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DELEGATED

AGENDA NO

PLANNING COMMITTEE

14th NOVEMBER 2012

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

12/2326/FUL

Handley Cross, Leven Bank Road, Yarm

Change of use of the outbuilding to dwelling, including extensions and alterations

Expiry Date: 23 November 2012

SUMMARY

This application is for the conversion of the existing outbuilding which is located within the substantial grounds of the detached property being Handley Cross, Leven Bank Road in Yarm. The existing outbuilding is located to the north of the main dwelling and is situated along the north western side of the walled garden. The existing outbuilding is a single storey structure which has a flat roof design and a total length of 21 metres by a width of 5 metres. The proposal is to convert and extend the existing outbuildings into an L-shaped two-bedroomed dormer bungalow. The bungalow will have two dormer windows located on the north-west side elevation and two dormer windows on the south-west elevation.

The case put forward in support of the application is that the saved policies within the Local Plan are 'out of date' due to the adoption of the National Planning Policy Framework (NPPF) and the 'new plan' will be 'pro-development' and have a 'presumption in favour of development'. It is argued that taking all the policy considerations into account that in view of the detailed and individual circumstances presented by this application that there are compelling reasons why the application should be approved.

The proposal is located outside the limited of development defined in the Stockton on Tees Local Development Plan and due to the nature of the proposal, is considered to have a detrimental impact on the character and appearance of the countryside and is contrary to the guidance set out in the National Planning Policy Framework, adopted Core Strategy and the Stockton on Tees Local Plan and as such is recommended for refusal.

There have been fourteen letters of support for the proposal and one objection letter received and in accordance with the Scheme of Delegation the application is being reported to the Planning Committee for determination.

RECOMMENDATION

Planning application 12/1056/FUL be Refused for the following reason

01. In the opinion of the Local Planning Authority the conversion and extension of the outbuildings would create new residential development within the open countryside for which no appropriate justification has been provided, consequently the development would have detrimental impact on the rural character, the strategic gap and the intrinsic value of the countryside and is considered to be contrary to saved policies EN13 and EN20 of the Stockton on Tees Local Plan, policy CS10(3) of the adopted Core Strategy and guidance within the National Planning Policy Framework (specifically paragraphs 17 and 55).

INFORMATIVE

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

BACKGROUND

1. Planning permission was previously granted at the property in 1970 for the alterations and additions to the existing dwellinghouse to include a private garage for four motor vehicles (app ref; 204C). An application to convert the property to a management training centre was refused in September 2005 (05/1883/COU).

Reasons

The reasons for refusal were that the development was a commercial enterprise which was outside the limits of development contrary to saved local plan policy EN13. The level of noise associated with the commercial development would be more than normally expected and would have an adverse impact on the neighbouring residential properties. The inadequate sightlines at the access point and the impact of the additional vehicular movements generated through the commercial venture on the free flow of traffic along Leven Bank Road was considered to be detrimental to highway safety. The proposed development was considered to have a detrimental impact on the protected species and the biodiversity of the wildlife in the area and the loss of the hedgerow was considered to be detrimental to the landscape quality of the area, contrary to saved local plan policy GP1.

Appeal decision

In dismissing the appeal, the planning inspector acknowledged that the proposal would have some benefits in diversifying the local economy and would not impinge on the area in terms of noise and disturbance; however, he concluded that there were aspects of the proposal which would inflict harm, particularly the new access and pigeon shooting activity and consequently dismissed the appeal.

SITE AND SURROUNDINGS

2. The applicant's property is located within an 8.5 acre site with access to the property from Leven Bank Road. The property is surrounded on each of the four side by existing mature woodland. To the east and south east is an area of dense woodland which leads down to the River Leven and to the north is Leven Bank the A1044 which connects Yarm and Middlesbrough (a site location plan is attached as appendix 1).
3. Along the western boundary of the site is a detached property 'Hedgeside'. The applicant's property currently shares their access with 'Hedgeside' from Leven Bank Road. Recent planning approval (11/1813/COU) has been granted for the adjacent property 'Hedgeside', for a detached garage and a new access road off Leven Bank Road and for the blocking off of the access which is shared with the applicant's property. Access to the applicant's property is through double access gates set back from the main highway.

PROPOSAL

4. Planning permission for the conversion and extension of the outbuildings at the property to form a two bedroomed dormer bungalow. The outbuildings are located to the north of the main dwelling house. The bungalow will have an L-shaped design and will have a total floor space which is just over twice the size of the original outbuildings.

5. The design of the bungalow will have a pitched roof with two dormer windows located on the North West side elevation and two dormer windows located on the south-west side elevation. The overall height of the dormer bungalow will be a maximum of 6 metres in height. The bungalow will have red facing brickwork with orange/red pantiles and timber framed windows and timber painted door.
6. Access to the proposed bungalow will be via the current shared access driveway off Leven Bank Road. There is a lay-by located off the access road immediately within the entrance gates of the property. To the front of the property is a grassed island which forms a turning area for the property and there is a separate access from this circular turning area for the outbuildings and the proposed dwelling. Vehicle parking will be provided within the forecourt of the proposed dormer bungalow.
7. The proposed boundary for the bungalow will include an area of the walled garden which is currently located to the north of the applicant's main dwelling and an 8 metre wide area of garden to the eastern side of the proposed bungalow.

The Case put forward in support of the application

The saved policies within the Local Plan are considered to be 'out of date' due to the adoption of the National Planning Policy Framework (NPPF) and the 'new plan' will be 'pro-development' and have a 'presumption in favour of development'.

It is argued with regard to consideration of the relevant planning policies that it can be concluded that:-

- Saved Policy EN13 of the Stockton Local Plan, which states that there should be no residential development outside development limits does not take into account that the proposed development is in a hamlet, in an 'urban fringe' location, which substantially makes use of an existing building within the curtilage of an existing dwelling, which is so well screened from general view, that no one would ever know it was there. The proposal cannot therefore harm the character and appearance of this countryside in any way.
- Policy CS1 of the Core Strategy presently directs development to the Core Area, urban area and previously developed land. However, it must also be pointed out that an application for conversion of an outbuilding within the grounds of a substantial property, which is not visible because of extensive natural screening, immediately adjacent to an urban area is unlikely to have any realistic planning impact and therefore, the application should be considered on its own individual planning merits.
- Policy CS2 of the Core Strategy considered sustainable transport and travel. We have demonstrated that the proposal is adjacent to a major existing urban area, on a main bus route, next to a bus stop, with ease of access to a wide range of local services.
- Policy CS3 of the Core Strategy requires appropriate measures for sustainable development, which can be met without problem should the development proceed.
- Policy CS7 of the Core Strategy is designed to protect the open countryside from inappropriate development, but this proposal is for conversion of an existing outbuilding into residential use within the grounds of an existing dwelling. Therefore, we consider that this application should be considered on its own merits in terms of criteria such as design and sustainability. This is what the Government is trying to achieve through the NPPF i.e. a planning system which is simpler, more flexible, more responsive and practical, instead of refusals being automatically recommended based on the content of blanket policies.

- Policy CS8 is about balance in the delivery of new housing stock. Although the proposal is for a single dwelling, it will contribute in a very modest way, to the provision of a balanced housing mix in the Borough, since it is a good sized, attractively designed property, secluded within the grounds of a luxury house, which are in short supply locally.
- The national planning Policy Framework, which promotes a plan led system, nevertheless advocates the need for planning to be more pro-active and flexible, with reasons being found first and foremost to approve suitable applications, rather than simply refuse them on grounds of general policy considerations
- Although every application is considered on its own planning merits, other development has been permitted locally in much more prominent locations, which has significantly greater environmental impact than the proposed conversion of an outbuilding at Handley Cross which cannot generally be seen. For example, the Council has granted consent for the expansion of the adjacent house at 'Hedgeside' to more than double its original size in a much more prominent location (the planning history for 'Hedgeside' was included in the applicant's Design and Access Statement). In addition, a sizeable development of large detached houses was permitted a few years ago at Leven Bank within the flood plain of the river only a few hundred metres from the application site. Not all of this development appears to have been built on previously developed land and although there may have been issues related to preservation of historic buildings; it is nevertheless a much more substantial and far less sustainable development, which is also considerably further from the urban edge than Handley Cross.

Taking all the above factors into consideration, the applicant and their agents consider that the view of the detailed and individual circumstances presented by this application, that there are compelling reasons why the application should be approved.

CONSULTATIONS

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

Northern Gas Networks

No objection and standard mains record shown.

Northumbrian Water Limited

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Head of Technical Services

General Summary

Technical services consider the application to be development in the countryside that would not be approved.

Highway comments including the access to the property are provided below.

Highways Comments

All developments should be designed and constructed in accordance the Design Guide and Specification (current edition) and SPD3: Parking Provision for Developments 2011.

Handley Cross currently shares an access from Leven Bank Road A1044 with the adjacent property Hedgeside. Visibility at the access is restricted due to the geometry/topography of the road and there would be serious highway safety concerns over intensification of the use of this access. Application 11/1813/COU has been implemented at Hedgeside which includes the construction of a new access and the closing off of Hedgeside's existing access, leaving only Handley Cross using the existing shared access. Therefore one additional dwelling at Handley Cross would not intensify the use of the access.

The gated access into the site should be a minimum of 3.7m (preferably 4.1m) to allow 2 cars to pass and ensure cars are not waiting in the highway and should be conditioned accordingly. It is also recommended to the applicant that the shared drive be widened accordingly.

In accordance with SPD3: Parking Provision for Developments 2011, 2 incurtilage car parking spaces are available for the proposed 2-bedroom dwelling and parking for the host dwelling is unaffected.

Subject to a condition stating that the development shall not commence until the existing access serving Hedgeside from the adopted highway is permanently closed off, so as not to intensify the use of a substandard access, there are no highway objections.

Landscape & Visual Comments

Despite being screened from the road by existing mature tree and shrub planting this application is considered to be a new building outside the development limits and as such what not normally approved.

If any development commenced the existing mature tree planting must be protected during the development in line with the latest British standard 2012 Trees in relation to design demolition and construction and details regarding this would have to be submitted for approval.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

Drainage- septic tank/cesspool

The applicant should satisfy the Local planning Authority (LPA) of the adequacy of the proposed means of drainage prior to the development commencing. Any septic tank to be employed shall be built in accordance to BS 6297 1983 and shall discharge over a biological filter unit, the final effluent from which shall be discharged in a manner approved by the Environment Agency and the Building Control Officer. Full details of the size and manner of construction of the septic tank shall be agreed in writing by the LPS prior to development commencing. The proposed development shall not commence until a trial hole has been excavated in the region of any proposed new outfall and reveals to the satisfaction of the LPA the adequacy of the subsoil drainage in the regions of the proposed outlet, otherwise drainage to the cesspool will be required. Suitable access shall be maintained for the regular emptying of any septic tank or cesspool. Any septic tank shall be desludged at not less than 12 monthly intervals.

Open Burning

No waste products derived as a result of carrying out the construction hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.

Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified. 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 prior to the resumption of the works.

Private Sector Housing

The private sector housing section has no comments to make on this application.

Spatial Plans

Saved Local Plan Policies

The site is located outside of the limits to development as defined by saved Local Plan (1997) policy EN13. This policy states that new residential development outside of the urban area should be restricted to farming, forestry, rural diversification, sport and recreation and small-scale tourism uses. Proposals for normal residential development outside of these limits are restricted in order to maintain a break between the urban and rural environment.

Policy EN13 also references policy EN20 which relates to conversion and adaptation of rural building, this policy is only supportive of schemes for commercial, industrial, tourism, sport and recreational uses – subject to a number of criteria.

The National Planning Policy Framework (NPPF)

The applicant's planning policy statement suggests that the saved policies in the Local Plan are out-of-date because of their age and as a result of the publication of the National Planning Policy Framework (NPPF). The view of the applicant does not take in to account paragraph 215 of the NPPF which states that development plans adopted under the Town and Country Planning Act should give due weight to :

“...relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Further analysis of national policy reveals the level of consistency between the saved Local Plan policy and the NPPF. In particular:

- Paragraph 17 recognises the ‘intrinsic character and beauty of the countryside as a core planning principle, which clearly supports the strategy in the plan of maintaining a break between the urban and rural landscape, as advocated in saved policy EN13;
- Paragraph 28 provides support to the rural economy. Although Stockton Borough is a largely urban area / economy, the points identified in paragraph 28 are generally compatible with saved policy EN13. It is important to note that this section of the NPPF does not promote residential development;
- Paragraph 55 stipulates that ‘new isolated homes in the countryside’ should be avoided unless there are special circumstances.

Given the above it is considered that saved Policy EN13 is consistent with the NPPF and is a key consideration in determining this application.

The Regeneration and Environment Local Development Document

As you will be aware, the Council has recently consulted on the Regeneration and Environment LDD, which will eventually replace all saved Local Plan policies. This document addresses the housing requirement of the Borough up to 2029, and involves the expansion of the urban area in a number of locations, including Yarm. Whilst this document is in the early stages of preparation and has limited weight, it is apparent that in this area no housing growth is

proposed. It is therefore envisaged that Leven Bank Road will remain the southern limit to development for this part of Yarm.

Conclusion

Given the above, the proposal appears to be in conflict with saved Local Plan Policy EN13. Unless you are satisfied that the proposal is a genuinely 'special circumstance' as set out in paragraph 55 of the NPPF it is recommended that the proposal be recommended for refusal.

PUBLICITY

9. Neighbours were notified and comments received are detailed below.

Miss F Apps - 7 Langholme Crescent Darlington

I am writing to **support** the above application for change of use of outbuildings. This well considered application makes excellent use of outbuildings that will have many positive outcomes on the local economy.

The outbuildings are set back from the road and are surrounded by trees on a very spacious 8 acre plot. More developments should be as spacious as this, rather than the overcrowding we see on many developments.

Tom Osborne - 6 Butts Lane Egglescliffe

I would like to register my full support for the above application. I feel the plans make great use of outbuildings and are sympathetic to the surrounding area.

Quality housing is much needed in the Tees Valley area, to stimulate a failing economy. This development will provide local job opportunities and therefore this type of planning application should be supported and encouraged.

Mr Leslie Bell - Hazelbelle 4 Sandwood Park

This development is exactly what is required to build and expand the Teesside Area. It will attract people who are going to live and develop Teesside into a thriving community and will enable Tees Valley to become a better place to live. It should also compliment the plans to expand Yarm and the surrounding area.

Mr Terry Murphy - Homlea Darlington Road

I support the above application for the following reasons,

It would be good to see outbuildings put to better use as a private dwelling.

The proposed change of use makes good sense.

Developments such as this create and maintain the employment of local architects, engineers and other forms of labour.

More developments such as this would help to get the construction industry going again.

The government is right, we need to build our way out of recession, let's have more of this sort of building i.e. mid price quality homes, for which there is a shortage.

Mr Ben Margetts - 35a Osborne road Jesmond

I am in full support of this application. This is an extremely well planned development and excellent use of the space available on the plot. The new building will not be visible and is in keeping with the rest of the buildings in Yarm.

I believe that the council should be approving well planned applications such as this one in order to boost the economy and maintain and create jobs in the region.

Mr John George Smith - 5 St David's Close Billingham

Any building development is good news as it helps create new or maintain existing jobs within the local community which in a time of recession is very important to encourage as the

Government's proposals to relax the laws on redevelopment proves. Also where this project is situated it will not be seen by the general public as it is situated off the main highway so as not to encroach on the current landscape. And lastly there is a shortage of quality homes within the Yarm area for sale so a new development like this would add to the status of Yarm and either bring in new buyers into the area or release other houses within the area as local residents upgrade to a larger property giving more scope to first time buyers increasing the movement in the property market which again is most welcome in the current climate

Mr Thomas Lees -10 Neasham Court Stokesley

An individual style development that will add improvement to the area and possible employment for local companies and people

Mr David Brown - 6 Claydon Grove Ingleby Barwick

I, David Peter Brown wholeheartedly support this Change of Use application. It is wonderful to see out-buildings being put to good use creating living accommodation on brown field sites rather than the over development of our green field sites. More of this type of development should be encouraged by councils as it not only provides much needed new housing in the area it also creates jobs thus helping to develop growth within the local economy without the impact of over development of our countryside. The structure is all ready in place therefore it reduces the impact on the environment.

Mr John Lees - Pavilion 1 Belasis Court Belasis Hall Technology Park

My Company acts for the applicant as a Consultant and fully supports this application to convert the out-buildings into a private dwelling.

We are perplexed at the objection by Prism Planning on behalf of the neighbour Mr Howson and at the Policies they quote as reasons to refuse this particular application. Mr Howson himself has indeed benefited from the "relaxation" of these policies in obtaining planning permission for his own neighbouring development, which appears to be more than 3 times the size of the small bungalow it replaces.

The development proposed is not visible to the neighbouring properties or from the highway. It is sympathetic to the surroundings and size of out-buildings it replaces. It further provides an opportunity to boost the local economy in line with Government Policy and provide jobs for local community.

Mr David Fieldhouse - 43 Norwood Close Stockton-on-Tees

I am in support of this application. As I believe, this a well planned development and will be in keeping with other developments in the Yarm area

Mrs Audrey Harper- 72 Low Grange Avenue, Billingham

I would like to support this application. This is a sensible use of outbuildings and enhances the local community.

Irene Emerson - 40 York Road, Billingham

I support this application. We need more of this sort of thing to help enhance the local economy.

Mrs Gillian Allen - 6 Kielder Road, Hartlepool

I visit Yarm on a regular basis and feel that good quality housing is needed in order to keep the area revitalised and it would also benefit the local businesses and economy by creating jobs in the specific area

Mr Stuart Bailey - 7 Brass Castle Lane, Middlesbrough TS8 9EF

I fully support the application. This well planned quality development is in keeping with the Yarm area. More quality developments are needed in lieu of the mass produced housing of the major builders.

Prism Planning - (on behalf of Mr Tom Howson, Hedgeside, Leven Bank Road, Yarm)

We act for Mr Tom Howson, owner of Hedgeside (the adjacent property to the immediate west of the application site) and write on his behalf to OBJECT to the planning application in the strongest terms which, to all intents and purposes, refers to the construction of a new dwelling within the garden of the donor property. Indeed, the proposed development indicates the conversion and extension of a simple rectangular flat roofed stable block to provide a rather grandiose dormer bungalow with a floor area some three times that of the existing stables.

It is our firm opinion that the proposed development conflicts with 'saved' policies EN13 (Limited to Development), EN20 (Re-use of Rural buildings) and HO3 (Development on Unallocated Sites) of the Stockton-on-Tees Local Plan. Furthermore, the application site is shown to lie within a 'Strategic Gap' as identified on the Stockton-on-Tees Core Strategy Diagram, within which there will be a presumption against new residential development. Accordingly, the proposed development conflicts with Core Strategy Policy 10 (Environmental Protection and Enhancement). I will expand on these matters below.

The site lies outside the 'Limits to Development' as established by Local Plan Policy EN13. Moreover, the proposed development does not meet any of the exceptional requirements of the policy and therefore is in total conflict with the policy. In this regard, this proposed development

- is not necessary for a farming or forestry operation
- does not comply with Policy EN20 (see below for expansion of reasoning);
- does not contribute to the diversification of the rural economy
- is not for sport or recreation; and
- is not a small scale facility for tourism

With reference to Policy EN20, the conversion, adaptation and reuse of subject building is not for commercial, industrial, tourism, sport and recreation uses and in this regard the wording of Policy EN20 implies that it will therefore not be permitted. Indeed, with further reference to the wording of the policy;

- the proposed use cannot be largely accommodated within the existing building; and
- the proposed alterations or extensions are not limited in scale, and do adversely affect the simple and unpretentious form and character of the existing building.
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Accordingly, the proposed development substantially conflicts with the Policy EN20.

The proposed development also conflicts with Policy HO3 in that the proposed residential development of this unallocated site does not refer to land within the 'Limits of Development'.

Core Strategy Policy 10 seeks to ensure that the separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of 'strategic gaps' between the conurbation and the surrounding towns and villages. The proposed development, referring to the creation of a new dwelling within a 'Strategic gap' will neither protect nor enhance the openness and amenity value of the area. Rather, it will erode it, albeit in a small way. Accordingly, the proposed development conflicts with Core Strategy Policy 10.

The proposed means of access to the site is also of considerable concern, sharing of the existing driveway entrance from Leven Bank Road. This entrance is to the immediate east of the existing access point to our client's property, Hedgeside and directly onto the heavily trafficked A1044 Leven Bank Road. Moreover, sightline visibility from the Handley Cross entrance along Leven Bank Road is sub-standard, particularly in the east. The proposed intensification in use of the existing sub-standard access and increase in vehicle movements (possibly doubling in number) will

be to the detriment of road safety and the free flow of traffic and therefore contrary to national and local policy objectives.

Furthermore, we note that although there is substandard footpath immediately outside the site, it goes nowhere and certainly does not connect safely to destination points. The creation of a new dwelling on the site could be expected to lead to increased pedestrian movements, with pedestrians having to walk on the carriageway or the overgrown verge. Neither would be a safe option and both could be expected to increase the likelihood of a road traffic accident occurring.

For the reasons set out above, we considered the proposed development to be wholly unacceptable and we would urge the Local Planning Authority to **REFUSE** planning permission.

Please acknowledge receipt of this letter of objection and note that should the application be reported to Planning Committee for decision we would wish to be offered the opportunity of speaking on behalf of our client.

Comments received from the applicant Mr Gates 29th October 2012

Following the objection lodged by Prism Planning on behalf of my neighbour, Tom Howson, I feel it is appropriate to respond to the issues raised. I have addressed the comments in the same order as they are made.

- 1) *The issues over various planning policies are comprehensively dealt with in our planning application under the section entitled Planning Policy Report.*
- 2) *The comment on means of access is irrelevant since Hedgeside has enjoyed that very same access for the last **sixty years**, the last **five** being under Mr Howson's ownership. Furthermore, planning consent was granted in December 2011 for a new separate access to Hedgeside and construction work commenced on this several months ago.*
- 3) *The comment regarding "a substandard footpath immediately outside the site" is unfounded and incorrect. The public footpath in question is owned and maintained by Stockton Council and is in excellent condition and the verge is most certainly NOT overgrown. However, the same cannot be said for the verge immediately in front of Hedgeside, which is completely unusable by pedestrians due to the excessively overgrown nature of the hedge, which also protrudes into the road carriageway. This not only causes a danger to passing traffic but also severely restricts the vision to the west from the end of the driveway onto the main road. A point noticed during your recent visit to site. Furthermore, the Council allowed a significant housing development (Broadwater) at the foot of Leven Bank, adjacent to the river and the residents have to use the same footpaths as used by the occupiers of Mr Howson's property or my own. Therefore by allowing a significant housing development, they must have accepted that the existing footpaths are satisfactory.*

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
11. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town

and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

12. 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.

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 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
 - _ River Tees Valley from Surtees Bridge, Stockton to Yarm;
 - _ Leven Valley between Yarm and Ingleby Barwick;
 - _ Bassleton Beck Valley between Ingleby Barwick and Thornaby;
 - _ Stainsby Beck Valley, Thornaby;
 - _ Billingham Beck Valley;
 - _ Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

Saved Local Plan Policy EN13

Development outside the limits to development may be permitted where:

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

Saved Local Plan Policy EN20

The conversion, adaptation and re-use of rural buildings for commercial, industrial, tourism, sport and recreational uses will be permitted providing that:

- (i) The proposed use can largely be accommodated within the existing building, without significant demolition and rebuilding; and
- (ii) Any alterations or extensions are limited in scale, and do not adversely affect the form and character of the existing building, and
- (iii) There is no adverse effect on the character of the area; and
- (iv) Where the building has been constructed under permitted development rights, it has been legitimately used for agricultural purposes; and
- (v) Access, manoeuvring space and parking provision for the new use can be accommodated without being intrusive; and
- (vi) There is no adverse effect on any safe refuge of protected species such as bats or barn owls.

National Planning Policy Framework

13. Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
14. For decision-taking this means:
approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
-specific policies in this Framework indicate development should be restricted.
15. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
16. Paragraph 17. Within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision taking. These 12 principles should ;
- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - not simply be about scrutiny, but instead be a creative exercise in finding

- ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy); contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

17. Paragraph 19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

18. Paragraph 28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other

land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

19. Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

20. Paragraph 55 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as :-

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Supplementary Planning Document 3: Parking Provision for New Developments sets out the Council's standards for parking associated with new development.

MATERIAL PLANNING CONSIDERATIONS

21. The main considerations of this application relate to compliance with planning policy and the impact of the proposed development on the character and appearance of the area, the impact of the development in terms of amenity, access, parking and traffic issues and protected species;

Planning Policy Considerations:

22. The national Planning Policy Framework (NPPF) sets out the governments aims and core principles of planning policy. Whilst support for the diversification of the rural economy is

encouraged at paragraph 28, other elements of the the NPPF are considered to be more relevant and specific to this application. These include paragraphs 17 and 55 which seek to protect the intrinsic character and beauty of the countryside and prevent new isolated homes in the countryside.

23. Given that the site lies outside of the development limits, policy CS10 of the Core Strategy is also considered to be relevant. Criterion 3 makes it clear that the separation between settlements will be maintained through the protection and enhancement of the openness of these areas in the strategic gaps and green wedges. This site being outside the development limits and within the strategic gap.
24. The application site is located 'outside the limits of development' defined within the Stockton on Tees Local Plan saved Policy EN13. This policy states that any form of new residential development outside the defined local plan urban area should be restricted to farming, forestry, rural diversification, sport and recreation and small scale tourism uses. The criteria of saved policy EN13 also makes reference to saved Policy EN20. Saved policy EN20 relates to the conversion and adaption of rural buildings. The general principles behind Local Plan Policy EN20 is that the conversion of rural outbuildings will be supported if they would benefit commercial, industrial, tourism, sport and recreation uses and subject to a number of additional criteria.
25. The proposed dormer bungalow at the site is for residential accomodation only and as such does not comply with the saved Local Plan policies EN13 or EN20 as it will not provide any farming, forestry,rural diversification, sport of recreation and small scale tourism use which would be considered acceptable, providing it did not harm the character and appearance of the countryside. Furthermore the provision of a dwelling in this location, without the appropriate justification is considered to conflict with the aims of policy CS10 and paragraphs 17 and 55 of the NPPF. Accordingly there is strong justification to resist the development on planning policy grounds.
26. It is noted that the applicant has suggested within their supporting information that the saved policies within the Local Plan are 'out of date' due to the adoption of the National Planning Policy Framework (NPPF) and the 'new plan' will be 'pro-development' and have a 'presumption in favour of development'. Advice from the Spatial Planning Manager is that paragraph 215 of the National Planning Policy Framework states that weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. Saved Policy EN13 is considered to be consistent with the NPPF, carries weight in the determination process and is therefore still a key planning consideration.
27. In view of the above it is considered that the applicant has not demonstrated that the proposal complies with any of the 'special circumstances' set out in paragraph 55 of the NPPF or meets the criteria set out in saved policies EN13 and EN20 of the adopted Local Plan. The proposal is therefore considered to be in conflict with these policies, policy CS10 of the Core Strategy and the guiding principles of the NPPF and the principle of development is not deemed to be acceptable.

Character and appearance of the area

28. As outlined above Core Strategy Policy CS10 identifies that the property is located within the defined 'Strategic Gap' between the conurbation and surrounding towns which aims to ensure that the separation between settlements and quality of the urban environment is maintained. Core Strategy policy CS3(8) requiries that new development make a positive contribution to the local area, by protecting and enhancing important environmental assets.

29. It is noted that the application site is located between Yarm and Ingleby Barwick in a rural location and although an 8.5 acre site, it is surrounded on each side by mature woodland. The application site is not as the applicant claims within a Hamlet as the common dictionary definition of a Hamlet is “a small village without a Church.” Although the proposed development includes the conversion of existing outbuildings these are not considered to have a specific architectural merit or historic value. The proposed works will also involve increasing the overall height of the outbuilding to a two-storey dormer bungalow and extending the outbuilding from a single block to an L-shaped design, resulting in more than double the existing floor area of the outbuilding. Although the overall size of the application site at 8.5 acres can physically accommodate a building of this scale and provide acceptable levels of separation, the proposal will still be an additional detached dwelling located within the open countryside and within the defined ‘strategic gap’ area.
30. Whilst the site is presently well screened the new detached dwelling would be considerably larger than the original flat roofed single storey outbuilding and as a consequence is considered to have a detrimental impact on the openness of the identified ‘strategic gap’. Paragraph 17 of the NPPF sets out the importance of the ‘intrinsic character and beauty of the countryside’ as a core planning principle and despite the screening that exists the proposed two-storey dormer bungalow is more than double the square footage area of the existing outbuilding and the raising of the roof height to a two-storey dwelling is considered in to have a detrimental impact on the character and appearance of the area. Furthermore, the rural location of the property the proposed use, scale and location of the proposal are considered to fundamentally change the character and appearance of site and open countryside, which could be further eroded though the urbanisation and ancillary buildings and structures that are typically associated with residential properties. It is considered that the reference to a precedent example at Hedgeside is not comparable as it does not relate to the creation of a new dwelling and does not outweigh the harm to the character and intrinsic value of the open countryside by the proposal
31. The proposed development is therefore considered to have an adverse impact on the character and intrinsic value of the open countryside and as a consequence would conflict with policies CS3 and CS10 of the Core Strategy and guidance within the NPPF.

Amenity:

32. It is considered that sufficient separation is provided between the proposed development and external residential properties so as not to have a detrimental impact on levels of residential amenity. Equally the relationship between the proposal and host dwelling is considered to be acceptable with sufficient amenity space remaining for both dwellings and acceptable levels of residential amenity being provided for both the existing and proposed dwellings. The proposal is therefore not considered to have such an impact on the surrounding sites and users which would justify a refusal of the application.

Means of Access, Parking and Traffic Issues

33. The access to Handley Cross is off Leven Bank Road (A1044) and is a shared access with the neighbouring property known as ‘Hedgeside’. The application site currently has electric gates which are set back approximately 3 metres from the main road. The Head of Technical Services has commented that although visibility at the access is restricted due to the geometry/topography of the road and that there would be serious highway safety concerns over the intensification of use of the access, the planning permission granted for the adjacent property will mean the removal of the access to ‘Hedgeside’. Therefore, the one additional dwelling at Handley Cross is not considered to intensify the existing use of the access from Leven Bank Road, although it is requested no new dwelling is occupied unless the existing access to ‘Hedgeside’ is closed off. It is however requested that the current gates should be set back a minimum of 3.7 metres (preferably 4.1m) to ensure cars are not waiting on the highway and to allow two cars to pass. It is suggested that the applicant’s shared driveway be widened

accordingly, in order to achieve these requirements the access arrangements into the site could be controlled through a planning condition of any approval.

34. An objection comment has been received from the neighbouring property at 'Hedgeside' which relates to the shared access for the new dwelling on a heavily trafficked Leven Bank Road, the substandard sightline visibility from Handley Cross and the intensification of the current substandard access and increase in vehicle movements which will be to the detriment of road safety and the free flow of traffic. Whilst these comments are duly noted the Head of Technical Services is satisfied with the proposed access arrangements.
35. The existing property Handley Cross is accessed off a single driveway which has a grassed turning circle to the front of the property. Parking for the proposed dormer bungalow will be located within the curtilage of the proposed dwelling and will be within the existing courtyard area to the front of the dormer bungalow. Two curtilage car parking spaces are available for the proposed two bedroomed dwelling and the parking arrangements for the host dwelling are unaffected by the proposal, the requirements of Supplementary Planning Document 3 (SPD3): Parking Provision For Developments 2011 are therefore met.
36. An objection comment has also been received in relation to the substandard footpath which existing immediately outside the site. The objection is that the footpath goes nowhere and does not safely connect destination sites and that the development of an additional dwelling could increase pedestrian movement. In addition, the overgrown verges could lead to pedestrians walking in the carriageway and causing a traffic accident. A section of footpath runs along the boundary between Leven Bank Road and 'Hedgeside' and along part of the front boundary at 'Handley Cross'. The footpath provides pedestrian access to a bus stop which is located on the opposite side of Leven Bank Road. With the footpath currently being in place, the introduction of a new dwelling at the application site is not considered to have any significant detrimental impact in terms of the way in which the footpath is currently utilised and as such is not considered to have any additional impact on the road safety in the area.

Impact on protected species

37. Due to the rural location of the application site and the fact that an old outbuilding is to be converted as part of the proposal the applicant has submitted a Bat survey. The survey concludes that despite bats being found to use the site for foraging, there was no evidence of bats roosting within the outbuildings which are proposed to be converted.
38. Having regard to the standing advice for Bats issued by Natural England, there are no suitable features for roosting within the site and the findings of the report are accepted.

Residual issues:

39. With the proposal being for the conversion and extension to the existing outbuildings to form a new dwelling the Council's Environmental Health section have been consulted on the application. The Environmental Health officers have advised that they have no objections to the proposal subject to conditions being placed on the application in relation to the proposed drainage at the property, the proposed burning of waste materials and the control of any unexpected contaminated waste. All of which could be addressed through a planning condition.
40. It is noted that several letters of support for the development cite additional benefits to the local economy and job creation approval of the proposal would bring. Whilst these economic benefits are noted, it is considered that the limited nature of these would not be sufficient to significantly outweigh any conflict with planning guidance.

CONCLUSION

41. In view of the above there are significant concerns that the proposed development would result in the unjustified creation of a new dwelling in the open countryside and have a significant detrimental impact on the character and appearance of the area and on the 'strategic gap'.
42. As a consequence the proposed development is considered to be contrary to the guidance set out in paragraph 17 and 55 of the National Planning Policy Framework, saved policies EN13 and EN20 of the Stockton on Tees Local Plan and policies CS3 and CS10 of the Core Strategy. It is therefore recommended that the application be refused.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor A B L Sherris
Ward	Yarm
Ward Councillor	Councillor Mark Chatburn
Ward	Yarm
Ward Councillor	Councillor Ben Houchen

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

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments