

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

19 September 2007

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

07/1674/FUL

**Townend Farm, Whitton,
Residential development of 13 no. new dwellinghouses and conversion of barn to
dwellinghouse. (Demolition of pig unit)**

Expiry Date 2 October 2007

SUMMARY

The application site lies at the northern end of Whitton Village. Its current established use is an agricultural unit and is a pig farm.

A previous application for outline planning consent for the erection of no. dwellings on land within the limits to development was granted in 2001 (App ref; 01/2197/P). A further application in 2005 to vary the time limits for the submission of reserved matters (05/1344/ARC) was approved and this application remains valid although expires on 27.06.2008.

Planning consent is sought for the erection of 13no. dwellinghouses and the conversion of the existing barn into a residential dwelling and would result in the demolition of the existing pig farm.

It is acknowledged that the proposed development would have community benefit in terms of the gift of land and monies towards the improvement of and extension to Honey Pot Woods and the removal of a 'bad neighbour, however, this does not negate the fact that there are fundamental issues in terms of the principle of development on the site in terms of the scheme being outside the limits to development and the overall sustainability of the site.

For these reasons the proposal is considered to be contrary to both National, Regional and Local Planning policies and is subsequently recommended for refusal.

RECOMMENDATION

Planning application 07/1674/FUL be Refused for the following reason(s)

01. In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the limited services within Whitton Village, which would require occupants to travel via the private car for employment, schools, retail and recreational purposes. The settlement could not meet the demand placed on it from such a development in respect to these uses and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in PPS 1 - Delivering sustainable development, PPS 3 - Housing and

PPS 7 - Sustainable development in rural areas and also the Tees Valley Structure Plan policy SUS2.

02. The proposal represents development outside the urban limits and is therefore contrary to policy EN13 of the Adopted Local Plan which states that new buildings should only be considered where it is necessary for farming or forestry operation or provided that the development does not harm the character or appearance of the countryside where it contributes to the diversification of the rural economy, is for sport or recreation or is for a small scale tourism facility.

BACKGROUND

A previous application for outline planning consent for the erection of 8no. dwellings on land within the limits to development was granted in 2001 (App ref; 01/2197/P). A further application in 2005 to vary the time limits for the submission of reserved matters (05/1344/ARC) was approved and this application remains valid although expires on 27.06.2008.

This current application differs in that it seeks a development beyond the limits to development for a total of 14 no. dwellings although full details have been provided and the design has a rural feel. An area of open space lies at the centre of the development and the applicant has offered the donation of land and £90,000 towards an extension to and improvements of the land to Honey Pots wood. If members were to approve this application then this should be secured through a section 106 agreement.

PROPOSAL

Planning consent is sought for the erection of 13no. dwellinghouses and the conversion of the existing barn into a residential dwelling and would result in the demolition of the existing pig farm. The dwellings would be arranged around a central area of open space with the main frontage onto the main road running through Whitton Village. The scheme includes a mix of dwelling sizes and types and the overall design of the development is fairly traditional in its nature.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below: -

Parish Council

The members of the Parish Council would like to encourage Stockton Borough Council to approve the application as they feel that this development would enhance Whitton in a number of ways.

Councillors were very pleased to see that a mix of smaller and larger properties. They would like to see a mix of this nature in all significant developments in the area. The appearance of the proposed buildings is impressive and would complement other properties in Whitton.

If the pig unit is and its associated odour were to be removed this action would please many local people, under certain weather conditions the odour can be detected from quite a distance away.

Members are aware that the proposed development falls outside of the current limits to development, although this does not cause concern as agricultural buildings occupy the land involved and it is considered the proposed development is a suitable replacement.

Urban Design - Engineers

General Summary

From a landscape point of view this scheme is acceptable as it is located on currently developed land and has potential to provide some landscape improvements through extensions to the honey pot woods site as part of offsite contributions.

Highways Comments

Updated Comments:

Further to previous comments, a plan should be submitted showing that unobstructed visibility splays of 2.4x70metres can be achieved in both directions. In addition a plan showing adequate forward visibility should also be submitted for consideration.

I have also previously requested a Transport Statement be submitted to show what effect the proposed development may have on the surrounding road network. It should be noted that this does not appear to have been undertaken. A speed survey was also requested and again this does not appear to have been undertaken.

A section 106 contribution should be requested for improved village gateway features and improved footway links into the proposed development from the adjacent highway.

The internal highway should be designed up to adoptable standards as it serves in excess of the five properties, which would allow it to be a private access. An internal footway link should be implemented around the outside circumference of the open space area.

A swept path analysis should be undertaken on the internal highway in order to ensure a refuse vehicle can safely travel along this section of highway.

Driveways should be a minimum of 6metres, (5.5metres if a roller shutter door is implemented). Parking standards should conform to Stockton Council standards.

Landscape & Visual Comments

We have no objections to this application as it based on a currently developed site which although it has an agricultural use is not an attractive site visually. Any new development in terms of housing will be screened by the woodland block planting around the site, which is currently developing and would be further enhanced by additional planting in this area as part of this application. There are also good potential benefits in landscape terms as indicated on drawing 0620/106/1-location plan indicating improvements to the Honey pot woods site. These would create a valuable contribution to the Tees forest by enlarging Honey pots wood and creating new paths through access improvements all of which will improve the community use of the area.

The following points need to addressed:

1. The boundary frontage to units 1-5 needs to be agreed and the existing conifer hedging should be removed, as this is not an attractive feature. As this is a main village entrance the boundary treatment is important. At present this appears to be a path and a soft hedge boundary would be more suitable such as continuing the hawthorn hedge to the north along this boundary to the new access road.
2. The central area should be designed with shrub planting and trees to discourage full scale ball games although smaller areas for younger children to play would be acceptable and I understand Sarah Edwards is considering title transfer of this area. A commuted lump sum should be paid towards maintenance of this site.
3. If the scheme is approved more detailed landscaping showing the extra planting in the existing tree area is required.

Northumbrian Water Limited

No objections

The Environment Agency

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

CONDITION: No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall include the means by which surface water discharges will be attenuated to no more than the existing rate. The scheme shall be implemented before the construction of impermeable surfaces draining to this system unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Environmental Health Unit

Further to your memorandum regarding the above, I have no objection in principle to the development, however, I do have some concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

Possible contamination from an old landfill site.

Northern Gas Networks

No objections

NEDL

No objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity

Cleveland Archaeologist Section

The development lies on the periphery of the historic medieval village of Whitton. I do not expect archaeological remains to survive here, particularly given the use of the site as a farm throughout the 19th and 20th centuries.

I therefore have no objection to the works and no further comments to make.

Natural England

Based on the information provided, Natural England has outstanding concerns regarding the proposal at this stage as it considered that further information should be provided with the application to demonstrate whether or not the development would have an adverse impact on species especially protected by law.

Spatial Plans Officer

There is an existing planning permission for 8 dwellings which I understand to be extant on part of the land identified by the applicant for this proposal. I understand that the existing permission does not breach the limits to development for Whitton. The new development proposal would breach the limits to development for Whitton. The new proposal is an increase of 6 dwellings over and above the existing number of dwellings that is approved. The corollary is that approval of the proposal would represent a breach of two of the fundamental principles that govern the Council's approach to assessing development proposals. These are:

- Respecting the integrity of the limits to development;

- Resisting new residential development (including the intensification of existing permissions) in locations that encourage dependency on the private car (unless there is a specific justification such as an agricultural worker's dwelling).

Policy EN 13 of the Stockton-on-Tees Local Plan states that beyond the development limits, development will be strictly controlled and restricted to the categories listed. The development proposed does not fall within any of these categories. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"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".

My understanding is that the applicant contends that the following factors should be viewed as material considerations that indicate otherwise:

- The proposed development would wholly eradicate a use that conflicts with residential amenity (a pig farm);
- Land would be donated to the Council;
- A sum of £90,000 would be donated to the Council for the planting and maintenance of land.

With regards to the eradication of the pig farm I would point out that the implementation of the existing permission would partially eradicate the pig farm. The eradication of the remaining units does not have to be dependant on obtaining planning permission for their replacement with dwelling houses. I would further point out that agricultural uses, such as pig farms, are an intrinsic part of the rural economy and an integral part of country life.

A representor has made a case through the LDF process for the alteration of the limits to development at Whitton to include the whole of the pig farm. I believe that the LDF process is the correct forum for this case to be pursued. It is not the legitimate function of the development management process to, in effect, alter limits to development other than in exceptional circumstances.

With regards to the offer to donate land and money, this might be construed as, in effect, an attempt to "buy a planning permission". Any applicant of existing sufficient means, or able to anticipate a sufficient capital gain as a result of obtaining a planning permission, could potentially offer money as a *quid-pro-quo* for obtaining a planning permission that would not otherwise be granted because of a conflict with policy. I consider that this would be setting a wholly undesirable precedent.

I would draw your attention to work that the Council has undertaken to assess the sustainability of the villages in the Borough. The work shows that Whitton has minimal facilities to support further development. In this context I would also highlight the following comments made by the Inspector in dismissing an appeal against the refusal of planning permission for 2 dwellings on a site that already had an existing extant permission for 1 dwelling:

"... the harm it would be likely to cause to objectives to reduce the need to travel by car, set out in both the Tees Valley Structure Plan and national guidance. I have concluded that this alone justifies dismissal of the appeal ..."
(APP/H0738/A/06/2020671/NWF).

In conclusion, I consider that the proposal strongly conflicts with the Council's well-established approach to considering development proposals. The limits to development are set out in the

Local Plan. An intensification of the existing permission would conflict with one of the key drivers of national and regional policy (reducing car dependency). I do not consider that the merit of comprehensively eradicating the pig farm is a material circumstance of sufficient weight to indicate that the determination of this application should be inconsistent with the development plan. Nor do I consider that offering the Council money is a material circumstance for setting aside the development plan. If the applicant contends that Whitton can support an extension to its limits to development then this should be pursued through the LDF process.

Care for your Area

In response to your comments from a spatial planning standpoint, this section would support the proposals and do believe that it does support the enhancement and development of the community forest area, a Planning policy objective. The enlargement of Honey Pots Wood and countryside linkages (through access improvements) would be beneficial to the area. The applicant and land agents (& the Parish Council) were made fully aware that any discussions in regard to these improvements were outwith any planning approvals, that Spatial Planning would have policy objections to the scheme and the matter would need to be considered in detail by the Council's Development Control section.

PUBLICITY

Neighbours were notified and any comments received are below (if applicable): -

B S Satya Vadanam - Southlands' Whitton

The proposed development is too vast for a small village with no facilities. This would also increase the traffic which is already considerable, posing a risk to pedestrians and animals. The scale could be reduced to say, 6-8 residences.

Mr and Mrs Cook – Elms Cottage, Whitton

Support the application as the village has become stagnated over the last 20 years with no new housing, the proposal is a bold new concept with a sympathetic attitude towards local amenities.

A letter has also been received from the applicants planning consultant and is detailed in full below;

Please can you thank Simon Grundy for letting me have a copy of the consultation response from Matthew Clifford of your Planning Policy Section for the above application.

The relationship of the proposal to the limits to development in the adopted Local Plan was a point discussed at length with the Council's former policy officer Neil Cole and subsequently with Andrew McMillan. In October 2004 on the request of Mr. Cole, we submitted full representations on behalf of the applicant to seek to change the limit to development in the Local Development Framework to correct "the anomaly" and bring the limit into line with existing physical built development.

At that time we were advised that development limits would be considered at an early stage in the LDF process. We are now advised that the Regeneration Development Plan Document, which will ONLY ask the question if development limits are appropriate, will be the subject of a six week consultation process in September 2007 and this will be followed by a consultation period on Issues and Options at the end of September.

As the issue of the anomaly appeared to be so obvious, Mr. Tinkler was content initially to go along with the Local Development Plan process and to seek to change the new plan to be consistent with

existing development on the ground at the pig unit before applying for planning permission. Two items have changed this and these have led to the current application, these reasons are firstly: -

- The time factor – we started negotiations with the Council on the Local Development Framework early in 2004. At that stage we submitted full and reasoned written arguments in the form of formal representations to the effect that the existing plan contained an anomaly, which could reasonably be corrected in the new plan.

We had useful meetings with Mr. Cole in mid 2004 which led my client to consider that the new plan may well take on board our reasoning that the limits could be changed in the LDF to reflect the pattern of development on the ground.

We took this forward with Mr. McMillan when he took over from Mr. Cole, however we increasingly became concerned that we had had no written response from the Council.

It is now 2007 and we are informed that we will only now be reaching the public consultation stages on the Regeneration Development Plan Document and the Issues and Options in mid and end September 2007. Your Planning Policy staff have confirmed that we are to be formally consulted on both documents but time ticks by and with two six week consultation stages responses to be processed and analysed, my client sees 2008 arriving with no progress on the LDF approach. This brings the second reason into the field, namely,

- The time for needing to renew the existing planning permission for residential development on part of the unit is approaching, given the extended length of the LDF process, we saw this as the trigger in time to make the application and to allow the Council to consider the anomaly through the planning application process.

Regarding the views of your policy officer we have demonstrated that we have full and apt respect for the Local Planning process, it is however too difficult to have respect for the “integrity of the limits to development” for this part of the village of Whitton when the line drawn in the adopted plan is “anomalous” and not based on any physical features on the ground. I can see no sound reason why the line as drawn in the plan should only include an arbitrary section of what is quite clearly on the ground one integral unit and this is the point which has fully and consistently been made to your planning policy section since early 2004.

Regarding the point in the consultation response from Matthew Clifford to Simon Grundy on locations that encourage dependency on the private car, this is answered fully in the Design and Access statement submitted with the application. This end of Whitton is within easy walking distance of Stillington (959 metres) which is a large village which has a robust range of social and community facilities and there is also a frequent bus service.

We have included in the layout a percentage of housing at the lower end of the housing market to attract, for example, local young couples or older people who wish to stay in the area and who need reasonably priced accommodation. Local people who are used to the locality, including the appellant and his family are familiar with and content with the access to the facilities in Stillington by other modes than the car.

I consider that the quotation from Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is entirely relevant as this is quite clearly the case for this application that material circumstances do “indicate otherwise.” I see these material circumstances to be as follows, I am excluding the donation of land and the sum of money deliberately from the list for a very sound reason.

- The development limit in the adopted plan is incorrect in that it bears no relation to physical features on the ground or existing built development. This is a valid and important material consideration.
- The application presents an opportunity to deal comprehensively with a pig unit which gives rise to environmental objections, affects residential amenity and allows for new residential redevelopment in a manner which improves the amenity of the area, reduces traffic on the highway and provides reasonably priced accommodation for local persons.
- There is a valid unexpired planning permission on the land, which deals with the problem in a piecemeal fashion, leaving areas of former pig unit unresolved. The new approach of the comprehensive scheme for the entire area is in the public interest and is supported by local persons who live in the locality.
- The proposal would improve the visual amenity of the village and the countryside.

I will let the villagers of Whitton comment on pig farms being “an integral part of country life.” The nearest receptor to the unit is the appellant and his family and they have the sincerest wish to eradicate it, but this can only be accomplished if development generates income which allows him to loose what is an essential part of his farming enterprise. You will note that there are very few pig farms left in villages, most have been redeveloped for housing, which is generally welcomed, by both locals and the applicants.

This aptly brings me to the second and third bullet points in Mr. Clifford’s response and his first paragraph on the second page. Firstly this application will not be the first to present a precedent as the Council has already created that precedent in the applications for Betty’s Close Farm at Ingleby Barwick and the application at Belasis Avenue, Billingham.

I confirm that I was not involved with the negotiations with the Council on this matter and that the offer was made against my written advice to my client. My understanding of how the current offer to the Council was made derives from information received from my client and Sean McLean, his architect.

It would help me if we could address this matter again and my client, Sean McLean and I would welcome the opportunity to meet with you before the application is considered by Members. It is my understanding that commuted sums are required to enable the Council to provide facilities off site when an application is deficient in on site provision. With regard to the application the subject of this submission I consider that the amount of provision of amenity space in the application is adequate and I do not understand why a commuted sum is required at all.

I strongly object to the allegation that my client is in effect attempting to “buy a planning permission.” Mr. McLean and my client informed me that Sarah Edwards of your Council asked my client to donate land in lieu of a commuted sum to provide for a community forest and then asked again for a further sum of money to execute the planting of the forest.

The offer was made at the instigation of and as requested by your Council and it was not in any way instigated by my client.

I have set out in this letter the material considerations as to why planning permission could be granted and I consider that these are strong enough for your Members to make an informed decision on the application before them.

I would therefore welcome clarification and your views on how and why the commuted sum and the offer of land were requested by officers from your Council before this matter is decided on by Members.

I will ring you in the next few days to arrange hopefully a mutually convenient time to discuss this matter and the progress of the planning application with you.

PLANNING POLICY

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

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

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 EN 6

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 EN 11

The planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the local planning authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site, together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the local planning authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

Policy EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or

- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

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 Statement 1: Delivering Sustainable Communities; Planning Policy Statement 3: Housing; Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Guidance 13: Transport are also considered to be relevant to this decision.

SITE AND SURROUNDINGS

The application site lies at the northern end of Whitton Village. Its current established use is an agricultural unit and is a pig farm. Associated buildings dominate the site and some of these buildings lie outside the limits to development (see appendices).

Open fields lie to the north, east and west of the site, with residential properties of Whitton Village lying to the southwest of the site.

MATERIAL PLANNING CONSIDERATIONS

Principle of Development;

The application site lies partly within the defined limits to development and partly outside the limits to development, although at present the full extent of the agricultural development does extend beyond the development limits and the proposal does not seek to go beyond the current developed area. Given that the residential development would fall outside the limits to development and that this is not for agricultural or forestry purposes the proposal is contrary to Policy EN13 of the adopted Local Plan.

The determination of this application is therefore subject to policies GP1, EN6, EN11, EN13, HO3 and HO11 of the adopted Stockton on Tees local plan

Part of the application site also has the benefit of an extant outline planning consent for 8no. dwellings, although wholly within the limits to development and this is a material planning consideration.

Sustainability of the site;

Planning Policy Statement 1: Delivering Sustainable Communities and Planning Policy Statement 7: Sustainable Development in Rural Areas, state that development should be focused in or near to local service centres and other facilities can be provided close together ensuring these facilities are served by public transport ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Similarly PPS3 and PPG13 encourage housing to be located in areas that help create sustainable patterns of development by reducing car dependence to access local services. Within rural areas housing should be located where there is further capacity within the existing infrastructure of the rural market towns or villages, to accommodate additional dwellings.

In June 1999 the Planning Inspectorate dismissed an appeal for 4no. residential dwellings in Redmarshall (Appeal Ref T/APP/H0738/A/99/1018576/P4), Stockton on the basis that the site was an unsustainable location given that Redmarshall is a small village with few services or places of employment and it is likely that the occupants of the proposed houses would have to travel to Stockton or beyond to work.

Furthermore a further appeal in 2007 (Appeal Ref APP/H0738/A/06/2020671/NWF) for the erection of 2no. dwellings (a total increase of 1 dwelling) within the village of Hilton was dismissed by the planning inspectorate on a similar basis given that potential residents would have to travel outside the village for most day-to-day activities.

Whilst it is acknowledged that outline planning consent exists for 8no. dwellings on the site, this current proposal seeks to expand on that development. Given that Whitton village does not have a school, a convenience shop or any notable employment or play areas for children and the nearest area for these facilities (Stillington) lies approximately 1km from the application site future residents of the development are considered likely to travel by car to the nearby settlements of Stockton, Middlesbrough or Sedgfield for employment, shopping education or leisure uses.

National planning guidance encourages sustainable forms of development and encourages developments in rural areas to be located in proximity to a range of local services. Given the similarity of Whitton to both to Hilton and Redmarshall villages and the planning inspectorates previous decisions the proposed development is considered not to be a sustainable location and is therefore contrary to national planning guidance and policies SUS2 and H1B of the Tees Valley Structure Plan.

Community benefit;

The provision of additional land and monies towards the improvement and expansion of the adjacent Honey Pots woods is made in lieu of sufficient open space for the proposed development. Policy EN11 of the adopted Stockton on Tees Local Plan encourages the planting of trees and the creation of new woodland within the Community Forest Area, the development of the site would lead to the Council being gifted land and money towards planting woodland and expanding Honey Pots wood and would clearly help achieve the aims and objectives of Policy EN11.

Character of the area;

The overall layout of the proposed development is considered to benefit from taking in the land which lies outside the limits to development in that it would provide a high quality environment and a level of open space for the proposed development.

The design of the dwellings and the range of house styles is considered to be acceptable, would provide an attractive frontage at the entrance of Hilton Village and would fit into the rural character

of the village. The proposed development is therefore considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan in this respect.

Amenity;

Distances between the proposed dwellings are well in excess of the Council's minimum standards and would not result in any levels of amenity or privacy that would justify a refusal of the application. Equally it is considered that there is sufficient formal and informal amenity space within the development for the future residents and the development is considered to be in accordance with policy GP1 and HO11 of the Local Plan.

The development of the site would also mean that a 'bad' neighbour is removed from the site and under certain weather conditions may improve the amenity of surrounding residential properties. However, it should be noted that under the extant outline approval granted this may also be achieved.

Considering all of the issues it is viewed that the proposed development would not have a detrimental impact on the amenity of the neighbouring properties and that future residents of the development would have acceptable levels of amenity and privacy. The proposal accords with policies GP1, HO3 and HO11 of the adopted Local Plan in this respect.

Impact on protected species;

Natural England have requested a Bat Survey due to the conversion of the of Barn, this has been completed and confirmation is required as to whether the proposal will have a detrimental impact on this protected species or not.

Access and Highway Safety;

The Head of Technical Services has commented that a plans needs to be supplied showing site lines of 2.4m x 70m and for a transport statement, although this information has not been supplied no objection has been raised to the proposed development.

A section 106 contribution has been requested towards improved village gateway features and improved footpath links, although no indication of the sum of money required has been indicated

Comments have also be raised in relation to drive length and the need for roller shutter doors where this is less than 6 metres, as this can be addressed via a planning condition it is not a significant consideration are part of the application.

CONCLUSION

It is acknowledged that the proposed development would have community benefit in terms of the gift of land and monies towards the improvement of and extension to Honey Pot Woods and the removal of a 'bad neighbour'. Equally whilst the finer details of the proposed development may be acceptable and in accordance with Local Plan Policies this does not negate the fact that there are fundamental issues in terms of the principle of development on the site in terms of the scheme being outside the limits to development and the overall sustainability of the site.

For these reasons the proposal is considered to be contrary to both National, Regional and Local Planning policies and is subsequently recommended for refusal.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

**Ward
Ward Councillor**

**Western Parishes
Councillor F. G. Salt,**