

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 9<sup>th</sup> APRIL 2008**

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

**08/0522/FUL**

**Wainstones, 18 Leven Road, Yarm**

**Revised application for the erection of 4 no detached dwellinghouses.**

**Expiry Date: 25<sup>th</sup> April 2008**

### **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 4 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 on these grounds. However, a previous appeal decision stated that because the development would be visible from Leven Road and that it would be clear the full depth of the plot had been developed; this was at conflict with the character of the area. With the omission of plot 2 a view into the rear of the site would be provided and on this basis the previous appeal decision is relevant.

Given the previous appeal decision and the impact the proposal the 4 dwellings would have on the character of the area, the proposed development is considered to have a detrimental impact on the visual amenities of the area and is consequently recommended for refusal.

### **RECOMMENDATION**

**Planning application 08/0522/FUL to be refused for the following reason;**

***1. In the opinion of the Local Planning Authority the proposed development would by virtue of allowing views showing the full development of the plot have a detrimental impact on the character of the area, contrary to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.***

### **BACKGROUND**

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dwellings with associated garaging and parking was submitted for consideration in April 2005 but was subsequently withdrawn by the applicant.

2. This revised scheme (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.*

3. This application 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.
4. A further application (07/2442/FUL) for the erection of 5no. detached dwellings was also refused by planning committee due to the impact on the character and appearance of Leven Road, the amenities of the occupiers of nearby properties and the development not being in keeping with its surroundings.
5. The latest application was also dismissed by members of the planning committee and the appeal was dismissed due to the relationship between the development and the neighbouring properties, in particular plot 2 (now omitted) and the impacts the property would have on the residents of No. 20 Leven Road (see appendices).

## **PROPOSAL**

6. Planning consent is now sought for the erection of 4no. Dwellings although still includes the demolition of the existing dwelling, it is proposed that an application for plot No. 2 be subject to a future planning application. 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.
7. The access remains off Leven Road and retains its position in the centre of the site.

## **CONSULTATIONS**

### **Urban Design Engineers**

I refer to your memo dated: 7 March 2008

Reference drawing no: Proposed Site Plan - 0760/02 A

#### General Summary

Urban Design has no objection to this application, subject to the comments below.

#### Highways Comments

This revised application represents a resubmission of the previous application (07/2442/FUL), the only difference being the omission of plot 2 from this proposal. As such, previous comments still apply:

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 Council's 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. .

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).

I note the previous appeal decisions and comments regarding highway safety, however, this development is an intensification of an existing access and does therefore raise concerns about highway safety. 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.

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

#### Landscape & Visual Comments

This revised application represents a resubmission of the previous application (07/2442/FUL), the only difference being the omission of plot 2 from the proposals.

I therefore reiterate our previous comments which still apply to this application:

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.

Several of these existing trees and shrubs though along the boundaries will be affected by the development, resulting in the removal of some and damage to others due to the close proximity of the dwellings.

The developer should ensure that the foundations are designed to accommodate the affects of 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.

With reference to the planting proposals, significant tree planting will be required along the frontage with Leven Road and also along sections of the boundaries of the site to ensure screening of neighbouring properties is maximised.

Overall, I have no objection to the application on landscape and visual grounds; however details of the hard and soft 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. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
- C. Boundary treatment details.
- D. 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.

**Northern Gas Networks**

No objections

## **Northumbrian Water Limited**

No objections

## **Natural England**

There is no information within the consultation documentation relating to Natural England's remit upon which we can provide advice, and we are unclear as to why we have been consulted.

If the Local Planning Authority believes that there are issues within the above proposal which may relate to Natural England's remit, they should provide the necessary information for consideration.

## **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) Although the developer has reduced the number of proposed dwellings from 5 to 4, the actual plot size of the proposed development has also been reduced and therefore the proposal still presents an over development of the site.

## **PUBLICITY**

Neighbours were notified and comments received are summarised below:-

A total of 71 objections have so far been received in relation to the proposed development, the main points of objection are summarised below.

Impact on character of the area

Loss of Wainstones would be to the detriment of the area

Loss of privacy to neighbouring properties

Loss of daylight to neighbouring properties

Inconsistency between developments now plot 2 has been removed

Property should be placed on the local list

Issues of drainage and surface water run off

Impact on the living condition of neighbouring residents

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

Precedent for similar developments

## **PLANNING POLICY**

8. 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**

- 9. 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 Leylandi trees reaching approximately 10 metres in height can be found on the southern boundary.

**MATERIAL PLANNING CONSIDERATIONS**

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

**Principle of development;**

11. 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.
12. 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;**

13. 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 Yarm 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 and this is reflected in the recent appeal decision.
14. 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.
15. Whilst nominations have been received for 'Wainstones' to be placed on the 'Local List', the Council are currently in the process of working towards considering the various nominations for local listing and acknowledge the support for the retention of the building. However, at present the building has no statutory protection and even being placed on the local list would not offer any statutory protection.
16. However as part of the planning inspectorates decision for the outline application for 7no. Dwellings it was considered that the proposed development would be readily apparent from Leven Road, and given the development of the plot along its depth this would be in direct conflict with the character of the area. Given that plot 2 is being omitted from the scheme this would provide views into the site and would show development along the full depth of the site, given the previous appeal decision the proposal as submitted is considered to be in conflict with the character of the area and is contrary to Policies GP1, HO3 and HO11 of the Local Plan.

**Amenity;**

17. 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 exceed 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.

18. The proposed garden areas are a minimum of 10 metres in depth. 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.
19. The most recent appeal decision considered that the layout of the proposal was acceptable and would not have a detrimental impact on the amenity of the neighbouring residents with the exception of plot no.2. Given that plot no. 2 has been omitted it is considered in line with the recent appeal decision that the proposal would not result in any significant loss of amenity for the surrounding residents so as to justify a refusal of the application.

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

20. English Nature have been consulted on this application, a bat survey was been submitted as part of a previous application with regards to the demolition of the property.
21. 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;**

22. 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.
23. 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 outline proposal for the 7no. Dwellings that he does not consider 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;**

24. Issues in relation to security of neighbouring properties and drainage are a material planning considerations, however, Northumbrian Water have raised no objections and it is therefore considered that there is no justification for a refusal of the application.
25. 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.
26. 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**

27. In conclusion whilst 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, there are concerns over the impact of the development on the character of the area given that views across the full depth of the plot would be provided.
28. On this basis, and following the previous appeal decision the application is considered to be contrary to policies GP1, HO3 and HO11 of the Local Plan and is recommended for refusal.

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

**Financial Implications.**

None

**Environmental Implications.**

As report.

**Community Safety Implications.**

As report

**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.**

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 3; Housing

Planning Applications; 05/2866/OUT & 07/2442/FUL

Planning Appeal decisions; APP/H0738/A/07/2036383 & APP/ H0738/A/07/2057838

**WARD AND WARD COUNCILLORS**

**Ward**

**Yarm**

**Ward Councillor**

**Councillor J Earl, Mrs J. Beaumont and A B L Sherris**