

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

13 January 2010

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

09/2990/REV

Fairfield and District Association Institute, Bishopton Road West, Stockton-on-Tees

Revised application for erection of 3 No. terraced houses and 1 pair of semi-detached houses.

Expiry Date 2 February 2010

SUMMARY

This revised application seeks planning permission for the erection of 3 terraced houses and 1 pair of semi detached dwellings (5 dwellings in total) on land off Manor Place, Stockton. The proposed development is on the site of the former Fairfield and District Association Institute, which is currently vacant and would be required to be demolished in order to allow the proposed scheme to take place.

Planning permission was refused on 3rd December 2009 (09/2227/FUL) for the erection of 3 terraced houses and 1 pair of semi detached dwellings as the density of the proposal was considered by Members to be over development of the site whilst the design and layout of the proposed scheme did not provide a high quality of built environment.

This application has been submitted to address issues raised by the refusal of the previous submission. The main revisions of this application include the addition of a dentil course of brickwork across the front elevation of the dwellings between the fenestration of the ground and first floor, the addition of stone cills and headers to the windows within the front elevation's of the dwellings, and the erection of gabled pitched roof canopies above the main entrances to the dwellings. The revised drawings also indicate the installation of 3 chimneys on the rear elevations of the dwellings. The applicant has indicated that the chimneys will be relocated to the side elevations of the dwellings so that they are visible from the front of the application site.

The application site is surrounded by residential housing to the north, south and west with the former site of St Marks Church to the east. The site is currently served off Bishopton Road West via an access which runs between two properties although the site has no frontage onto this road. The only part of the site with road frontage adjoins Manor Place. Manor Place is generally characterised by two storey semi detached properties and a mature tree lined road corridor.

At the point of the application site there are several mature street trees, including a protected Sycamore tree. This and other trees are considered to have a positive greening affect on the character and appearance of the area and worthy of continued protection.

The Head of Technical Services considers that adequate access and parking are provided and that the scale of the development is unlikely to materially affect the amount of traffic on Manor Place.

Three letters of objection have been received from neighbouring properties which seek to reiterate previous objections to the redevelopment. The main objections to the scheme relate to density, design and appearance, impact on surrounding properties and access.

It is considered that overall the proposed development is of a suitable layout, scale, design and appearance for its setting whilst provides adequate spacing from adjacent properties and provides adequate private amenity space, being in accordance with saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan, and PPS3 - Housing.

RECOMMENDATION

Planning application 09/2990/REV be Approved subject to the following conditions;

Approved Plans

- 01.** *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>8 December 2009</i>
<i>SBC0002</i>	<i>8 December 2009</i>
<i>1 OF 4</i>	<i>8 December 2009</i>
<i>2 OF 4 Rev D</i>	<i>4 January 2010</i>
<i>3 OF 4 Rev D</i>	<i>4 January 2010</i>
<i>4 OF 4 Rev D</i>	<i>4 January 2010</i>

Reason: To define the consent.

Materials

- 02.** *Notwithstanding any description of the materials in the application, no above ground construction of the dwellings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Unexpected contamination

- 03.** *In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.*

Reason: To ensure the proper restoration of the site and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Permeable hard surfacing

- 04.** *No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.*

Reason: To ensure a satisfactory form of development for surface water disposal and to comply with Policy GP1 of the Stockton on Tees Local Plan.

Levels

- 05.** *Notwithstanding the proposals detailed in the submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the LPA. The scheme shall indicate the finished floor levels of all adjoining properties. Development shall be carried out in accordance with the approved details.*

Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with saved Policy HO11 of the Stockton on Tees Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features to comply with Policy GP1 of the Stockton on Tees Local Plan.

Landscaping Scheme

- 06.** *Notwithstanding the details hereby approved, no development shall commence on site until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers and service runs. All works undertaken shall be in accordance with the approved plans. The scheme shall be completed within the first planting season following the substantial completion of the site unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity and to comply with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

Tree Protection

- 07.** *Notwithstanding the details hereby approved, no development shall commence on site until full details of a scheme of tree and root protection have been agreed in writing with the Local Planning Authority and the approved scheme has been implemented on site to the written satisfaction of the Local Planning Authority. The approved and implemented scheme shall remain on site throughout the construction phase of development.*

Reason: To ensure the existing trees on site are adequately protected as necessary in order to retain a positive contribution to visual amenity in the locality accord with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

Verge Crossing Details

- 08.** *Notwithstanding details hereby approved, the verge crossings shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*

Reason: In order to prevent undue impact on tree root zones and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Provision of Services

- 09.** *Notwithstanding details hereby approved, no development shall commence on site until a scheme detailing the line of foul and surface water drainage and other services and their associated trenches has been submitted to and approved in writing by the Local Planning Authority. Services shall be provided in accordance with the approved scheme.*

Reason: In order to prevent undue impact on tree root zones and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Hours of operation - Construction phase

10. *No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.*

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy GP1 and HO11 of the Stockton on Tees Local Plan.

Temporary car park for workers

11. *Prior to works commencing on site a scheme for a temporary car park and materials storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development.*

Reason: In the interests of highway safety in accordance with saved Policy GP1 of the Stockton on Tees Local Plan.

Restriction on windows

12. *Notwithstanding details hereby approved, there shall be no windows inserted within the side elevations of the 5 no. dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of the privacy and amenity of the occupiers of the adjoining property, and to comply with saved Policy HO11 of the Stockton on Tees Local Plan.

Removal of permitted development rights - buildings

13. *Notwithstanding the provisions of classes A, B, C, D E & F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.*

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

Removal of permitted development rights - Means of enclosure to front

14. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwellings which fronts onto the highway unless expressly approved by the permission hereby granted, without the prior written approval of the Local Planning Authority*

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area and to maintain visibility splays and to comply with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

INFORMATIVES

General Policy Conformity

The proposed development is considered to be of a suitable design for the area and of a scale which is generally in keeping with surrounding development as a result of their design and the staggered nature of properties within the immediate locality. Adequate access and parking has been provided to the satisfaction of the Acting Head of Technical Services. It is considered that the proposed development would not unduly compromise the amenity or privacy of surrounding properties as a result of the precise relationship of elevations and windows within the building and the distance between opposing elevations. It is considered therefore that the proposed development accords with the principles of saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan as well as the guidance contained within Governments Planning Policy Statement No. 3 and that there are no other material considerations which suggest the application should be determined otherwise.

Root Protection Zones

In order to protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected. As such, the following works are not allowed under any circumstances:

- * No work shall commence until the approved Tree Protection Barriers are erected.
- * No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- * No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree of within the Root Protection Zone.
- * No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- * No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.
- * No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

BACKGROUND

There are two previous refusals for development on the site;

1. 09/2227/FUL; Planning permission was refused on 3rd December 2009 for the erection of 3 terraced houses and 1 pair of semi detached dwellings for the following reason;

In the opinion of the Local Planning Authority the proposed development would be contrary to the guidance in Planning Policy Statement 3 and Saved Local Plan Policy H011 in that the proposed residential development would be at a density in excess of what could be reasonably assimilated into the area and the proposed scheme has not been designed and laid out to provide a high quality of built environment which is in keeping with its surroundings and would compromise the quality of the environment.

2. 07/1817/OUT; Outline planning permission was refused on 14th June 2007 for the erection of 8 apartments within one building and associated means of access at the proposed application site. It was considered that the proposed development would have *'an unacceptable impact on the amenities of the adjacent properties by reason of the height, bulk and massing of the building, which would adversely affect the character of the area'*.
3. The applicant's appeal of refused application 07/1817/OUT was dismissed by the Planning Inspectorate on 1st August 2008. The Planning Inspector noted that the *'design approach is heavy handed and urbanised'* and that its design features would not *'relate comfortably to the more intimate domestic scale and detailing of the dwellings around it'*. However the Inspector notes that on the basis of the submitted indicative scale of the proposal that the *'layout and overall form illustrated...would be feasible, which would be in keeping with the character and appearance of the surrounding area'*.
4. With regard to the amenity of adjacent properties, the Planning Inspectorate noted that the minimal difference in height between the proposal and the properties opposite the site, in addition to a 30m separation distance from these properties, the impact *'would not be so significant that it would dominate these properties or appear overbearing'*. The Planning Inspector therefore *'found in favour of the proposal in relation to...its effect on character and appearance and the living conditions of adjacent residential occupants'* concluding that the proposal would *'not harm the living conditions of adjacent residential occupants in terms of outlook'*.
5. However the Planning Inspectorate supported the Local Planning Authority with regard to the requirement for a commuted sum contribution to enhance off site provision of open space for recreation. The Planning Inspector concluded that the proposal *'would fail to meet national and development plan policy objectives (Local Plan Policies HO3 and HO11) to secure mitigation for the lack of outdoor play space provision and I conclude that this lack of policy compliance outweighs my positive finding in respect of the first two issues'*. The Planning Inspector therefore dismissed the appeal on this basis.
6. 09/2402/X; An associated planning application was approved on 23rd November 2009 for works to crown lift and carry out associated works to the 1 protected sycamore tree present to the front of the site along Manor Place.

PROPOSAL

7. This revised application seeks detailed permission for the erection of a pair of two storey semi-detached dwellings and 3 two storey terraced dwellings, each providing 2 bedrooms. The proposed dwellings will measure approximately 10.7m in length x 5.45m in width x 8.05m in height, having pitched gable roofs.

8. The proposed pair of semi-detached properties will be set approximately 15m from the highway to the front of the site and 4.5m from the side elevation of the residential property to the north ('The Elms'). The proposed semi detached properties are set forward of the proposed 3 terraced properties by approximately 3m and detail accesses to their respective rear gardens via pathways to the side of the dwellings.
9. The proposed 3 terraced properties will be set back approximately 16m from the highway to the front of the site and will achieve a spacing of approximately 1.5m from the side elevation of the proposed pair of semi-detached properties. Both of the end dwellings within the terrace feature rear garden access down the side of the dwellings although the middle dwelling does not have any such access and a bin store screen has been provided to the front of this property.
10. The dwellings will feature detailed design features that include the addition of a dentil course of brickwork across the front elevation of the dwellings between the fenestration of the ground and first floor, the addition of stone cills and headers to the windows within the front elevation's of the dwellings, the erection of gabled pitched roof canopies above the main entrances to the dwellings and chimneys located centrally on the side elevations.
11. Each of the proposed dwellings is provided with 2 parking spaces to the front with an associated garden area. The proposed parking spaces will be accessed by 3 verge crossings. The submitted drawings indicate that 'geo grid paviers' will be installed at the verge crossing points in order to reduce impact on tree roots.
12. An area of land exists to the southern section of the site. This is detailed as being garden area associated with the adjacent plot.

CONSULTATIONS

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

Acting Head of Technical Services

Highways Comments

13. All developments should be designed and constructed in accordance with the SBC Design Guide and Specification and SPD3: Parking Provision for New Developments.
14. 2 incurtilage car parking spaces are provided for each 2-bedroom dwelling which accords with SPD3. Manor Place serves 40 houses, all of which have the benefit of incurtilage car parking. The proposed car parking accords with SPD3 therefore there is no requirement for any further car parking to be provided. The 5 proposed 2-bedroom dwellings will produce a negligible increase in traffic using Manor Place. As each dwelling will have incurtilage car parking it is not deemed necessary to provide any parking restrictions on Manor Place.
15. Whilst it would always be preferable to provide a footway along both sides of adopted roads within residential areas it is noted that no footway currently exists on the frontage of the application site and existing residents of Manor Place use the existing footway on the west side of the estate road. The continued usage of this footway for existing residents and for future residents associated with the

application is deemed to be acceptable. It is also noted that it is impractical to pursue a footway option as there can be no tie in with the adopted highway on Bishopton Road West due to the verge abutting 1 Manor Place being in private ownership. In addition the construction of a footway along this section of Manor Place could have a direct and adverse impact on existing and important mature trees which are protected by a Tree Preservation Order and are located within the verge that would have to be removed to facilitate a footway.

16. Concerns were previously expressed by Members regarding the lack of footway at the frontage of the development. In view of these concerns, a speed reduction scheme could be implemented for Manor Place in order to enhance highway safety in this vicinity. The cost of such a scheme is £5000 and would need to be funded by the developer.
17. Bin stores should be of sufficient size to accommodate recycling bins in addition to standard bins for dwellings that do not have direct access to the rear.
18. Due to the requirement for tree protection the applicant should agree the vehicle verge crossing construction with the S38 engineer who has agreed that the required construction methods are feasible.
19. Visibility splays of 2.4m x 43m should be available at each access, which will require vegetation to be pruned and maintained thereafter. Subject to the above we raise no objections.

Landscape & Visual Comments

20. Given the levels on the site it should be possible to allow for a no dig type construction next to the Lime tree with the root protection area (RPZ) as detailed in the Informative INFLS2 (No dig Construction) Construction Methodology and Material Near to Retained Trees by Stockton Borough Council forwarded with the planning memo.
21. As regards to the Sycamore tree there may be a requirement to dig down approx 100 mm within in the RPZ to obtain the required gradient to the highway – I have double checked with Stuart Hibbert the tree officer and this would be allowable but this must be carried with great care as follows again in line with Informative INFLS2 (No dig Construction) Construction Methodology and Material Near to Retained Trees: the following wording is particularly important
22. 'The digging that can take place within the protective zone of the sycamore tree should allow for the careful removal of loose organic matter by hand tools or preferably by 'airspade'. Any hollows must be filled with sharp sand, any digging to remove rocks or protrusions must be by hand taking care not to sever any roots over 2.5 cm in diameter. If any major roots i.e. those over 2.5 cm are encountered the tree officer should be contacted to supervise any possible removal or suggest other works'. The tree officer can be also contacted to supervise the work carried out.
23. Provided these points are followed the existing protected trees should be successfully protected during any site works.
24. Informative on tree protection, no dig and surfaces next to trees are provided at the end of this memo after the condition wording.

Northern Gas Networks (summarised)

25. United Utilities has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

26. PUBLICITY

27. Neighbours were notified and to date 3 letters of objection has been received from the neighbouring residential property of the Elms and No's 15 and 33 Manor Place. Objections are based around there being minimal change to the scheme from the previous proposal which was refused. Comments raised request committee to consider the reasons given by objections in respect to previous comments which include the following;

- *The design and scale of proposed scheme is not in keeping with the character of Manor Place and adjacent properties*
- *The proposal will have an adverse impact on the protected tree and grass verge along Manor Place*
- *The proposal will lead to a general loss of amenity in terms of loss outlook, overshadowing and overbearing, and overlooking due to the proximity to adjacent properties*
- *The proposal will lead to an overshadowing of the adjacent properties of 1 Manor Place and The Elms*
- *Provision of main services to the site may damage existing trees and require the road to be dug up, affecting traffic flow into Manor Place.*
- *There is inadequate access for service vehicles to pass along Manor Place*
- *Questioned applicants pre-application consultation on neighbouring residents*
- *Building work will lead to an increase in dust, noise and general disruption*
- *The existing drainage system is inadequate and will not facilitate an additional 5 dwelling*
- *The proposed wheelie bin store to the front will introduce an incongruous feature into the street scene*

Additional comments in respect to the revised scheme as summarised as follows;

- *The revisions to the design of the proposed scheme are insufficient, are not in keeping with the surrounding area and will therefore lead to a loss of visual amenity for the surrounding area*
- *There are still issues regarding on street parking due to insufficient parking provision and the narrow width of the entrance to Manor Place, and an increase in traffic*
- *The proposal will subsequently lead to a loss of highway and public safety*
- *The proposal could be for 'low cost' housing and will reduce property value in the area*

STILL there are five houses planned to be built on the land which was agreed was far too many, STILL the building design is cheap, ugly and totally out of character to the other properties in the street, STILL the parking is an issue. Absolutely nothing fundamental and that was an issue raised by the Council has

changed. This makes a joke of the decision made by the Council and I believe that it is insulting to the residents of Manor Place and the Council to even attempt to submit these plans.

At the meeting several points were raised, the design being the main issue, the amount of properties proposed as well as the parking. Three dummy chimneys are not going to make the design any more appealing. No thought has gone into the design of the buildings, they are totally out of character for the road and also I would like to inform the developer again that this street should not be used for low cost housing. This is NOT a low cost estate; it is a place where normal, hard working people who have decided to invest their money in a nice modest property live. If we (as residents) wish to live in an area where low cost housing is not an issue, we would have chosen to do so. We are not 'NIMBYS', as one councillor put us, there are many places for low cost housing in Stockton and the Council appear to be utilising these areas, sticking five low cost houses on Manor Place will not solve any major housing problem, it will simply devalue the house prices of the existing properties.

The design has not been informed by following any lines of any property in the surrounding area, they look nothing like Manor Place, and the fact that the statement even tries to claim to enhance the existing windows, etc in existing properties should be removed as it is clearly untrue.

Also, In the application form, Part 16 'Trees & Hedges, Both of these questions regarding the trees and hedges on the site are marked 'No', surely the trees on Manor Place are influential to the development or might be important as part of the local landscape character, especially the ones on the side to be developed.

This development should ENHANCE this road not devalue it. The area of land will be built on, however if the designs had been re-thought out rather than the afterthought that has been submitted the number of properties had been reduced to a more suitable amount then I believe that the residents would accept the plans. This appears to be a cheap way of wearing down the residents so that they become bored and disinterested in fighting for a decent development. I hope that all of the documentation and points raised by the residents in the old application will not be forgotten due to this being a 'New' application, in fact so little has changed in this application that it should have just had the same application number as the original.

PLANNING POLICY

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 is the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RSS).

The following saved 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:

- a. The external appearance of the development and its relationship with the surrounding area;
- b. The effect on the amenities of the occupiers of nearby properties;
- c. The provision of satisfactory access and parking arrangements;
- d. The contribution of existing trees and landscape features;
- e. The need for a high standard of landscaping;
- f. The desire to reduce opportunities for crime;
- g. The intention to make development as accessible as possible to everyone;
- h. The quality, character and sensitivity of existing landscapes and buildings;
- i. The effect upon wildlife habitats;
- j. The effect upon the public rights of way network.

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- k. The land is not specifically allocated for another use; and
- l. The land is not underneath electricity lines; and
- m. It does not result in the loss of a site which is used for recreational purposes; and
- n. It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- o. It does not result in an unacceptable loss of amenity to adjacent land users; and
- p. Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- q. Provide a high quality of built environment which is in keeping with its surroundings;
- r. Incorporate open space for both formal and informal use;
- s. Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- t. Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- u. Pay due regard to existing features and ground levels on the site;
- v. Provide adequate access, parking and servicing;
- w. Subject to the above factors, to incorporate features to assist in crime prevention.

SITE AND SURROUNDINGS

28. The development site is located within Fairfield to the western side of Stockton. The site is surrounded by residential housing to the north, south and west. The site of former St Marks Church lies to the east, for which outline planning permission was granted on 6th October 2009 (approval 09/1704/OUT) for the erection of 4 detached dwelling houses. The site is currently served off Bishopton Road West via an access which runs between two properties although the site has no frontage onto this road. The only part of the site with road frontage adjoins Manor Place. The area is generally characterised by two storey semi detached properties although there is a single storey cottage at the entrance to Manor Place immediately adjacent to the existing access into the site and a detached two storey dwelling to the north of the site.

29. At the point of the application site there are several mature street trees, including a protected Sycamore tree, within Manor Place, which has a positive greening affect on the character and appearance of the area.

MATERIAL PLANNING CONSIDERATIONS

30. The application relates to a brownfield site within the limits of development as defined by Policy H03 of the Stockton on Tees Local Plan. The proposed development generally meets the requirements of Policy HO3 in that the site does not lie under electricity lines and should not result in the loss of a site used for recreational purposes. The key considerations with respect to the proposed development therefore relate to its assessment against Policy GP1 and HO11 of the adopted Local Plan and as such, it is considered that the principle of development on the site generally accords with both Policies HO3 and HO11 of the adopted Local Plan.
31. The previously submitted scheme was refused on the grounds that the proposal was contrary to Planning Policy Statement 3 and Saved Local Plan Policy H011 in that the proposed residential development would be at a density in excess of what could be reasonably assimilated into the area.
32. The Governments Planning Policy Statement 3 (Housing) sets out an indicative minimum guideline density whilst there is no specific maximum guideline. PPS3 states that
- '30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making...where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified' (PPS3, Para 47).*
33. This planning guidance document also indicates that
- 'the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the environment' (PPS 3, Para. 50).*
34. The previously refused application was submitted indicating a site area of approximately 0.08 ha and Committee were advised that this resulted in an overall density of 47 dwellings per hectare. However it has come to light that the site area is approximately 0.15 hectares. This results in an overall density of 33 dwellings per hectare. The existing dwellings within Manor Place result in a density of 30 dwellings per hectare. Taking these densities into account, and in view of the sites sustainable location, it is considered that the proposed housing density is generally acceptable, and is in keeping with housing density within the immediate surrounding area and is therefore not contrary to PPS3 in this regard.
35. In view of the principle of development and the proposal's density being acceptable, the main planning considerations with regard to this application are therefore the impact of the design and scale of proposal on the character and visual amenity of the surrounding area, the impact on the amenity of

neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing. Other considerations include the impact on existing landscaping and a protected tree, the impact on highway and public safety and any other residual matters.

Design and scale of proposal and impact on character of area

36. The previous application was refused on the grounds that the proposed scheme was not designed and laid out in a way that could provide a high quality of built environment in keeping with its surroundings. The applicant has now tried to address the issues of design with the following revisions;
- i. the addition of a dentil course of brickwork across the front elevation of the dwellings between the fenestration of the ground and first floor
 - ii. the addition of stone cills and headers to the windows within the front elevation's of the dwellings
 - iii. the erection of gabled pitched roof canopies above the main entrances to the dwellings and
 - iv. the installation of 3 chimneys on the rear elevation of the dwellings.
37. Taking into account the design and scale of the adjacent properties, including the two storey semi detached dwellings opposite, it is considered that the newly detailed features are acceptable for the surroundings and that the design of the proposal will not introduce a significant incongruous feature into the street scene. In addition, the finishing materials of the proposed dwellings can be controlled and secured by planning condition.
38. In considering the previous proposal for the site, the Planning Inspector considered that the design and scale of the 8 unit apartment building (which was indicatively detailed), was unacceptable, although, considered that *'with care and sensitivity, a well designed scheme, responsive to the immediate local context would be feasible, which would be in keeping with the character and appearance of the surrounding area'*.
39. This scheme being considered provides 2 smaller blocks of development of a reduced height and more domestic appearance. Properties are staggered from one another and from existing surrounding properties, which is consistent with other properties within the street scene. The proposal provides front and rear garden areas that will assist in greening the street scene and should therefore be able to positively contribute to the area character.
40. Having regard to the Planning Inspector's comments on the previous appeal, it is considered that the present application for 5 two storey dwellings are of a scale and design that not only respects the size and location of the application site, but also the character and appearance of the properties within the immediate vicinity of the site. Although the adjacent properties consist of a detached bungalow (south) and a detached two storey dwelling (north), due to the predominant style of semi-detached properties on the opposing side of Manor Place and their staggered layout, it is considered that the proposed scheme is in keeping with the surrounding area.
41. Four of the five proposed dwellings will feature rear garden access from the side of the properties and therefore 1 bin store enclosure will be present to the front

of one of the proposed dwellings. The proposed bin store enclosure is of a modest scale in design and appearance, and it is considered that the structure will not adversely affect the street scene.

42. Overall it is considered that the proposed development will not have a significant adverse impact on the character and the appearance of the surrounding area due to the complementary design, mass and scale of the proposed scheme, which respects the proportions of the existing site.

Impact on highway and public safety

43. The proposed development is indicated being served having individual dwelling accesses off Manor Place with the existing access off Bishopton Road West being unused in respect to this proposal, although retained as a right of access to the adjacent site.
44. The Acting Head of Technical Services considers that the proposed 2 spaces per dwelling is sufficient in this location, that the increase of traffic using Manor Place will be negligible and that visibility splays at the accesses are achievable.
45. The Acting Head of Technical Services has further commented that the applicant should agree the vehicle verge crossing construction detail with the S38 engineer due to the requirement for tree protection. This is considered to be necessary and a condition is recommended accordingly. The Acting Head of Technical Services also confirmed the requirement for visibility splays at each access, and that such splays will require vegetation to be pruned and maintained thereafter. In view of this requirement it is considered necessary to impose a condition relating to the removal permitted development rights in association with boundary fences and an informative in respect to planting.
46. With regard to the narrow width of Manor Place, the Acting Head of Technical Services is satisfied that the nature of the street is suitable for this additional provision whilst the Planning Inspectorate, in considering traffic implications for the previously refused scheme, considered that *'Manor Place is a similar width to many residential streets and there is little evidence to show that the traffic arising from the proposal would add significantly to that legitimately accessing the site for the previous use of the club'*. The Planning Inspector concluded that *'the proposal would not add materially to existing levels of on-street parking'*.
47. The Acting Head of Technical Services has considered the concerns that have previously been expressed by Members regarding the lack of a footway along the site frontage of Manor Place and has reiterated the difficulty in providing a footway in this location, due to the presence of mature trees and the lack of a connection with Bishopton Road West. Should it be possible to provide the footway in this location users would still be required to cross Manor Place to the footway to link to Bishopton Road West due to the curtilage of the bungalow adjacent to the application site abutting the adopted highway on Manor Place. Due to the impracticalities of providing a footway in this location the Acting Head of Technical Services has assessed the possibilities of introducing a speed reduction scheme in for Manor Place in order to enhance highway safety. The cost of such a scheme would be £5000 and would need to be funded by the developer. However, the Acting Head of Technical Services does not consider that such a scheme is required due to the existing road layout which already

provides sufficient traffic calming and therefore no contribution has been requested.

48. It is considered that the proposal will not lead to a significant adverse loss of highway or public safety or lead to an increase on street parking within Manor Place. It is further considered that the addition of 5 dwellings will not have a significant adverse impact on service provision within Manor Place including refuse collection.

Impact on Amenity of neighbouring properties

49. With regard to the previously refused planning application for an 8 apartment building (reference 07/1817/OUT), the Planning Inspectorate noted that *'whilst the proposal might be up to half a storey higher (around 1.2m) than the two storey houses opposite, they are separated from it by around 30m and the height difference would not be so significant that it would dominate these properties or appear overbearing (when) viewed from them'*.
50. In this instance, given that an approximate separation distance of 30m will remain between the proposed dwellings and the properties on the opposing side of Manor Place, and that the proposed dwellings will be lower than the previously refused scheme by half a storey, it is considered that the proposed scheme will not lead to a significant adverse loss of amenity in terms of outlook, overlooking, overbearing and overshadowing for neighbouring properties to the front of the site.
51. With regard to the impact on the amenity of the adjacent neighbouring property to the north (The Elms), the proposed pair of semi-detached dwellings would achieve a separation distance of approximately 4.5m between side elevations. The rear elevation of the proposed dwellings is indicated as being set approximately 6.2m beyond the rear elevation of this adjacent property. Consideration is therefore given to the impact of this proposed overlap of built development on the adjacent property and its associated amenities.
52. Whilst SPG2 details such considerations in respect to householder extensions, its guidance is generally relative to this circumstance. SPG 2 states that developments can be particularly overbearing in their impact on neighbouring properties and a proposed layout which limits the stagger of rear elevations to 3m is often considered sufficient to prevent an undue impact on the amenity associated with neighbouring properties. In cases where the projection is greater than 3m then SPG 2 requires the 45 degree rule to be applied which takes into account the position of windows within adjacent properties rear elevation in respect to the position of the proposed development. This proposal conforms to the 45 degree rule. In addition, there are no windows proposed within the side elevation of the proposed dwelling immediately adjacent to 'The Elms'. As such, it is considered that the proposed scheme will not lead to a significant adverse loss of amenity in terms outlook, and overbearing and overshadowing of the adjacent property, being in accordance with policies GP1 and HO11 of the Stockton on Tees Local Plan. In order to maintain this level of amenity for the property to the north it is considered necessary to remove permitted development rights that would otherwise allow windows to be inserted into the northern side elevation.

53. With regard to the impact on No 1 Manor Place and properties along Bishopton Road West, owing to separation distances of approximately 19m or greater between the blank gable side elevation of the southern most property and existing dwellings to the south, it is considered that these distances are sufficient to prevent any overlooking and that the proposal will not lead to any significant adverse loss of outlook or overshadowing of these properties or be overbearing.
54. Given that the rear gardens of the proposed dwellings will be enclosed by a 1.8 high fence, it is further considered that the proposal would not lead to a significant loss of amenity for the adjacent properties in terms of overlooking.
55. As noted above, outline planning permission was recently granted for the erection of 4 detached dwellings to the rear (east), on the site of the former St Mark's Church. Due to a separation distance of approximately 35m between the rear elevation of the proposed dwellings and the properties approved to the rear, it is considered that the proposal will not lead to an unacceptable loss of amenity for either the proposed dwellings or the dwellings with the benefit of planning permission in terms of outlook, overlooking, overbearing and overshadowing.
56. The Environmental Health Unit has been consulted on this application and has raised no objections subject to conditions limiting hours of construction. This has been recommended accordingly.

Impact on exiting landscaping and protected trees

57. There are several trees within and adjacent to the site. Whilst some of these are of little amenity value, several trees are subject to Preservation Orders. One protected sycamore tree is present to the front of the site, with its canopy spreading approximately 5.2m into the site. An application has been approved for works to this tree (application 09/2402/X) and the Council's Arborist has inspected the tree on site and has advised that some works can be undertaken to lift the crown of the tree to approximately 2m from ground level (to maintain clearances) and remove some of the light pendulous branches not exceeding 4-5m in height above ground level.
58. The Council's Landscape Architect has requested the proposed accesses take into account their potential impact on the root protection zone of the tree. In association with the Council's Senior Engineer, the Landscape Architect considers that the accesses can be achieved on site using 'no dig' techniques in order to prevent undue damage to the trees root system, thereby ensuring its longevity. Details of the construction of the accesses are required by condition as recommended.
59. The proposed scheme details an area of landscaping to the south of the site which the Council's Landscape Architect has recommended be landscaped in accordance with details to be agreed. A condition has been recommended accordingly.
60. Subject to the submission of satisfactory details in respect of recommended conditions, it is considered that the proposed scheme will not have a significant adverse impact on the protected tree and other landscape features adjacent to the site that would lead to an adverse loss of visual amenity of the surrounding area.

Provision of Amenity space

61. The proposal relates to the provision of five 2 bed dwellings, each having front and rear gardens giving an element of private amenity space. Whilst the previous appeal was dismissed due to lack of a Section 106 Agreement for off site amenity space and the Inspectors conclusion that the scheme would therefore *'fail to provide outdoor play space in accordance with local and national policy'* the previous scheme related to the provision of 8 apartments with only a small communal garden.
62. The adopted Supplementary Planning Document 6: Planning Obligations, indicates schemes may have a requirement for provision towards off site amenity space and applies (where considered necessary) a rate of £3500 per 0.1ha. Taking into account this scheme being small in scale, providing 5 two bed dwellings, as well as providing relatively generous garden areas, it is considered that the proposed scheme places a very limited demand on open space provision and it is considered a request towards such provision in this instance would be unjustified.

Residual Matters

63. Concern has been raised in respect to the issue of future ownership of the proposed dwellings as 'social housing' and the subsequent potential impact on property values within vicinity of the site. However, these are not considered to be material planning considerations.
64. A letter of objection has also questioned part 16 (trees and hedges) of the submitted application form, which states that the proposal will not affect the trees within Manor Place. Whilst this is acknowledged, as noted above within the material considerations, the impact on existing trees and landscape features within and adjacent to the site has been addressed within the report. Subject to the protection and retention of the sycamore tree, which is protected by a preservation order, it is not considered that the proposal will have an adverse impact on landscape features within and adjacent to the site.

CONCLUSION

65. The site is located within a residential area, within the defined limits of development and as such the principle of residential development is already established. The revised proposed development is considered to be of an appropriate scale and design for its setting and achieves adequate spacing from surrounding properties and is therefore considered to not result in any unacceptable impacts on privacy or amenity associated with other dwellings. Adequate provision for access and parking has been made.
66. In view of the above it is considered that the proposal accords with Saved Policies GP1, H03 and H011 of the Stockton on Tees Local Plan and it is recommended that the application be approved with conditions.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551**

WARD AND WARD COUNCILLORS

Ward	Fairfield
Ward Councillor	Councillor W. Woodhead & Councillor M Perry

IMPLICATIONS

Financial Implications: As Report

Environmental 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

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Stockton on Tees Local Plan, Policies GP1, HO3, HO11
Supplementary Planning Document 6: Planning Obligations
Supplementary Planning Guidance 2: Householder Extension Guide
Planning Policy Statement 3 - Housing
Planning Applications: 07/1817/OUT and 09/2227/FUL
Appeal Decision: PINS ref: APP/HO738/A/08/2066786/NWF