

DELEGATED

AGENDA NO
PLANNING COMMITTEE

18 January 2012

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

11/2989/FUL

Plot 1 (5 Wainstones Court), Former 18 Leven Road Site, Yarm
Construction of 1 no. detached house

Expiry Date 25 January 2012

SUMMARY

The site was that of the former large residential property Wainstones. The property has since been demolished and has been developed for 5 separate plots, three of which have been constructed towards the rear of the site. At present the property on Plot 2 is largely complete (adjacent to No. 20) Leven Road, whilst construction is on going on Plot 1.

Planning permission is sought for the erection of a detached dwelling. This application seeks changes to the previously approved development and at the time of the site visit the changes to the scheme had already been carried out. The main bulk of the property and its design largely remain the same though external changes have been made, most notably these include the relocation of the chimney. Revised plans have also been received which show amendments to the boundary treatment.

Whilst several objections have been received, it is considered that the proposed development remains visually acceptable and will not have a significant impact on the neighbouring properties amenity or poses any significant highway safety risk so as to justify a refusal of the application. The proposed development is therefore considered to be in accordance with policies CS2, CS3 and CS11 of the Core Strategy and Policy HO3 of the adopted Stockton on Tees Local Plan.

RECOMMENDATION

That planning application 11/2989/FUL be approved subject to the following conditions and informatives.

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>
0760/PL1/FP1	24 November 2011
0760/PL1/FP2	24 November 2011
0960/PL1/BTa	5 January 2012
0760/02 A	24 November 2011
0760/PL1/EL	30 November 2011

Reason: To define the consent.

Materials;

02. ***Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).***

Reason: To enable the Local Planning Authority to control details of the proposed development.

Site Levels;

03. ***Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.***

Reason: To define the consent

Landscaping;

04. ***A detailed scheme for landscaping including tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.***

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

Construction Activity;

05. ***No construction activity shall take place on the site outside the hours of 8.00 am - 6.00 pm Monday to Friday, 8.00 am – 1 pm Saturday and nor at any time on Sunday's or Bank Holiday's.***

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

Tree Protection;

06. ***Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.***

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

Tree/Shrub retention:

07. ***The trees and shrubs indicated to remain shall be retained and not felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming severely diseased shall be replaced with trees of such a size and species as may be agreed with the Local Planning Authority.***

Reason; In the Interests of amenity and maintenance of landscaping features on the site.

Refuse collection:

08. ***Notwithstanding any information contained within this application full details of the methods of refuse collection and any bin storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.***

Reason: To ensure a satisfactory form of development.

Removal of PD rights – Means of Enclosure

09. ***Notwithstanding the provisions of class A Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the building hereby approved shall not erect any means of enclosure within the curtilage of the property 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.

Obscure Glazing

- 10.. ***The windows on the western side elevation of the property facing towards No. 16 Leven Road, shall be obscurely glazed and permanently fixed, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The approved glazing shall be installed before the building hereby permitted is brought into use and shall be retained in perpetuity.***

Reason: In the interests of the amenity of the occupiers of the adjacent property

INFORMATIVES

Summary Reasons and Policies

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be visually acceptable will not harm the character of the area, will not be detrimental to the amenity of the neighbouring properties or pose any significant highway safety risks and there are no other material considerations which indicate a decision should be otherwise.

Core Strategy Policies

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel; Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change; Core Strategy Policy 11 (CS11) -

Stockton on Tees Local Plan

HO3 Housing development on unallocated sites;

BACKGROUND

1. A previous application (05/0990/FUL) for residential development comprising of 1 No. Apartment block, containing 12 units, and 4 No. detached dwellings with associated garaging was withdrawn. A revised scheme (05/2866/OUT), which sought outline planning consent for 7 no. Dwellings, was submitted in October 2005 and sought to try and overcome some of the previous issues raised. However, this application was refused on grounds of the impact on highway safety, impact on the neighbouring occupiers; level of amenity; cramped form of development and impact on the character of the area. This application was also dismissed by the Planning Inspectorate although not all the reasons for refusal were upheld.
2. A further application (07/2442/FUL) for the erection of 5 no. 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. The appeal for this application was dismissed (ref; APP/H0738/A/07/2057838) due to concerns over the relationship between plot 2 and No. 20 Leven Road.
3. A revised application for the erection of 5 no. dwellinghouses and associated access (08/0823/REV) aimed to address the issues in terms of the impacts on the occupiers of No. 20 Leven road and was subsequently approved by members of the planning committee.

SITE AND SURROUNDINGS

4. The site was that of the former large residential property Wainstones. The property has since been demolished and has been developed for 5 separate plots, three of which have been constructed towards the rear of the site. At present the property on Plot 2 is largely complete (adjacent to No. 20) Leven Road, whilst construction is on going on Plot 1.
5. In terms of the surrounding properties, No.'s 16 and 20 Leven Road are 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 north of the application site (Woodlands Drive), with no.'s 1 and 2 being closest to the application site. The newly constructed properties within the site lie to the south of the application site (No.'s 2, 3 & 4 Wainstone Court).

PROPOSAL

6. Planning permission is sought for the erection of a detached dwelling. This application seeks changes to the previously approved developed and at the time of the site visit the changes to the scheme was well under construction.
7. It is proposed that the main dimensions of the dwelling will remain the same, at the previously agreed dimensions of 18.8m in length, 18.1 in width, with a ridge height of 10.5 metres. The general design of the scheme largely remains the same with the exception of the changes outlined below;
 - The replacement of the 'porthole' windows on the eastern elevation with rectangular windows
 - The replacement of the 'porthole' windows on the southern elevation with rectangular windows
 - Relocation of the chimneys
 - Replacement of sun room windows with full height glazing

CONSULTATIONS

8. The following Consultees were notified and comments received are set out below:-

Councillor Mark Chatburn

No comments received

Councillor Ben Houchen

No comments received

Councillor Sherris

The final property to be built on this development will at last bring to an end the inconsiderable disruption and inconvenience to surrounding residents, particularly those opposite in Woodlands Drive. Hopefully the authority will ensure that the developer is made to reinstate the highway to an acceptable standard, (both Leven Rd and Woodlands entrance) also to repair any damage done to the grass verge which has been used as a parking and storage area. The `compound` area needs to be properly closed off and appropriate planting done.

The additional 2m high fence also causes concern as it will be highly visible internally and also from Leven Road.

PUBLICITY

9. The surrounding neighbours were notified and the following comments have been received.

David and Karen Norminton - 2 Wainstones Court Yarm

We wish to register our objection to the above application numbers App No. 11/2989/FUL and App No. 11/3019/FUL.

When we first looked at purchasing a plot of land from TC Developments we were informed that the layout would be of only Deer fencing with laurel shrubs, and this development would not be allowed any timber fencing. You only have to walk around the area of Leven road to see that the layout of most properties is of trees and shrubs? why spoil this now on a new development. We feel that aesthetically this will look like an entrance to a back alley on some Council estate from Leven Road.

I understand that people purchasing these plots would like privacy, but this cannot be achieved by putting up a 6 foot perimeter fence as both properties will still be overlooked by us the surrounding properties from the 1st and 2nd floors.

I can't believe that TC Developments think that this is an appropriate proposal for this site.

Louise and Michael Foster - 3 Wainstones Court Yarm

We strongly object to application App No 11/3019/FUL and App No 11/2989/FUL

When we first bought our plot of land we were informed on numerous occasions by the developer that he wanted to keep all the trees and greenery around the development and he guaranteed us verbally there would never be any timber fencing anywhere on the development. The planning permission on which we purchased specifically had wrought iron fencing with shrubbery. We purchased the property on this basis and the landscaping design that had been approved at that time by the planning department. We feel we would never have purchased the property if we were informed at an earlier date of the intention of the developer to put up 6 foot timber fencing.

We feel that timber fencing will spoil the look and feel of the whole development. In future years there is nothing to stop one resident painting there fence blue and another painting there fence pink!

Having a 6 foot fence along the side of a large stretch of the road will make an already narrow road look and feel even smaller and closed in on entry to the development.

People who spend in excess of £650,000 to live on this development do not want to look out of their windows on to a 6 foot cheap timber fence on both sides of the road. We feel it will bring the look and feel of the development down.

We feel that timber fencing will create problems in the future as timber fencing blows down easily and needs to be regularly maintained. It will look very scruffy in future years. Once the developer has left the development the residents of this private road will be left to live with the consequences of a 6 foot timber fence.

Karen and Max Baker - 20 Leven Road Yarm

We would like to register our objections to the above applications.

As you are aware, the dwelling on plot 2 has already been erected. You will recall we made a complaint on 17th October, that the constructed dwelling did not adhere to either permitted applications for this plot (08/0823/REV by TC Developments or 09/2382/REV by Dr. K. Srikanth). We received a reply on 18th November from your Planning Enforcement Officer informing us that 'the property has been inspected and it has been established that planning permission is required for the above. On checking the planning register I can confirm that no planning application has been submitted or approved for the above.'

We assume that this application is a result of these findings. The Design & Access Statement for this current application informs that 11/3019/FUL is 'a variation of application number 08/0823/REV' so it is this previous application that we will use in our comparisons.

The Design & Access Statement accompanying the current application wrongly states 'Two porthole windows have been added to the east elevation giving light to the kitchen area and it is proposed that these will be fixed and frosted glass'. There are in fact three additional porthole windows when comparing to application 08/0823/REV, two extra at ground level and one extra at first floor level. Until very recently these windows were glazed with clear glass which was suddenly replaced by frosted glass, which raises the suspicion that they could just as easily be changed back to clear glass. What is of most concern to us is that one of the additional, currently unpermitted windows at ground level overlooks our balcony and patio and fails to conform to Stockton Council's required separation distance of 21 metres between habitable rooms (a balcony being classed as habitable area).

The chimneys have now been omitted completely for 'environmental purposes', yet the Design & Access statement for the permitted application 08/0823/REV promises 'The proposed dwellings will pay respect to the current building and the influences of the Arts and Crafts movement in their detailing and materials. Steeply pitched roofs with red clay rosemary tiles and bonneted dormer windows add visual interest and the massing of the buildings are disguised by variation in roof levels and chimney detailing. The red brick facades are punctuated with asymmetric window pattern and the inclusion of detailed bay windows. Windows will be white painted timber sliding sash style'

This exact same declaration can be found in the Design & Access statement accompanying the current application, which is quite farcical, as on inspection of the already constructed dwelling it can be clearly concluded that it bares none of these qualities and furthermore bares no resemblance whatsoever to the demolished Arts & Crafts dwelling , Wainstones! - In reality there are no chimneys on either of the two dwellings which front on to Leven Road, the roof tiles throughout the development are grey, the brick is not red and the windows are fixed pvc, certainly not painted timber sliding sash!

Both the proposed site plan and the proposed boundary treatment plan accompanying this current application show substantial proposed boundary planting along the eastern boundary of plot 2 and

our dwelling. In the Design & Access Statement for the permitted application 08/0823/REV it states 'The Inspector thought that the existing 8m overlap between the garage of No. 18 and the rear of No. 20 provided seclusion to the balcony so it was decided to include a single storey projection in the form of a sun lounge to plot 2 extending to the same distance, this replicated the existing secluded area for the balcony of No. 20 but still provides a 3m gap between the side of the proposed dwelling and the existing 3m high boundary hedge. This gap will be planted with new trees and shrubs to enhance the privacy of No. 20 and to prevent the occupants of plot 2 from using this area as recreation space'

In reality the distance at the rear between the extended part of the dwelling already constructed on plot 2 and the boundary with our garden is less than the promised 3m. Furthermore, there does not appear to be any intention to adhere to the conditions imposed with the original permission regarding the promised new tree and shrub planting along this boundary, as the developer has already laid a wide paved path along this area and filled the space between the path and boundary with gravel, where the supposed planting was to be.

In addition, although our balcony is not overlooked from the rear garden of plot 2, the balcony and our bedroom are overlooked from the first floor habitable windows of the constructed dwelling on plot 2, which also fail to comply with Stockton Council's separation distance requirements of 21 metres. This overlooking issue seems largely due to the orientation of the dwelling on plot 2. It is sited at more of an angle to our dwelling than sited in the scaled plans and portrayed in the drawings of approved application 08/0823/FUL resulting in an unacceptable and overbearing intrusion on our privacy. We would like to invite you to come and view the dwelling on plot 2 from our perspective. If the dwelling on plot 2 was in existence before the erection of our balcony, would you have given permission for the balcony? We seriously doubt it; it would have been refused as overlooking the habitable rooms of the neighbouring property!

With regard to the new proposed boundary treatment of plots 1 & 2 of 2m high timber fencing along the boundaries with the access road, we have approached the developer several times, both verbally and in writing, requesting that we be permitted, at our expense, to continue our existing timber fence along the eastern boundary from the garage of plot 2 (where the existing fence ends) to the front, the purpose being to enhance our privacy and the privacy of the future residents of plot 2. The developer refused to let us have access on to his land to do this claiming that a fence was unnecessary. Yet he obviously considers it necessary along other boundaries within the development. Due to the already narrow appearance of the access road, a 2m high timber fence either side of it would give the appearance of a 'tunnel' when viewed from Leven Road and would have a detrimental impact on the proposed 'open nature of the site' as portrayed in the Design & Access Statement. This development has totally destroyed the open aspect of this part of Leven Road. It is extremely overbearing not only to the neighbours at No. 20 and No. 16 but also to the frontage of Leven Road. To erect a 2m fence along either side of the access road will only serve to make it uglier and more out of character with the surrounding area than it already is.

In conclusion, the applicant has contravened planning law by constructing this dwelling without the correct planning permission in the assumption that once it was constructed the Planning Authority would 'retrospectively' give permission. The dwelling on plot 2 has not been built to the original permitted plans on several counts, and contravenes both local and national planning policy, resulting in an unacceptable loss of our privacy due to overlooking and proximity, We would urge you to refuse this application, as to permit it, and give way to the developer under these circumstances, just renders the whole planning system pointless.

Mr Philip Smart - 16 Leven Road Yarm

I would like to raise a number of objections in relation to the application for Plots 1 and 2:

The house on PLOT 1 is larger than originally agreed on the western elevation. This very large house was already overpowering in relation to the neighbouring properties and is out of character

with the other houses on Leven Road. The houses on Plots 1 and 2 are both 3 storey and no other house on Leven Road is more than 2 storey. In addition, on the western elevation there are now 3 windows, where originally there was going to be one oval frosted window. These windows, in addition to the windows of the garden room and the master bedroom on the southern elevation look directly into habitable rooms and garden of 16 Leven Road. The extremely close proximity of this house means that the distance from some of the windows to some of the habitable windows in 16 Leven Road is less than the recommended 21 metres, causing severe overlooking issues with no 16 Leven rd.

With regards to the proposed fences, I feel that wooden fences in this position would create a tunnel-like effect when viewed from Leven Road, instead of the open aspect originally approved. If fences were to be provided they should be on the opposite boundaries, giving some slight privacy to neighbouring properties on 16 and 18 Leven Road, without affecting the look of the development.

The aesthetic description of the houses on these plots in the design and access statement also does not appear to have been followed.

Thank you for taking note of these points.

Mrs Sarah Lawless and Mr John Ainswoth - 1 Woodlands Drive Yarm

Re Construction of 5 Wainstones Court: We have very recently moved into 1 Woodlands Drive and are very disappointed and concerned with a number of issues relating to the construction of the aforementioned building. We have several objections; in particular, in relation to the size and elevation of it now it nears completion, and full scale of the building with its extremely high pitched roof. 1) In view of the elevated plot, size of the building and height and angle of the pitched roof, the building obscures a large amount of light from the living room and garden of our property. Light is obscured from the living room window which faces towards Leven Road. The only view from this window in our property is of the entirety of the front of 5 Wainstones Court, which completely fills the entire window. This will be an even more significant issue in the summer months when leaves are on the trees as a huge amount of light will be obscured. 2) Again in view of its height and size, the building significantly reduces privacy within both our living room and garden. We are able to see the upper floor windows at the front of 5 Wainstones Court from our living room and conversely, the future occupants of 5 Wainstones court will be able to look into our living room and garden, which is even easier when looking down from an elevated position. 3) We are concerned these issues may devalue our property. 4) We would like some reassurance that the works entrance to the site from Leven Road will subsequently be dealt with aesthetically i.e. trees/tall shrubs planted to fill in the gap, which will at least help improve privacy from the lower floor at the front of the building and to improve the visual impact from Leven Road. (There appears to be the suggestion of some hedging at this position on the plans). 5) Furthermore, we feel 5 Wainstones Court is a very large, imposing and overbearing building which is not in keeping with other properties along Leven Road and also out of keeping in comparison with the other recently constructed building at 1 Wainstones Court. As we have only recently moved to 1 Woodlands Drive, we were not in a position to object to the plans for 5 Wainstones Court prior to their initial approval, however, feel that the impact on light and privacy on 1 Woodlands Drive were not appropriately taken into consideration. In fact, even from the drawings of the plans, the size, height and impact on 1 Woodlands Drive may not have been immediately apparent. 6) 5 Wainstones Court also appears to be rather far forward on its plot (more so than it was suggested by the plans) 6) We would be grateful for Mr Simon Grundy to consider some of these issues from within our property, as previously suggested on the telephone.

Bill Johnson Yarm Residents Group -

On behalf of Yarm Residents Group (YRG) I would like to register objections to the above applications No's 5 and 1 Wainstones Court.

YRG put in a substantial amount of effort into earlier applications on this site and was able to achieve some substantial improvements to the original series of proposals. The original major objection of over dominance and failure to respect the character of the neighbourhood is vindicated by the overbearing nature of the development that now presents itself.

These new applications make matters worse than they might have been and show a cynical disregard for the planning process and in particular for the environment enjoyed by neighbours and those who use and enjoy the character of Leven Road alike.

It is clear from the new proposals that there is a dilution of the original design concept and further intrusion into the amenity enjoyed by neighbours.

Therefore, the applications should be refused and enforcement action authorised concurrently.

PLANNING POLICY

10. 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 Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan (STLP)

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

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

8. Additionally, in designing new development, proposals will:

- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- _ highways and transport infrastructure;
- _ affordable housing;
- _ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

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.

Ministerial Statement from Greg Clark

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

Other relevant material planning considerations include;
Planning Policy Statement 1: Delivering sustainable development

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations with regards to this application are compliance with planning policy, the impacts on the character of the area, amenity of existing and future occupiers, highway safety and any residual matters arising from consultation.

Principle of development;

13. The application site was formally part of the residential curtilage of No. 18 Leven Road, also known as Wainstones. The site was classed as previously developed land and although this definition has change under the revisions to Planning Policy Statement 3; Housing (PPS3) the previous planning permissions have been implemented and therefore remain extant.

14. Given this situation the principle of residential development on the site is considered to remain acceptable and is subject to consideration against the relevant criteria of policies CS2, CS3 and CS11 of the adopted Core Strategy and Saved Policy HO3 of the Local Plan.

15. Concerns have been raised that the changes represent a lack of regard for the planning system and that it dilutes the original design concept. Whilst these comments are noted, the onus is on the developer to submit an application for planning permission. This has been done retrospectively and any changes need to be considered against the relevant planning policies, these issues are set out in the report below.

Character of the area;

16. 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. Concerns have been raised over the buildings scale and design, however, the scheme does not differ significantly from that previously approved and despite the relocation of the chimney, it is considered that the property remains visually acceptable. All other external changes are also considered to be acceptable. 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 therefore judged to accord with the aims of policies CS2 and saved policy HO3.

17. Several concerns have been received regarding the visual appearance of the 2m high fencing around the rear garden of the site. Whilst the metal estate railings and laurel hedging have been constructed/planted these only reach a height of approximately 1.2m, this would mean the fencing would be highly visible internally and also from view along Leven Road. As a result of these concerns, revised plans have been received that removes the 2m high fencing from the proposed development. This revised situation is considered to be acceptable. It is however recognised that the once fully constructed and occupied such fencing would normally be permitted development. In order to protect the visual amenity of the scheme and the surrounding, area at least until the laurel hedging is well established and of an appropriate height, it is considered appropriate to remove permitted development rights to erect such fencing. All other means of enclosure have previously been agreed and implemented and it is not considered necessary to re-impose this condition.

18. Equally the materials used for construction of the dwelling are acceptable and again it is not considered necessary to re-impose this condition.

Amenity;

19. The proposed dwelling is situated approximately 15 metres from the rear/side boundary with No. 4 Wainstones Court. This relationship is in line with the original approvals for the development and occupiers of this neighbouring property will not suffer any significant loss of privacy or daylight beyond that which has previously been accepted, nor is the proposal considered to be overbearing to these residents.
20. Concerns have been raised by the occupier of No. 16 Leven Road, with regards to the property being increased in size and there being more windows overlooking their property. However, the proposed dwelling is no larger than has already been accepted. The revised details allow for larger windows facing towards No. 16 Leven Road, as a consequence there remains the potential for increased overlooking to this neighbour. A condition is recommended to ensure that the bathroom and study windows facing No. 16 Leven Road are obscurely glazed and are retained in perpetuity. A revised plan has also detailed a 2m high fence along the boundary with no. 16 Leven Road, this will help to mitigate against the impacts of the full height windows of the sun room which are now proposed and will offer both residents increased privacy at the ground floor. As a result of the above it is not considered that the proposed development would significantly worsen the amenity of this resident beyond what has already been approved, in terms of loss of light, privacy or appearing overbearing.
21. Concerns have been raised from the occupiers of No. 1 Woodlands Drive with regards to a loss of privacy and daylight the property and garden area. Whilst these concerns are noted, the lounge window in the gable end of this property, which faces the application site is a secondary window and is situated over 40 metres from the front elevation of the dwelling. Given that distance well exceeds the Council's minimum standard of 21 metres it is considered that the proposed development will ensure that both the existing residents of 1 Woodlands Drive and future residents of the scheme will have an acceptable levels of privacy and daylight. The separation between the dwellings will also ensure that the proposal is not significantly overbearing on these residents despite the change in levels.
22. The proposed garden area's 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 and does not represent a cramped form of development or an over development of the site.

Highway Safety;

23. This revised application does not proposed any changes to access or parking arrangements, given the previous layout was considered accepted, this revised scheme is also not considered to pose any significant harmful impacts on highway safety or the free flow of traffic. The proposal accords with policy CS2 in this respect.
24. Concerns have been raised by a local ward councillor with regards to the reinstatement of the existing grass verge following contractors parking upon it and the grass being worn away. Whilst it is agreed this looks unsightly, it lies outside of the application site and forms part of the adopted highway. The Head of Technical Services has been made aware of the situation and can use the relevant highway legislation to ensure the grass verge is reinstated.

Planning Obligations;

25. Although proposals for new dwellings generally require a section 106 agreement where deficiencies and forthcoming schemes are identified. However, in this instance the previous planning approval did not require any planning obligation and as a consequence it is considered unreasonable and unjustified to require such monies for this revised scheme.

Residual issues;

26. Comments have been received with regards to devaluation of property and also a loss of view, however, it is not the purpose of the planning system to protect individual's private interests as a consequence these claims are not material planning consideration that can be given significant weight in the determination of this application.
27. Policy CS3 typically requires new developments and in particular, dwellings to meet minimum standards for sustainable development such as Level 3 of the Code for Sustainable Homes (up to 2013). However, it is also important to recognise that the proposed development already has an extant permission (and in this case is largely constructed) that did not require the development to meet such standards, it is considered therefore, that it would be unreasonable to impose a new planning condition which required the development to meet these criteria.

CONCLUSION

28. 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. The proposed development is therefore considered to be in accordance with policies CS2, CS3 and CS11 of the Core Strategy and Policy HO3 of the adopted Stockton on Tees Local Plan. It is therefore recommended that the application be approved with Conditions for the reasons specified above.

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 A B L Sherris, Mark Chatburn & Ben Houchen

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As 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 and it is considered the application accords with these provisions.

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

Stockton on Tees Local Plan
Stockton on Tees Core Strategy
Planning Policy Statement 1; Delivering Sustainable development
Planning Policy Statement 3; Housing
Planning policy Guidance 13; Transport
Planning Applications 05/0990/FUL, 05/2866/OUT, 07/2442/FUL, 08/0823/REV, 09/1363/FUL & 09/2382/REV