



Appeal Decision

Site visit made on 31 July 2007

by **Keith P Durrant MA BArch(Hons) RIBA**
ARIAS MRTPI FRSA

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 20 Aug 2007

Appeal Ref: APP/H0738/A/07/2039999

Former School House and Offices, The Wynd, Wynyard Village 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 Bellway Homes (NE) Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/3003/REV, dated 27 September 2006, was refused by notice dated 13 December 2006.
- The development proposed is erection of 5 no. houses and 11 no. apartments with associated car parking, garages and landscaping (demolition of existing building).

Decision

1. **I allow the appeal, and grant planning permission for the erection of 5 no. houses and 11 no. apartments with associated car parking, garages and landscaping (demolition of existing building); on land at the former School House and Offices, The Wynd, Wynyard Village TS22 5QE;** in accordance with the terms of the application, Ref 06/3003/REV, dated 27 September 2006, and the plans numbered 1488/01, 02, 04G, 05, 06F, 07E, 08C, 09C, 10A, 11A, 12, 13 and 20 submitted with it; subject to the conditions set out in the Appendix to this decision.

Main Issue

2. My decision has turned on whether the proposed mix, scale and form of housing on this site would fit in with the character and appearance of Wynyard, including by retaining where appropriate protected trees.

Reasons

3. This is a relatively modest and deliverable scheme within the context of the completion of the new village of Wynyard. The site has been previously developed or is land associated with the previous use. Overall, subject to concluding positively on the impact of the design on its surroundings, adding a group of dwellings at this central location creates no fundamental harm to the community around it. There are several neighbourhood facilities close by and access to the potential of a revitalised bus route. Up to date national policy in PPS3 urges the delivery of housing and the achievement of a mix of housing types within a general thrust towards higher densities in sustainable locations, objectives that this development would clearly meet.
 4. It is in the detail that objections have arisen. The design addresses the concerns of the Inspector who determined a previous appeal in 2004. The
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apartment block, although introducing a housing type new to the village, has been conceived in a form and scale that would, located at the back of the site set against trees, sit comfortably at a focal point in the townscape near open land. They are an element only within an overall development that adds a desirable variety to the housing mix and would form an attractive group with the houses. Overall the vernacular architecture style adopted or surviving nearby would be continued in the detailed design of the new buildings.

5. I am also satisfied that the scheme has been conceived having regard to retaining the most important trees, especially on the road frontage. It can ensure that others around the site (both individually and as a woodland group) are managed to ensure their survival both during construction and thereafter, including those close to buildings and car parks.
6. My conclusions above are consistent with the positive ones from the 1994 appeal decision. This amended scheme now meets the objectives and criteria of Policies GP1 and HO1 (and SPG Note 4) of the Stockton on Tees Local Plan when tempered by the national policies in PPS3. In deciding to allow the appeal I have also taken account of other matters raised in representations, including the adequacy of the parking provision which I find to be acceptable. No other matter is of such weight as to alter my conclusions.
7. To ensure that the development is built of a high enough quality with regard to its impact on the environment and residents, it should be subject to a number of planning conditions. I have generally followed the suggestions of the Council but edited and simplified them where appropriate. The conditions embrace: the details of site development including contamination, the recording of the existing buildings and the protection of species; landscaping and woodland management including tree protection; details of external appearance and road/car parking design; and other matters such as noise insulation, bin and cycle storage.

Keith P Durrant

INSPECTOR

Appendix: Conditions attached to Decision APP/H0738/A/07/2039999

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) During construction of the development there shall be no works undertaken outside of the hours of 0800 to 1800 on weekdays, 0800 to 1300 on Saturdays, and at no times on Sundays or on bank or public holidays.
- 3) Prior to the commencement of development a scheme to deal with contamination of the site shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.
- 4) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording and

analysis of the existing buildings in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

- 5) No development shall take place unless in accordance with the mitigation detailed within the report entitled "A Protected Species Survey of The Wynd, Wynyard, County Durham, RO2"; prepared by E3 Ecology Ltd and dated 22 August 2006.
- 6) Prior to the commencement of development a scheme of insulation to protect against noise transmission between living accommodation and bedrooms in adjacent apartments shall have been submitted to and approved in writing by the local planning authority. Apartments shall not be occupied until the measures approved in the scheme have been implemented.
- 7) Full details of the proposed means 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 and shall be provided in accordance with the approved details before the development is brought into use.
- 8) No development shall take place (including the felling, lopping, topping or pruning of trees) until the following details and schemes have been approved in writing by the local planning authority:
 - a management plan for the wooded area, including long term design objectives, management responsibilities and maintenance schedules, and shall be carried out as approved;
 - a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, and shall be carried out as approved.
 - a scheme of hard and soft landscaping including levels and excavations, trees to be retained and the method of protection during construction works in accordance with BS5837:2005, means of enclosure including boundary treatment, and surfacing materials, and shall be carried out as approved in accordance with a programme first agreed with the local planning authority;
- 9) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 10) Full 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 in accordance with the approved details to a programme to be agreed as part of those details.
- 11) Full details of the proposed coursing, external timberwork (including colouring) and windows to be used in the development (including the window style, projections, materials and colouring) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and shall be implemented in accordance with the approved details.
- 12) The bin stores and cycle stores within the development shall be erected and brought into use prior to the occupation of the apartment block and shall then be retained for use at all times that the block remains in use.