

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10th OCTOBER 2007

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

07/2442/FUL

Wainstones, 18 Leven Road, Yarm

Erection of 5 no. detached dwellings (demolition of existing dwelling)

Expiry Date: 11 October 2007

SUMMARY

The application site is a large detached property with a 1930's design. The dwelling is situated off Leven Road, Yarm and is set back from the road by approximately 35 metres. Planning consent is sought for the demolition of the existing property and the replacement of this building with 5 large dwellings and associated garages positioned within the boundaries of the existing site.

It is considered that the proposed development is visually acceptable and will not have a significant impact on the neighbouring properties amenity or highway safety so as to justify a refusal of the application.

Concerns over the loss of Wainstones are appreciated although there is no justification to refuse the application on this basis; consequently the application is viewed to be in accordance with policies GP1, HO3 and HO11 of the Local Plan and is recommended for approval.

RECOMMENDATION

Planning application 07/2442/FUL be approved subject to the following conditions; -

Approved Plans

Materials

Drainage

Site levels

Finished floor levels

Construction Hours

Details of service excavation route

Landscaping

Hard landscaping

Tree Protection measures

Protected species

Full details of the appropriate conditions will be provided in an update report

BACKGROUND

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dwellings with associated garaging and parking was submitted for consideration in April 2005 but was subsequently withdrawn by the applicant.

This revised scheme (05/2866/OUT), which sought outline planning consent for 7no. dwellings, was submitted in October 2005 and sought to try and overcome some of the previous issues raised in relation to the application 05/0990/FUL. The application was subsequently refused for the following reasons.

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

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

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

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

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

The previous application (05/2866/OUT) was also dismissed by the Planning Inspectorate (for the full decision see appendices) although not all the reasons for refusal were upheld. In considering the appeal the Planning Inspectorate considered that the appeal for the 7 dwellings should be dismissed due to the impact on the character of the area and amenity of the residents at No. 20 Leven Road.

PROPOSAL

Planning consent is now sought for the erection of 5no. dwellings although still included the demolition of the existing dwelling. The proposed dwellings range between 4-6 bedroom properties and the design takes influence from the 'arts and crafts' style of the existing Wainstones property.

The access remains off Leven Road although has now been moved into the centre of the site to address the impacts of the access road on the residents of No. 20 Leven Road.

CONSULTATIONS

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

Local Ward Councillor – Andrew Sherris

Once again I object to this application and would remind residents to look back at Stockton Planning Committees original refusal of the previous application and also the subsequent dismissal of the appeal.

1. Loss of an individual house that provides a visual amenity to the area.
2. Impact on neighbouring properties both Leven Rd and Hemingford Gardens.
3. Implications for highway safety and extra generation of traffic with further possible 15-20 vehicles.

Yarm Town Council

I have been instructed by Members of Yarm Town Council to object to the proposed application as follows: -

- i) No 18 Leven Road is an important example of between-the-wars domestic architecture. It would more appropriately be the subject of Listing rather than the threat of demolition. It is part of the area's architectural heritage and an asset to its built environment. The threat to demolish it is nothing less and blind vandalism.
- ii) There is also the also the question of the need to preserve architectural integrity and scale of the properties along the whole of Leven Road. Although varied in both date and style, they blend well together in a symbiosis that every effort should be made to retain.
- iii) However, while Members are implacably opposed to the demolition of No. 18 and for the substitution in its place of flats as previously suggested or the squashing-in of five houses as in the present proposal, they would consider as potentially acceptable (subject to a detailed application) the building on some of the land belonging to No. 18 of an individual house or at most two houses, of a size and design sympathetic to the atmosphere of the rest of the road, while retaining No. 18 as is.

CE Electric UK

No objections to the proposed development although draw the developers attention to the Health and Safety Executives publications on working in and around electricity.

Northern Gas Networks

No objections

Northumbrian Water Limited

No objections

Urban Design

General Summary

The application is acceptable in principle subject to minor variations in the layout to retain existing trees. We consider that in highways terms the scheme is acceptable as the car parking access to drive will still provide exit in a forward gear however we recognise that moving the building forward may have an impact on the building line and as such may have other planning implications.

Highways Comments

I have considered the information that has been provided by the applicant and visited the site.

The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I comment as follows: -

The proposed site will be accessed from Leven Road via a private driveway, which is in excess of the maximum 25metres recommended in the Council's Design Guide and Specification. The new driveway will be offset from the junction of Leven Road / Woodlands Drive by 11.8m and this is considered acceptable. Leven Road is an undulating road with a 40mph speed limit. To ensure vehicles can exit from the site safely, a clear visibility splay of 2.4 x 90 metres needs to be achieved, taking into account the vertical aspect of the visibility splay. Visibility must be unobstructed above a height of 600mm within the visibility splay wherever the potential exists for conflicts between motorists and young children (Design Guide and Specification).

A 5-bedroom property requires 4 incurtilage car parking spaces and I would have no objection to this application based on parking requirements subject to the 4 car parking spaces being provided to Design Guide standard. However, the garage and hard standing parking area for Plot 2 is in an unsuitable location, the distance between the property and the parking area is unacceptable. The location of the garage should be relocated so it is a similar distance adjacent to the property as indicated for Plots 1,3,4 and 5.

The vehicular impact on Leven Road, as indicated by the previous planning appeal decision, is acceptable for 5 dwellings.

Internal footways should be at least 1.8m wide (Design Guide and Specification) measured between restraints. The internal access road should be a minimum of 4.1m wide (Design Guide and Specification).

It is suggested that the developer contributes approximately £20 000 in the form of a S106 agreement towards a reduction in speed limit and associated traffic calming on Leven Road as the development is an over intensification of an existing access that does raise concerns about highway safety.

If the applicant takes into account the above comments I have no objections to this application in highway terms.

Landscape & Visual Comments

The site comprises of a single property with substantial planting to the boundaries.

The retention of the existing planting to the boundaries is crucial to the screening of the development from neighbouring properties. In its current layout of the dwellings would have a direct affect on the root structure and canopy spread of this planting and lead to removal of trees. It is also likely that any future owner of the dwelling proposed on the North West corner of the layout would wish to prune the boundary planting to prevent shading of the dwelling. To this effect the proposed dwellings on the top North West should be moved away from the boundary planting by at least 4 metres or as far as the individual site boundaries allows. It is noted that the building in the southwest corner cannot be relocated to retain the existing tree, which will open views of the new development from the neighbouring houses. Foundations to be designed to accommodate tree roots.

A mature conifer hedge is located along the far rear boundary, which is proposed for retention. The hedge provides an excellent all year round visual screen between the development and the properties behind. As a result, the hedge should be protected during the construction period.

All trees and hedges within the site and adjacent to the site should be fully protected in accordance with BS 5837: 2005 Trees in relation to Construction and the applicant should note that:

- No changes in levels within the branch spread of the trees will be allowed – a line and level survey should be submitted to demonstrate this.
- Where tree roots are encountered only hand digging will be allowed.
- Compaction to the root spread of the tree must be avoided and protective fencing should be erected around the canopy spread of all trees.
- No storage of materials will be permitted within the branch spread of the trees.

Excavations for any new service runs into the site must be located outside of the tree protection zones. Services must be routed away from all retained trees to prevent severance of roots during the excavation of trenches. Where this is not possible approved trenching methods shall be in accordance with NJUG10. Routes to be provided for our consideration prior to excavation.

The soft landscaping details as indicated within the Landscape Plan (drg no 0727.01) are acceptable in principle. However additional tree planting is required along the road frontage.

Overall, I have no objection to the application on landscape and visual grounds; however details of the hard landscaping proposals, boundary treatments and tree protection are required. Full details should be provided to the following minimum standard:

- A. A detailed landscape plan for hard construction indicating materials and construction methods.
- B. Boundary treatment details.
- C. Protection measures for retained trees to ensure that no damage occurs during the clearance and construction periods. The protection area must exceed that of the individual tree canopies and be in accordance with B.S.5837: 2005 Trees in relation to Construction. Full details of the tree protection measures should be submitted for approval and should be erected, to the satisfaction of the council, prior to any works commencing on site.

Please contact Sarah Edwards regarding a section 106 contribution towards open space.

Built Environment Comments

No comment.

Campaign for the Protection of Rural England (CPRE)

I refer to the above application, which yet again is proposing to demolish this prominent Arts and Crafts style building, which has been academically stated by professional experts to be a “unique regional example”

At the meeting that was organised by myself in March 2006 including ward Councillors, Parish Councillors, the Local MP (who at the last minute had to call off), CPRE, representatives of two residents groups, the Head of Planning, the Deputy Head of Planning and the Historic Buildings Officers amongst others, it was agreed by everyone that the best way forward would be the implementation of a local list. In June of 2006 we, amongst others, were given only a few weeks to submit our nominations for this list. This we did, however in advance of this we had already, along with other organisations, nominated “Wainstones” on the official form. The application was supported by expert witnesses Linda Polley, Dr Faulkner and the 20th Century Society. On page LL2 chapter 11 Local List of Building it states “The Council will have to be satisfied that the benefits of the demolition and subsequent development far outweigh any losses in the local public interest. The Council will adopt a presumption in favour of retaining the building, and therefore demolition will only be permitted where the replacement development is of equal or greater quality.

This could hardly be clearer. Yet the fact of the matter is that 16 months on, the Local List is still not up and running. Our application was submitted in advance of (A) your recommendation to reject the previous application (B) the unanimous vote to reject it and (C) the Appeal Inspector’s upholding of the Council decision.

In Sean McLean’s submission he states “the Appeal Inspector’s report on the previous application expressed sympathy for the loss of the building from the street scene of Leven Road but accepted that the retention of the building was not of sufficient importance to stop redevelopment of the site”. This is disingenuous in the extreme what he does not mention is that the Inspector also stated “Whilst presently it may be under consideration for inclusion on a local list of buildings of interest, it

does not have any current statutory protection from demolition” This is the clearest possible guidance that if the building had been locally listed he would have been able to consider the desirability of retaining “Wainstones” per se.

Sixteen months is more than sufficient to have the list completed and operating and given the background detailed above it is not acceptable that this has not happened. In a telephone discussion with the Historic Buildings Officer 6 weeks ago, I was told that it was a matter of priorities and promised a reply by the 23rd July. This was not forthcoming and despite two chase-up phone calls, until today I had still not received any response. Finally following a conversation with the Deputy Head of Planning I received a phone call stating that nothing had changed. This is also not acceptable. I would remind you, all of this took place before this new application was lodged. We therefore officially request that this building, which is under direct threat of demolition, is locally listed immediately. Obvious candidates such as “Wainstones” and “Southlands” could be listed immediately and more controversial buildings could be added in due course. I would also add that control of priorities lies solely yourselves, as does the responsibility for protecting building of this quality. It is definitely not acceptable that such a building is at risk because of administrative problems within the Planning Department.

PUBLICITY

Neighbours were notified and comments received are summarised below: -

A total of 129 objections have been received in relation to the proposed development, the main points of objection are summarised below. 1 letter of representation has also been received.

Impact on character of the area

Loss of Wainstones would be to the detriment of the area

Density of development not in keeping with the area

Reasons for the dismissal of the appeal remain valid

Proposed dwellings are large and imposing

Collection of refuse would cause a safety problem

Loss of privacy to neighbouring properties

Loss of daylight to neighbouring properties

The site is not in the spirit of ‘brownfield’ land

Properties located close to boundaries of the site

Issues of drainage and surface water run off

De-valuation of surrounding properties

Scale of development is out of proportion with surroundings

Loss of existing trees

Development does not accord with distances laid out in SPG No.4

There is no shortage of housing within Yarm

Amenity of future residents would be at a lower standard than could reasonably be expected

Impact on the living condition of neighbouring residents

Neighbouring residents will suffer from increase noise and disturbance

Creation of precedent for other owners of large properties

Over-development/crammed form of development on the site

Impacts on pedestrian/highway safety

Increase in traffic

The development does not accord with PPS3 in that it does not contribute positively to the area

Representation

No survey work has been carried out on local service facilities i.e. Northumbrian Water with reference to water supply/pressure and drainage.

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 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 3 – Housing, is also considered to be relevant to this decision.

SITE AND SURROUNDINGS

The site is a large residential property built in the 1930's. The site has a large rear garden and is set back from Leven Road by approximately 35 metres. No.'s 16 and 20 Leven Road are also large residential properties and surround the site to the west and east respectively. A modern residential development of detached properties can be found to the south of the application site, although presently a large belt of Leylandii trees reaching approximately 10 metres in height can be found on the southern boundary.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of development;

The application site is classed as residential curtilage and is therefore classed as 'previously development' land as defined in national Planning Policy Statement 3 - Housing (PPS3). Therefore the development for additional housing on the site meets the Government's aims of providing better and more efficient use of land.

As the site lies within the defined limits to development as shown on the adopted 1997 Stockton on Tees Local Plan proposals map, the principle of residential development is therefore accepted and the proposed development is therefore assessed against policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

Character of the area;

Within the Leven Road area there are a mixture of dwellings sizes, types and styles and the area has no definitive style or character such as can be seen along the High Street. The design of the proposed dwellings is considered to be acceptable within the location and pays some respect to the existing building. It is therefore not considered that the proposed dwelling will have a detrimental impact on the visual amenity of the area and the development is on balance considered to accord with policies GP1, HO3 and HO11 of the adopted Local Plan.

Many of the objections received have made comments over the impact that the removal of the existing dwelling would have on the character of the area and requested that the existing building is retained as it plays an important role within the street scene. Advice and support of the buildings retention have also been provided from lecturers of nearby universities. English Heritage has recently considered a listing request and have stated that whilst the building may have some regional significance the existing 'Wainstones' building is not special enough nationally, to justify a listed building status.

Whilst nominations have been received for 'Wainstones' to be placed on the 'Local List', the Council has not been in a position to consider the various nominations for local listing and acknowledge the support for the retention of the building. However, at present the building has no statutory protection and it must be recognised that even being placed on the local list would not afford any statutory protection. Given the above it is considered that it would be appropriate to refuse the application on this basis.

Amenity;

The proposed dwellings are orientated away from the neighbouring properties and where habitable rooms potentially overlook into neighbouring properties the habitable room to habitable room distances exceed the Council's minimum standard of 21 metres. Distances from the rear of the proposed dwellings to the rear of those on Hemmingford Gardens are a minimum of approximately 40 metres. The internal relationship between the proposed dwellings also exceeds the minimum standards and it is considered that the proposed development will ensure that both the existing residents and future residents of the scheme will have an acceptable level of privacy.

Throughout the site, the proposed dwellings are well spaced from neighbouring properties and should not result in a significant loss of daylight to the neighbouring residents. Indeed at present 'Wainstones' is set back into the site and it would result in some loss of daylight to the neighbouring property. With the proposed dwelling of plot 2 more in keeping with the position of No.20 Leven Road, very shadowing of this property should occur during the late afternoon/evening.

The proposed garden areas are a minimum of 10 metres in depth and in some instances reach 18 metres. It is considered that there is sufficient formal and informal amenity space for any future residents of the proposed development, in accordance with policy HO11 and does not represent a cramped form of development or an over development of the site.

Objections have been received in relation to the possibility of noise pollution from the development. It is accepted that during construction additional noise and disturbance is likely although this could be controlled via a planning condition. Once the development is constructed it is unlikely that the additional properties would cause increases in noise pollution that would justify a reason refusal.

Concerns over bats and impact on wildlife;

English Nature have been consulted on this application and a bat survey has been submitted with regards to the demolition of the property.

No response has been received at present although as no objections were received during the previous application subject to a planning condition and it is considered that it will be unlikely that an objection will be received in this instance.

Highway Safety;

The Urban Design unit's highways officers have confirmed that the proposed access is acceptable and in considered the previous appeal decision the planning inspector stated that the previous scheme has unlikely to have a materially harmful impact on highway safety or the free flow of traffic. The proposed development is therefore considered to be in accordance with policy GP1 in this respect.

The Council's Highways Officers have suggested that a contribution towards traffic calming should be included with an approval as a section 106 agreement. However, the Planning Inspectorate is clear in his assessment of the proposal for the 7no. dwellings are does not considered that there is a need for speed reductions given adequate visibility. On this basis it is felt that a section 106 agreement could not be justified.

Residual issues;

Issues in relation to security of neighbouring properties and drainage are not material planning considerations and therefore not reasons for refusal of the application.

Many objectors have raised the issue of creating a precedent in the area by allowing this development. However, it is argued that allowing this development would not create a precedent as similar schemes have been allowed both within this borough and the region as a whole and each proposal is considered on its own merits.

Any potential concerns over a loss of value to neighbouring properties are not a material planning consideration and cannot be considered in the determination of this application.

CONCLUSION

In conclusion it is considered that the proposed development is visually acceptable and will not have a significant impact on the neighbouring properties amenity or highway safety so as to justify a refusal of the application.

Concerns over the loss of Wainstones are appreciated although there is no justification to refuse the application on this basis; consequently the application is viewed to be in accordance with policies GP1, HO3 and HO11 of the Local Plan and is recommended for approval.

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

WARD AND WARD COUNCILLORS

**Ward Yarm
Ward Councillor Councillor J Earl**

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**Ward Yarm
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