer considers additional information is required in respect to the protection of trees on the site although he accepts the principle of development on the site. Natural England has accepted the impacts of the development in respect to protected species.

The current proposals are considered to address the issues raised in the previous Inspector's appeal decision by reducing the height of the apartments, breaking up its roofline and through the re assessment and consideration of the land to the rear of

the site. Furthermore, the scheme is considered to be acceptable with regard to its impact on surrounding properties, wildlife and the area in general.

As such, it is considered the proposed development accords with the relevant policies of the Stockton on Tees Local Plan.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Adopted Stockton on Tees Local Plan Policy/Policies set out below:

Adopted Stockton on Tees Local Plan policies GP1, HO3, HO11 EN6 and EN7

RECOMMENDATION

It is recommended that application 06/3003/REV be approved subject to the following conditions and subject to the outstanding matters relating to the protection of trees on the site being adequately addressed.

- 1. *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): - 1488/01, 02, 04G, 05, 06F, 07E, 08C, 09C, 10A, 11A, 12, 20
Reason: To define the consent.***
- 2. *Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.
Reason: To achieve a satisfactory form of development.***
- 3. *No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.
Reason: To ensure the proper restoration of the site.***
- 4. *No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.
Reason: To ensure the proper restoration of the site.***

- 5. No development shall take place until the applicant, their agents or successors in title, has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the local planning authority.**
Reason: As the building is of historic significance the specified record is required to mitigate impact.
- 6. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**
Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.
- 7. During construction of the scheme hereby approved there shall be no development works undertaken outside the hours of 8.00a.m. - 6.00p.m. Weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or Bank Holidays.**
Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.
- 8. No development shall take place unless in accordance with the mitigation detailed within the protected species report (A protected species survey of the Wynd, Wynyard, County Durham R02; E3 Ecology Ltd 22/08/06) including, but not restricted to obtaining a defra licence, adherence to timing and special restrictions, provision of mitigation in advance, undertaking confirming surveys, adherence to precautionary working methods, provision of bat lofts.**
Reason: In order to take proper account of protected species on the site.
- 9. No trees or landscaping on the site shall be lopped, topped, pruned or felled until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include but not be restricted to the following details:**
a) Hard and soft landscaping,
b) Soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
c) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).
d) Areas of level change,
e) Precise locations of protective fencing,
f) Areas of material storage within the site, and
g) Excavations required for service runs.
The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in order to adequately protect the landscape features of the site.

- 10. Notwithstanding details hereby approved the precise details of the design and construction methods and materials of the internal access road and car parking serving the development shall be submitted to and approved in writing by the Local Planning Authority prior to being implemented on site. The approved details shall be implemented on site within 6 months of either the development being substantially complete or from the initial occupation of any part of the site.***
Reason: In order to ensure adequate access is achieved.
- 11. All means of enclosure on the site shall be erected in accordance with a scheme of boundary treatments to be first submitted to and approved in writing by the Local Planning Authority. Such details shall show the precise location, size and style of boundaries. The development shall be carried out in strict accordance with the approved details.***
Reason: In order to ensure a satisfactory form of development is carried out.
- 12. The bin stores and cycle stores within the development hereby approved shall be erected and brought into use prior to the occupation of the apartment block and shall then be retained in such use at all times whilst the apartment block remains in use.***
Reason: In order to adequately provide for the future occupiers of the site.
- 13. Notwithstanding the details hereby approved the following details shall be submitted to and approved in writing with the Local Planning Authority prior to commencement on site:***
-The precise style and material of windows;
- The degree of projection and recess of all windows, cills, lintels and detail coursing within the elevations of the buildings;
- The colour of all external timberwork including any doors and windows.
Following approval in writing by the Local Planning Authority to the above details shall be incorporated into the development.
Reason: In order to ensure the development is in keeping with the surrounding built development.
- 14. Notwithstanding details hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority which addresses the future management of the wooded area within the site and the trees and landscaping within the site. The management plan shall identify the precise areas of maintenance and schedule works to be carried out where necessary. Works within the approved management plan shall be carried out in perpetuity within the site or until such time that the site is no longer in residential use.***
Reason: In order to ensure the long term management of the site is adequately controlled in the interests of visual amenity and the provision of amenity space.
- 15. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered***

in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

BACKGROUND

1. On the 12th May 2004, Planning Committee refused planning permission (Reference Number 03/3034/FUL) for the demolition of the existing schoolhouse and associated buildings on the site and the construction of a residential development. The proposed development consisted a terrace of 8 properties along the front of the site onto the Wynd and a block of 10 apartments along the northern boundary of the site. The reasons for refusal were as follows:

“In the opinion of the LPA, the density proposed is excessive in this particular area of Wynyard, where the layout and design reflects a traditional village layout of lower density executive housing.

The proposed scheme is out of character in the locality by virtue of the height and massing of the proposed dwellings and apartments and would adversely impact on the amenity of the area and the adjacent residential properties.”

2. An appeal was lodged based on the refusal of planning permission and the appeal was dismissed. The Inspector concluded that:

“There is no good reason why a density of development commensurate with the advice of PPG 3 should not be achievable. Higher density may in fact help the long term sustainability of the area. However, I am not satisfied that the details of the development were satisfactory, finding that the proposed blocks would be incongruous in relation to the surrounding area being in conflict with the objectives of Policies GP1 and HO11.”

In addition, the inspector commented that although the site had been described as previously developed land, it was noted that the rear most part of the site is of a very different character to that which contains buildings and hard surfacing. The Inspector stated that “it is by no means clear from the evidence on site that all of the land falls within the definition of previously developed land contained in PPG 3. This factor adds weight to my conclusion that it would be inappropriate to grant planning permission in the absence of further information on this matter.”

THE PROPOSAL

3. Planning permission is sought for the erection of an apartment block of 11 no. 2 bed units, a terrace of 4no. four bed houses and a detached house. Associated development includes 4 garages, bin store, cycle parking, car parking for 22 vehicles and access to the highway.
4. The proposed development would result in the demolition of the existing schoolhouse and ancillary buildings, which currently occupy the site, none of which are listed.

SITE AND ITS SURROUNDINGS

5. The site is located on the northern edge of Wynyard village, near to the village centre. The site measures approximately 0.5ha although has a substantial area covered by mature trees, many of which are covered by a Tree Preservation Order.
6. The site and surrounding area is currently characterised by the existing buildings on site, the significant number of mature trees which are both within and which border the site as well as the grassed open space to the rear of the site. The existing buildings are small in number, scale and footprint and it is the trees which dominate the immediate area. The northern section of the site lies beyond the car park hard standing associated with the former school house. This area is an open grassed land which continues beyond the site boundary.
7. The surrounding area to the south and west is predominantly residential in character as a result of a 2-storey housing development, which is of a similar scale to the new development proposed. An update report will be provided at the meeting to illustrate this point. The land to the north and east is that of a generally undeveloped more natural wooded environment. The existing tree cover provides a degree of separation from the surrounding residential pockets.

CONSULTATIONS

8. Landscape Officer (summarised)
 - The site is located in a prominent position with many mature trees both within and to the periphery of the site. These trees are protected under a TPO and contribute greatly towards the village setting.
 - Retention of trees T1 and T2 along the sites frontage is important in view of their dominance in the street scene and will soften the development. Equally the retention of the trees to the rear of the site is important as they offer a backdrop and maturity. Detailed sections of the site show ground levels in these areas remaining.
 - The Tree Protection zone has been indicated on the proposed site plan, however, the applicant must clearly demonstrate how these trees are to be successfully protected during the course of the demolition and construction phases, must supply adequate information in relation to landscaping, car park surfacing, drainage and service runs and boundary details.

Further comments have been received from the Landscape Officer indicating that some of the additional information that has been requested is required in advance of them accepting the layout, whilst it is indicated that it would be beneficial for the group of 4 houses to be moved by 1m to the east, further away from the existing trees on site.

9. Parish Council

Grindon Parish Council re-iterates its objections to this scheme due to the felling of healthy and prominent trees, the density of the development being inappropriate to the general environment of Wynyard and the three-storey apartments being out of character and scale with the rest of Wynyard.

10. Cleveland Archaeologist Section (summarised)

The current buildings on site originate from the second half of the 19th century. They consist of a schoolhouse, the school and a wooden classroom. The schoolhouse has been extended to the front in the 1980's.

The buildings are interesting in their own right and form a distinctive element of the historic estate of Wynyard and it is disappointing that the developer has chosen to demolish the buildings. Whilst it is difficult to see how the wooden classroom or school could be converted it is recommended that the developer be encouraged to retain the school house as the centre piece of the scheme. This is an attractive building in traditional materials that the newer elements of Wynyard village have taken their inspiration from. I would encourage its retention and conversion.

Whether the buildings are to be retained or demolished it is recommended that written and photographic historic building surveys are conducted in advance of the development to cover all three buildings.

11. Northumbrian Water

- General comments in respect to the connection of foul and surface water drainage

12. Environment Agency

- Have advised they have no additional comments to those made to the previous application. Previous comments relate to the provision of conditions covering surface water and foul water drainage.

13. Northern Electric

- Raise no objections

14. Northern Gas Networks

- No objections to proposal and mains records provided. Would require the applicant to contact them directly if application approved.

15. Head of Integrated Transport and Environmental Policy (summarised)

- The location of the bin collection point is acceptable
- The car parking arrangement is satisfactory, although the parking spaces located to the east of the proposed development are not ideal as there is no turning area to enable them to leave the car park in a forward gear.
- The applicant will be required to enter into a Highway Act section 38 agreement for the highway and footpaths, which are to become maintainable at the applicants expense.
- There is no knowledge of flooding at the site.

16. Environmental Health Unit

No objection in principle subject to the following being addressed by condition:

- Noise disturbance between living accommodation
- Possible land contamination
- Environmental Risk Assessment Phase 2
- Construction Noise

17. Natural England

- Based on the information provided, the proposal is unlikely to have an adverse affect in respect of species especially protected by law subject to the imposition of a condition relating to the development being carried out in accordance with the mitigation schedule.

18. No responses have been received from the following consultees. Any reply received before Committee will be included in an updated report.

- Councillors
- Care For Your Area
- Cameron Hall Developments Limited
- Development Plans Officer
- Wynyard Residents Association

PUBLICITY

19. Following publicity to the application a total of 42 objections were received in respect to the application from the following properties:

11 Vane Close, 22 Mountstewart, 24 The Plantations, 4 The Oval, 2 and 12 Springbank Wood, i.muller@talktalk.net, st@ithes.fsnet.co.uk, maureenbouthemy1@aol.com, 1,3,7,15,17, 38 and 51 The Granary, North East Lodge, North Lodge / North Lodge West, 10 Brierley Drive, 5 Paddock Green, 12 and 15 Amerston Close, 1, 4 and 6 Salter Houses, 43, 78 and 82 The Stables, 19 and 31 Maynard Grove, 1 Churchill Close, 21 Embleton Grove, 1, 7 Sheepdene, 38 Wellington Drive, 36 Castlereagh, 1 The Wynd.

20. Objections raised are summarised as follows:

Traffic and highway safety issues;

- The development is close to the village green, on a busy highway, at a bend in the road where parking takes place on The Wynd, which causes blind spots. As such, it is considered the scheme and its increase in traffic will create a risk to the children playing on the green.
- Evidence suggests that people in Wynyard have 3 or more cars. The proposed development provides 1.5 car park spaces per dwelling which is unacceptable as a result of the size of the apartments and the limited amenities and services (including busses) within the village. This level of parking is unlikely to provide for the residents let alone any visitors or tradesman. As such, the proposal will result in overspill parking on the adjacent highways creating hazards and possible danger to children.
- Vehicles, which currently park on Coal Lane, cause access obstruction to North Lodge as a result of the narrow width of the lane, a problem which would be exacerbated where visitors and service vehicles are unable to park in the Wynd. This is an area in the village where vehicles are not

allowed to park on the roads and is visible from all parts of the village green and The Wynd.

- The number of parking spaces will create a bottleneck of cars travelling in and out of the development.
- There is no provision of disabled access or disabled car parking spaces.
- The ownership of the road serving the development is in separate ownership to the site and as such alteration of the road width may be an issue. Cameron Hall developments, as owners of the road would not give permission to carry out the works intended by the developer.

21. Appearance

- The proposed development does not respect the local character, architecture, type of housing, original concept of the village or scale of the neighbouring buildings as required by Policy HO11 and HO3.
- The scheme will detract from the character of the Victorian Salter Houses.
- The proposed apartment block has a monolithic appearance and would overpower the proposed houses as a result of this and its increased height.
- A previous application was refused as three-storey development was considered to be undesirable on the periphery of the village. It is considered this remains to be the case.

22. Impact on area and wildlife

- The site needs developing in a manner, which is in keeping with the natural surroundings.
- The loss of trees and other works proposed will destroy a natural habitat and have a significant impact on local wildlife
- Create an increase in traffic, parking, noise, pollution and access due to the location of the developments entrance on The Wynd.
- Insufficient information has been provided with regards to protected species such as bats and newts.

23. Landscaping

- The plans are misleading in respect of the existing trees on site and what is intended to happen to them. Inconsistency with the tree removal plans as drawing 124086 shows removal of several trees not on the planning application text.
- The chopping down of protected trees is totally unacceptable, these are not dangerous whilst these are the essence of the village green area, and without them the character would be lost forever. The suggested loss of trees is considered to be purely to suit the developments needs and an independent tree survey should be carried out.
- Car park plans show that there are three trees, which overhang the parking spaces causing problems for fallen branches and root disruption to the car park.
- Construction works need to be carefully assessed in order to prevent any damage to the root systems of trees.
- The properties would be in close proximity to the existing trees on the site.
- Green areas in the village should be retained in order to preserve the rural setting

24. Principle of development and sustainability

- Facilities in the area cannot cope with the increased levels of housing that has outstretched the original plans.
- If this nature of proposal were allowed there would be nothing stopping large houses within Wynyard being demolished and flatted development being erected in its place.
- The existing buildings could be put to a far better use such as a community centre
- The site is not sustainable, having no public transport, and a lack of shops, schools, and leisure facilities. It does not add value to the estate.
- Surely it is not classified as a brown field site. This was mentioned in the previous appeal whilst the land has never been marked for development as part of the Wynyard Plan. The plot to the rear should not be developed, as this would set a precedent for the unsuitable development of other Greenfield areas around Wynyard.
- Flatted development should only be permitted in locations with good transport links and Wynyard has no bus service.
- The development is not sustainable so therefore does not accord with SPG4.
- The density of the development is considered to be too high.
- Facilities within the village will not support the development especially as there is a care home and block of flats having been approved by Hartlepool Borough Council

25. General objections

- Insufficient consideration with regard to the orientation of the sun and the effect of shadows, therefore contravening SPG 4. The rear of the buildings will be in shadow.
- The village is becoming vastly overpopulated.
- There will be a clear adverse effect on the amenity of neighbours contrary to HO6 of the Local Plan.
- No provision for open space has been provided.
- The development is not affordable housing.
- The proposal represents a significant departure from the development plan in that the site is not allocated for the proposed use
- The development will result in a loss of property value and people are already struggling to sell their homes without more over development.
- Residents pay a community charge that covers maintenance and security fees and the increase in numbers of visitors from the development will have an impact on the fees.
- Bellway recently objected to a similar proposal less than 300 metres away from this development on the grounds of the development being totally inappropriate to the area.
- There is no secure covered refuse store whilst the refuse bins for all 16 houses are at the side of the detached house which will cause problems for collection if there is a car parked at the detached house.

PLANNING POLICY CONSIDERATIONS

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

27. The relevant development plan in this case is the adopted 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.

Development which is likely to detract from the setting of a listed building will not be permitted.

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 EN6

Development proposals likely to result in harm to a protected plant or animal species or its habitat will not be permitted unless satisfactory provisions for these species have been made.

Policy EN7

Development which harms the landscape value of the following special landscape area will not be permitted: -

- (a) Leven Valley
- (b) Tees Valley
- (c) Wynyard Park.

MATERIAL PLANNING CONSIDERATIONS

- 28. The site lies outside of the designated housing site for Wynyard and has no specific designation covering it. There is a Special Landscape Area to the east and north as designated under Policy EN7c of the Borough Local Plan. The previous appeal decision is a material planning consideration, the findings of which dismissed the appeal on grounds of whether the land to the rear of the site was brownfield and the excessive scale and mass of the development.
- 29. As such, the principle of residential development on the site, its impact on the surrounding environment, the definition of the land to the rear of the site and the scale and mass of the apartment block are the main considerations in determining the application.

Principle of Development

- 30. The site falls outside of both the 'limits to development' and the Wynyard housing allocation as defined within Policy HO1r of the adopted, Stockton on Tees Local Plan. However, there is existing development on part of the site resulting in this area being considered as brown field land.
- 31. Within the previous appeal decision relating to proposed residential development on the site, the Planning Inspector accepted that part of the site was brownfield and suitable to accommodate residential development.
- 32. In view of the location within the surrounding residential area of Wynyard, the existing status of the site and taking into account the Inspectors comments in the previous appeal decision it is considered a redevelopment of the currently developed section of the site for a residential use would be acceptable.
- 33. In defining brown field land Annex C of Planning Policy Guidance Note 3 Housing (PPG3) excludes ***'land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site - such as its contribution to nature conservation'***.
- 34. Within the Inspectors decision on the previous application (ref. 03/3034/FUL) for development of the site, particular mention was made of the land to the rear of the site. The Inspector questioned its status as brownfield land,

stating ***'it is by no means clear from the evidence on site that all of the land falls within the definition of previously developed land contained in PPG 3'***. The Inspector concluded that this factor added weight to the decision to dismiss the appeal and stated that ***'it would be inappropriate to grant planning permission in the absence of further information on this matter'***.

35. This matter has been considered further through additional site visits and it is the opinion of the Head of Planning that the grassed area to the rear of the site has not assimilated into the natural landscape but is merely the grassed area formerly associated with the school house which has been allowed to grow through irregular maintenance and cutting. As such, it is considered that the land is brownfield and forms part of the curtilage of the buildings.

Design, Appearance and Layout

36. Within the appeal statement regarding the previous proposal for the site the Inspector stated that,

' The apartment block would also be an unsuccessful element in the scheme. It would be visible when approaching from the east and the west', 'the block would be clearly seen, and although it would be set against a wooded backdrop, its size and scale would be at odds with the prevailing 2 storey buildings around. I noted 3 storey properties within the overall development, but these are within the body of the residential areas, and not on the periphery'.

37. The proposed scheme has been amended from that of the previous proposal, which was considered by the Planning Inspector. The scheme has changed from an apartment block of 10 units and a terrace of 8 houses, to an apartment block of 11 units, a terrace of four houses and a detached house. Although retaining three storeys internally within part of the apartment block, the elevations range between two and two and a half stories in their elevations. The scale of the comparative apartment blocks are as follows;

	Current Submission (06/3003/FUL)	Appealed decision (03/3034/FUL)
Width of building	35m	34m
Depth of building	9.5m min. 11.5m max.	8m min. 10.9m max.
Overall ridge height	12m max. 11m min.	12.7m max. (no account of sloping site approx. 0.8m)
Eaves height	7.6m max. 5.8m min.	7.9m max. (no account of sloping site approx. 0.8m)

See appendix ref.'s 2 and 5 indicating the difference in plan form and elevations of the apartment blocks proposed within this scheme and the previously appealed scheme.

38. The design of the apartment block introduces steps within the elevations and rooflines, which will break up its overall massing. The elevations of the apartments include various design features such as flat roof dormers, exposed rafters, brick detailing around openings, and chimneys. It is considered these details should result in the buildings being in keeping with the village vernacular, which is already relatively diverse. In view of the changes to the scale of the proposed apartment block, its siting to the rear of the plot and its design, it is considered that this could be accommodated

within the street scene without it being an incongruous element. Furthermore, it is considered that the reduction in height and the change in appearance addresses the inspectors comments made in the previous appeal decision relating to such matters.

39. The five dwelling houses have their own private amenity space. Although the apartment block does not have any specific designated open space attributed to it, there is a relatively large amount of land amongst the trees to the western side of the site. This aside, it is considered the general Wynyard environment has an open aspect and the requirement for specific areas of play space or amenity space within a small-scale scheme such as this, is not specifically required.

Impact on Landscaping as an existing feature on the site

40. A number of the surrounding trees are protected by a Tree Preservation Order whilst there is a designated Special Landscape Area to the north and east of the site, which is mainly characterised as a wooded area. These are considered to be important natural features within the general environment of Wynyard as well as within this particular street scene. Policies GP1 and HO11 require any residential developments to pay due regard to:
- Existing features of the site,
 - The contribution of existing trees and landscape features; and
 - Quality, character and sensitivity of existing landscapes.
41. Several of the properties are in close proximity to semi mature trees, which are covered by a Tree Preservation Order. Several objections have been received which relate to the impact of the development of these trees, the ability to be able to carry out the development within the constraints the trees will place on the development and on the likely future pressure for their removal as a result of the overshadowing of properties due to the proximity of elevations of properties to the canopies.
42. The trees are the main feature of the site and the Councils Landscape Officer has indicated the particular importance of several trees which are considered to be dominant within the street scene and which provide a mature backdrop to the development. Elements of the development have been positioned within very close proximity to the trees, having elevations touching the indicated canopies with garages and parking areas being located beneath canopies. A Tree survey has been submitted in support of the application whilst areas of tree protection have been indicated on plan.
43. The Council's Landscape Officer has considered the findings of the report and the site layout and has no overriding objection to the proposal although advises that there is additional information required in respect to the location and alignment for protective fencing taking into account scaffolding requirements, site compound locations, warning sites and tree protection works as well as a landscaping scheme, car park construction methods, service trenches and other similar elements, some of which is required prior to being able to fully consider the proposals impacts. Furthermore, a request has been made to move the block of houses by 1m to the east. This information has been requested and consideration of it will be updated to committee.

Impact on Surrounding Properties

44. The development is considered to be a sufficient distance from the properties to the south and east (in excess of 30m) to prevent undue privacy or overbearing issues, being in accordance with the guidance of SPG 2 (household extension design guide), which although not specifically relevant, guides on suitable distances between opposing elevations of different properties, indicating a distance of 21m as a suitable guide.
45. The layout of properties allows the scheme to achieve adequate spacing between the main elevations of dwellings, being in excess of 21m.

Highways related matters

46. The site is accessed off The Wynd, which in turn connects with the main Wynyard spine road. The proposed development offers 22 parking spaces and four garages, along with parking for 4 vehicles immediately in front of the garages. This gives a total of 30 spaces for 15 units giving an overall average of 2 spaces per unit, with the detached property having separate specified parking. Parking levels are considered to be acceptable by the Head of Integrated Transport and Environmental Policy.
47. Objection has been received in respect to the inadequate provision of parking on the site, and the issue of the surrounding highway network being unsuitable for on street parking as a result of inadequate road widths and required visibility splays. It is appreciated that on street parking would result in highways problems within this area, however, in view of the intended provision of development and the proposed parking levels meeting the necessary standards it is considered that additional parking would not be necessary within the site.
48. The Head of Integrated Transport and Environmental Policy has indicated that the location of the bin storage area is acceptable. A condition has been recommended to ensure this remains to be provided for the life of the building and its associated use.

Protected Species

49. Based on the findings of the Protected Species survey, Natural England (formerly English Nature) consider the proposal is unlikely to have an adverse affect in respect of species especially protected by law subject to the imposition of a condition relating to the development being carried out in accordance with the mitigation schedule. A condition is attached accordingly.

Other matters

50. Supplementary Planning guidance Note No.4 (SPG4) relating to flatted development has various requirements for the siting of flatted development, several of which this proposal does not meet. However, para. 5.7 of SPG4 indicates that '**sites which do not meet the relevant criteria should not be granted planning permission for flats, although, any scheme for development may include a proportion of flats as part of a wider scheme**'. As approximately one third of the development relates to non-flatted development, it is considered that this proposal is not contrary to this guidance. Furthermore, in determining the previous appeal on the site, the Planning Inspector considered a higher density on this site '**may help the**

long term sustainability of the area'. The inclusion of flatted development is therefore considered to be acceptable in principle.

51. SPG4 requires the provision of covered cycle parking for flatted development. Based on the guideline figures within SPG 4 this development would result in a demand for 13 spaces to be provided. The scheme incorporates a covered 14 space cycle store to meet this requirement which is designed to be incorporated into the structure of a garage within the site and which should therefore blend with the overall appearance of the development. A condition has been recommended which requires the retention of the cycle parking for the duration of the use of the apartment block.
52. The Environment Agency have advised they have no objection in principle to the development although have recommended that conditions be attached in respect to surface water drainage from hard standings and parking areas in order to prevent pollution of the water environment. A drainage condition has been attached accordingly.
53. In view of the dense nature of the development and its prominent location it is considered necessary to remove permitted development rights from properties within the scheme to prevent any large or inappropriate structures being erected within the site which would have a significant detrimental impact on surrounding properties or the character of the area in general.

CONCLUSIONS

54. Residents appear to generally accept that the site should be redeveloped, although in a manner which results in a lower density, a greater provision of parking and to a reduced height.
55. The proposed development is considered to provide an adequate level of parking and access whilst have a generally acceptable layout. Subject to the imposition of a condition in respect to the retention of the bin and cycle stores, the proposed development is considered to be acceptable on highway grounds.
56. The scale and design of the proposed apartment block and dwellings is markedly different from the previous scheme and is considered to address the issues raised in the Inspectors appeal decision, being in keeping in scale and design to the village vernacular.
57. Impacts on landscaping, surrounding properties and protected species are all considered to be acceptable, subject to conforming with the conditions attached to the recommendation.
58. The issue of whether the site can be designated as being either Brownfield or Greenfield has been considered and based on the current state of the land it is considered that the land has not assimilated back into the natural landscape and is therefore brownfield land.
59. In view of all these factors it is considered the scheme accords with policies GP1, HO3, HO11, EN6 and EN7 of the adopted Stockton on Tees Local Plan and advice in PPG3 and SPG4.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop

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Financial Implications

As report

Environmental Implications

As Report

Legal Implications

As report

Community Safety Implications

As Reported

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

Adopted Stockton on Tees Local Plan (June 1997)

Supplementary Planning Guidance 4: High Density Development: Flats and Apartments

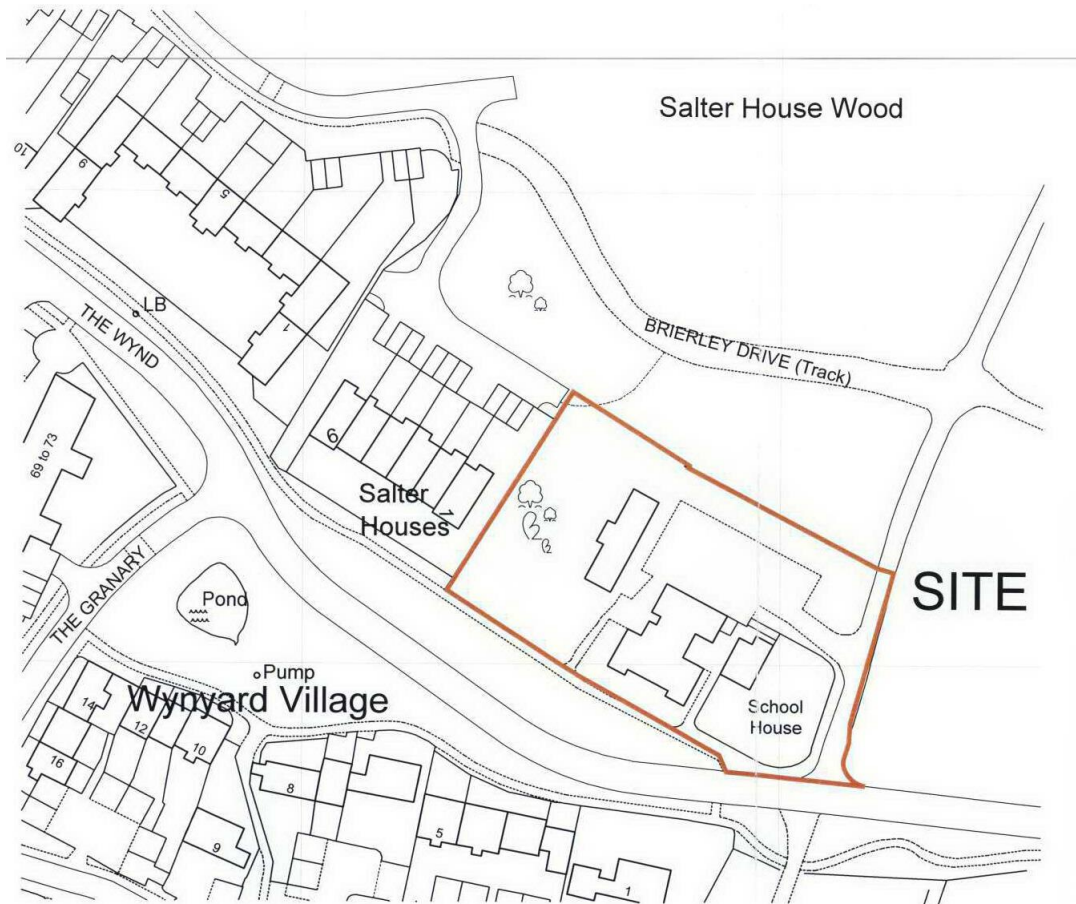
Planning Policy Guidance Note 3 'Housing'

Planning Application References 03/3034/FUL, 05/2570/FUL, 06/1139/REV

Planning Appeal: Planning Inspectorate ref: APP/H0738/A/04/11544006

Ward Northern Parishes
Ward Councillors Councillor S.W.D. Parry

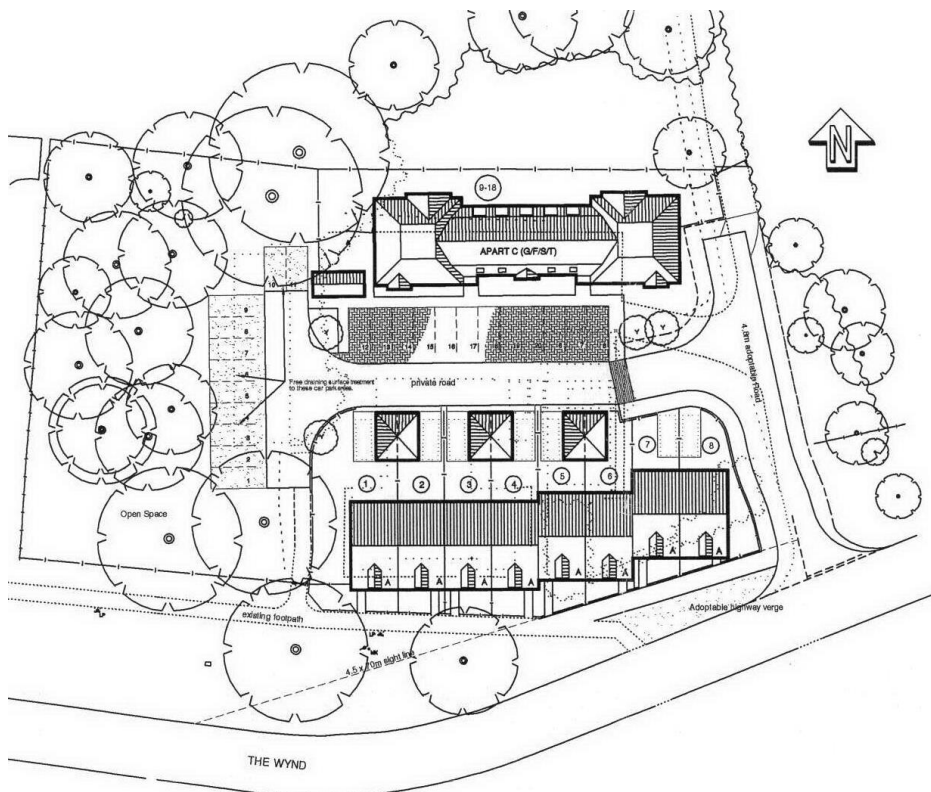
**Appendix reference 1. Site location plan
06/3003/REV
Former School House, The Wynd, Wynyard**



**Appendix reference 2. Proposed site layout plan
06/3003/REV
Former School House, The Wynd, Wynyard**



**Previously refused and dismissed at appeal apartment elevations under
application 03/3034/FUL**



**Appendix reference 3. Proposed Tree Protection Zone
06/3003/REV
Former School House, The Wynd, Wynyard**



**Appendix reference 4. Elevations of proposed houses fronting highway.
06/3003/REV
Former School House, The Wynd, Wynyard**



FRONT (SOUTH WEST) ELEVATION

SIDE (SOUTH EAST) ELEVATION



SIDE (NORTH WEST) ELEVATION

REAR (NORTH EAST) ELEVATION

**Appendix reference 5. Proposed apartment elevations
06/3003/REV
Former School House, The Wynd, Wynyard**

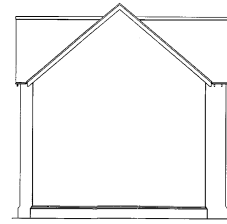


FRONT (SOUTH WEST) ELEVATION

SIDE (SOUTH EAST) ELEVATION



REAR (NORTH EAST) ELEVATION



SIDE (NORTH WEST) ELEVATION

**Previously refused and dismissed at appeal apartment elevations under
application 03/3034/FUL
Former School House, The Wynd, Wynyard**



Front Elevation 1:100 as proposed

Side Elevation 1:100 as proposed



Rear Elevation 1:100 as proposed

Side Elevation 1:100 as proposed

**Appendix reference 6. Photographs
06/3003/REV
Former School House, The Wynd, Wynyard**

Appendix. 6a – View of former school house



Appendix. 6b – View of former estate offices



Appendix. 6c – View of car park to rear of existing buildings on site.



Appendix. 6d – View of land to rear of site.



Appendix. 6e – Former timber classroom and adjoining landscaping.



Appendix. 6f – Land to rear of the site.



Appendix ref. 7. Appeal decision relating to application 03/3034/FUL
06/3003/REV
Former School House, The Wynd, Wynyard



Appeal Decision

Site visit made on 07 December 2004

by **Philip Major BA(Hons) DipTP MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
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Date

20 DEC 2004

Appeal Ref: APP/H0738/A/04/1154406

Land at Former School House and Offices, The Wynd, Wynyard Village, Billingham, Stockton-on-Tees TS22 5QE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Living Land Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 03/3034/FUL, dated 2 December 2003, was refused by notice dated 1 June 2004.
- The development proposed is the construction of 8 No terraced houses and 10 No 3 storey apartments with associated parking and improved access road (to include demolition of offices and school house).

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The proposed development has been subject to amendments over a period of time. The description of development noted above accurately reflects the nature of the proposal before me and I will consider the appeal on that basis. The drawings which pertain to the proposal are the following:

BHP/LL/LP/001	- December 2003
LL/WV/C – P1	- January 2004
LL/WV/C – P2	- January 2004
LL/WV/G1	- January 2004
LL/58500/PA01	- March 2004
LL/58500/PA02	- March 2004
LL/WV/SL08	- March 2004
LL/WV/CS02	- January 2004
LL/WV/CS03	- April 2004
LL/WV/CS02A	- May 2004
2. The refusal notice includes the original description of development, but it is clear from the information sent to me that the Council made its decision based on the revised development noted above.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area, with particular reference to the appropriateness of the proposed density of development, and the impact on Wynyard Village.

Planning Policy

4. The development plan includes the Stockton-on-Tees Local Plan of 1997. Policy GP1 sets criteria for assessing proposed development. These include the external appearance of development and its relationship with the surrounding area; the contribution of trees and landscape features; the quality character and sensitivity of existing landscapes and buildings. Policy HO11 deals with new residential development. Amongst its objectives is that development should be designed and laid out to provide a high quality of built environment which is in keeping with its surroundings.

Reasons

5. The development in the vicinity of the appeal site is an extensive area of modern housing of the type often described as executive property. It is laid out in relatively informal groups around areas of open space with the objective of creating a village ambience. The level of services within the existing settlement are limited, with a poor bus service and only one shop and one public house to serve the sprawling residential area. Planning Policy Guidance Note 3 – *Housing* (PPG3) is not supportive of development which might be seen to be wasteful of land, and encourages development at higher densities.
6. This particular location should not, in my view, be regarded as a village in the sense that the term is used in PPG3. It is clearly a settlement which has grown as a result of past planning policy making a positive decision to encourage housing in a rural area which serves a particular market. I regard the advice of PPG3 which deals with developing outside urban areas to be more pertinent here. That advice indicates that where development is to take place outside urban areas the Government is looking to local planning authorities to utilise the most sustainable option.
7. It seems to me, therefore, that any development of this site ought to be seeking the best possible mix between high quality development (as sought by PPG3) and sustainable objectives. Although the overall development itself is currently inherently unsustainable, and the main parties agree that there is dependence on private transport, I consider that higher densities on remaining land such as this might help to improve the sustainable credentials of the settlement in a small way. The density proposed is not, in my judgement, too great for the site, but is consistent with up to date advice. Given that the intention of the settlement is to recreate a village environment I see no reason why that objective should preclude at least some elements of higher density housing.
8. However, density is but one element of the proposal. In relation to the form and design of the scheme I have reservations. In the first place I consider that the block of 8 terraced houses is unimaginative in design, being a rather unsuccessful attempt to reflect the nearby Salter Cottages. The block is monolithic and lacking in articulation and relief, despite the stepped form caused by the sloping land and road layout. In my view it would not be sympathetic to its surroundings, which in the main exhibit greater variety of form and shape.
9. The apartment block would also be an unsuccessful element in the scheme. It would be visible when approaching from the east and the west, albeit the latter view would be through mature trees. Nevertheless the block would be clearly seen, and although it would be set against a wooded backdrop, its size and scale would be at odds with the prevailing 2

storey buildings around. I noted 3 storey properties within the overall development, but these are within the body of the residential areas, and not on the periphery.

10. In essence, therefore, my conclusions on the main issue are that there is no good reason, per se, why a density of development commensurate with the advice of PPG3 should not be achievable on the site without detriment to the character or appearance of the overall settlement. Higher density may actually help the long term sustainability of the area. However, I am not satisfied that the details of the development are satisfactory, and I find that the blocks proposed would be incongruous in relation to the surroundings and materially harmful to the character and appearance of the surrounding area. This would be in conflict with the objectives of Policies GP1 and HO11.

Other Matters

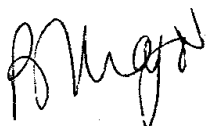
11. The site has been described as previously developed land, and this appears to be accepted by both main parties. However, at my site visit I noted that the rearmost part of the site is of a very different character to that which contains buildings and hard surfacing. It is by no means clear from the evidence on site that all of the land falls within the definition of previously developed land contained in PPG3. This factor adds weight to my conclusion, set out below, that it would be inappropriate to grant planning permission in the absence of further information on this matter.
12. There are a number of other matters which have been raised by interested parties. I do not regard the proposal as having any implications for light or privacy to the nearest dwellings because of separation distances involved. I also consider that the highway network is adequate to cater for any traffic generated by the development, and that parking provision proposed is acceptable. I am satisfied that development could be carried out without resulting in loss of protected trees subject to appropriate safeguards, which could be secured by condition. The matter of the quality of the existing school house on site, and the need for the development, are not material to the proposals before me. None of these matters affects my overall conclusion.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.



INSPECTOR