

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

15 MARCH 2017

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

16/3022/REV

Land South Of Cayton Drive, Thornaby,

Revised application for reserved matters approval (appearance, landscaping, layout, access and scale) for the erection of 45 No. dwellings, access from Cayton Drive and ancillary works pursuant to outline planning consent ref:15/1466/OUT

Expiry Date 23 February 2017

SUMMARY

The application site is land located to the south of Cayton Drive and to the west of Middleton Avenue in Thornaby and is currently an open area of overgrown grassland. Existing residential properties are located along the northern boundary at Lockton Crescent, Liverton Crescent and Cayton Drive, Bassleton Drive to the west and Middleton Drive to the east. The southern boundary to the site has an established woodland area with a 1 metre high wired fence.

Outline planning permission for up to 45 dwellings on the site was approved on appeal under application 15/1466/OUT. A reserved matters application was presented to planning committee in July and September 2016 both recommending approval. However, members disagreed with the Officer recommendation and following a number of concerns relating to the proximity of the development to the northern boundary of the site and only a single access serving the development and deferred the application at the July meeting. Ahead of the September Planning Committee meeting the applicant submitted an appeal against non-determination although members resolved that they would have been minded to refuse the application as the development would have adversely affected the amenity of the existing and proposed residential properties. This appeal has now been determined and dismissed due to the overbearing impact on the neighbouring properties (Appendix 1).

The appeal for non-determination and costs for the previous outline application for the site (16/1024/REM) which members were minded to refuse has been dismissed by the Planning Inspectorate. In summary, the Inspector concluded that the applicant was able to choose a single access to the development given that access was a reserved matter, further the site was considered to be acceptable in terms of highway safety given the lack of evidence to demonstrate harm.

However, the Inspector dismissed the appeal on the grounds that the development would cause harm to the living conditions of the occupiers of the neighbouring dwellings with regard to outlook which would not be outweighed by the benefits of the scheme. The impact on outlook related primarily to the separation distances between plots 4 and 43 and the fact the proposed dwellings would extend across the full width of the rear boundaries of the existing properties. The Inspector concluded separation distances of between 1.5 - 3 metres to the shared boundary and 8.5 - 9 metres between rear elevations (including extensions) for plots 4 and 43 was unacceptable.

A briefing note has been submitted from the agent following the appeal (Appendix 2) commenting that the current application has increased the separation distances between the existing properties and the proposed dwellings which addresses the reason the appeal was refused.

This application is therefore seeking planning permission for the reserved matters approval through this revised application. This scheme seeks approval for 45 dwellings with a single access off Cayton Drive the layout of the proposal has however been amended to a more linear form of development with a spine road adjacent to the woodland and greater separation being provided to the majority of the existing neighbouring properties. The minimum separation distance between rear elevations (including extensions) is now 21 metres (plot 33) and the minimum separation distance between side and rear elevations is now 16.4 -13.9 metres (plots 6 and 20) which accords with the guidance set out in SPD1-Sustainable Design Guide. The proposal is for a mixture of 2, 3 and 4 bedroomed dwellings with both semi-detached and detached designs.

45 objection comments have been received. In summary, the main reasons for objection are highway access issues and traffic congestion, loss of privacy, light and views, overbearing, inaccurate plans not showing existing extensions, loss of green wedge and intrusion on Tees Heritage Park, back door application as appeal ongoing, insufficient affordable housing and effect on wildlife.

As the principle of the development has already been established by the outline permission (15/1466/OUT), this application is purely concerned with the reserved matters details for the appearance, landscaping, layout, access and scale. Matters such as ecology, impact on the green wedge and Tees Heritage Park having been already considered as part of the outline application.

The revised layout provides a linear pattern for the dwellings that reflects the original character and layout of the existing properties located to the north and moves the dwellings further away from the northern boundary of the site to provide increased separation distances to the existing properties along Cayton Drive, Liverton Crescent and Lockton Crescent. The revised layout design provides adequate separation distances with the house designs ensuring there is no overlooking, loss of light or overbearing impact.

The development will provide a range of two-storey house types with a mixture of 2, 3, and 4 bedroomed properties providing a variety of accommodation. The detached properties within the development will have integral garages. The overall scale and appearance of the dwellings are considered to relate well to the existing modern properties within the vicinity. The layout also provides rear and front gardens to the properties with additional landscaping boundary treatment in the form of shrubs, hedges and both small and medium trees sited to the frontages of the dwellings. The revised layout provides a grass strip between the development road and the southern tree boundary.

The Landscape Architects have considered the impact on the proposed dwellings of the trees to the south of the site in terms of shading, specifically plots 1 and 45 and have confirmed there are no significant issues.

The Highways Transport and Environment Manager considers the access from Cayton Drive is suitable for the scale of the development with the internal road layout and parking provision being in accordance with the required standards and they have no highway objections. The Inspector in the recent appeal decision considered the single access was acceptable in terms of highway safety and that there was no evidence that residents cannot pass through the estate and that the proposal provided adequate parking provision according to SPD3.

Taking the separation distances into account the revised proposal is considered to have addressed the Inspectors reason for refusal of the previous scheme in terms of the potential impact on the existing neighbour's amenity in terms of outlook. Overall it is considered that the proposed

development is acceptable in terms of appearance, landscaping, layout, scale and access. The recommendation is to approve the application.

RECOMMENDATION

That planning application 16/3022/REV be approved subject to the following conditions and informatives:-

- 01 The development hereby approved shall be in accordance with the following approved plan(s);**

Plan Reference Number	Date on Plan
1614/002C	24 November 2016
1614/005C	24 November 2016
1614/003D	24 November 2016
1614/006C	24 November 2016
1614/007E	24 November 2016
1614/004D	24 November 2016
1614/009	24 November 2016
1614/001M	2 March 2017

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). All windows shall be recessed from the face of the building by a minimum of 100mm or an alternative amount to be first agreed in writing with the Local Planning Authority. The agreed details shall be retained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.***

Reason: To enable the Local Planning Authority to control details of the proposed development and in the interests of the visual amenities of the area.

Site and floor levels:

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

Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with saved Stockton on Tees Local Plan Policy HO3.

Means of Enclosure:

- 04. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first agreed with the Local Planning Authority before the development is occupied. Such means of enclosure as agreed shall be erected before the development hereby approved is first occupied and shall be retained for the life of the development.**

Reason: In the interests of the visual amenities of the locality.

Management Plan

- 05** *Prior to occupation of the development, full details of a proposed management of the linear grass strip of land to the south of the internal road shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include long term management responsibilities and maintenance schedules. Thereafter the management plan shall be carried out in accordance with the approved management/maintenance scheme.*

Reason: To ensure satisfactory long term management of the appearance of the site in the interests of visual amenity.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: Working Practice

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Informative 2: Gas Apparatus

Northern Gas Networks have advised that there may be gas apparatus in the area and that the developer should contact them to discuss this.

BACKGROUND

1. Planning application 13/0809/FUL for the erection of 54 dwellings, formation of access, provision of landscaping and associated works was refused for the following reasons; impact on the green wedge; impact on highway safety; insufficient provision of affordable housing; impacts on the existing tree belt and insufficient amenity for future occupiers.
2. A revised application (14/0954/REV) for the erection of 50 dwellings, formation of access, provision of landscaping and associated works that was recommended for approval by officers and refused by planning committee on the 9th July 2014 due to the impact on the green wedge and the impact on highway safety.
3. A further application this time seeking outline permission with all matters reserved (15/1466/OUT) for a residential development of up to 45 dwellings was refused by the planning committee although the subsequent appeal was allowed. Following that outline approval, a reserved matters application (16/1024/REM) was submitted this application was considered by the planning committee and meetings in July and September. Ahead of the September committee meeting, an appeal on grounds of non-determination was submitted and members resolved that they would have been minded to refuse the application on the grounds that the development would have adversely affected the amenity of existing and proposed residential properties.
4. This appeal decisions was very recently released and the appeal has been dismissed (decision included within the appendices) with the Inspector concluding that the proposal would cause harm to the living conditions of the occupiers of neighbouring dwellings. However, the inspector stated that with regards to a second access, it is open to the applicants to alter the access proposals in the reserved matters submission given that access is a reserved matter. In addition it was stated that without any substantive evidence to suggest otherwise, the scheme providing a single access to the development would be acceptable in terms of highway safety

SITE AND SURROUNDINGS

5. The application site is located to the south of Cayton Drive in Thornaby. Existing residential properties are located along the northern boundary at Lockton Crescent, Liverton Crescent and Cayton Drive. The boundary treatments for the residential properties to the northern boundary vary with low lying walls/fences to 1.8 metre high fences and hedges.
6. The southern boundary to the site has an established woodland area with a 1 metre high wired fence. Residential properties are located along Bassleton Drive to the west and Middleton Drive to the east.
7. The site itself is an open area of overgrown grassland which has a gradual downward slope towards the southern boundary. Access to the site is currently through a gated access off Cayton Drive and from a gated access at the rear of 89 Bassleton Lane.

PROPOSAL

8. The applicant is seeking planning permission for the reserved matters of appearance, landscaping, layout, access and scale associated with the outline planning permission which was granted on appeal for up to 45 dwellings (15/1466/OUT)
9. The revised proposal is for 45 dwellings with a single access off Cayton Drive. The development layout will be a linear pattern with a two cul-de-sacs sited to the east and west of the site. The majority of the dwellings will be located to the north of the internal road with the remainder of the dwellings facing toward the internal access road of Cayton Drive or towards the end of end of the cul-de-sacs.
10. The proposal is for a mixture of 2, 3 and 4 bedroomed dwellings with both semi-detached and detached designs.

CONSULTATIONS

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

Councillor Mick Moore

I wish to object to Planning Application 15/1466/OUT on the grounds of,

The close proximity of new housing to the established estate.

Lack of access and egress to the site

If only there is to be only one entrance this should be off Middleton Ave

The traffic created will be a safety hazard to residents.

The increased amount of traffic on Bader Ave, Middleton Ave and surrounding roads through the estate

The site is identified as wildlife corridor in the Tees Biodiversity Plan any such development would have a devastating effect on this sensitive area.

The development will also affect the drainage in the area.

The development will be detrimental to the area.

The new application show buildings encroaching further onto residents properties.

The site is indicated as Green Wedge on all notice boards advertising the Tees Heritage Park

Councillor Ian Dalgarno

This application is no different to the previous applications for this site which have all been rejected. I would ask that the committee visit the site so they can see how small and restricted the entrance is which could cause access problems for the emergency services vehicles because of the on street parking this application will generate. The recent approval to build 200 houses on Maltby Farm which is only a few hundred meters from this site will cause the volumes of traffic to rise to unacceptable levels on Thornaby road, this development will only add to that problem. I would ask that the committee again reject this application.

SBC Highways Transport and Environment Manager

Executive Summary

This application is for Reserved Matters approval (appearance, landscaping, layout, access and scale) for the erection of 45 No. dwellings, access from Cayton Drive and ancillary works pursuant to outline planning consent 15/1466/OUT. The principle of the development has been agreed as part of the outline planning consent (15/1466/OUT).

In terms of access the applicant is proposing a single point of access to be taken from Cayton Drive. When considering the Outline application (15/1466/OUT) Highways, Transport and Environment requested that the site should be served from two points of access, Cayton Drive and Middleton Avenue, in order to minimise the development traffic utilising each access point. Whilst it is not possible to provide a second point of access from Middleton Drive, due to land ownership issues, the proposed access from Cayton Drive is suitable for serving the scale of development. Highways, Transport and Environment are therefore unable to raise a highways objection, to the proposed development, in relation to the means of access.

This memorandum takes account of the Proposed Site Plan ref: 1614/001K and having reviewed the latest plans the Highways, Transport & Environment Manager considers that the proposals submitted are broadly acceptable in terms of appearance, layout, access and scale.

Highways Comments

In terms of access the applicant is proposing a single point of access to be taken from Cayton Drive. When considering the Outline application (15/1466/OUT) Highways, Transport and Environment requested that the site should be served from two points of access, Cayton Drive and Middleton Avenue, in order to minimise the development traffic utilising each access point. Whilst it is not possible to provide a second point of access from Middleton Drive, due to land ownership issues, the proposed access from Cayton Drive is suitable for serving the scale of development. The Highways, Transport and Environment Manager is therefore unable to raise a highways objection, to the proposed development, in relation to the means of access.

The internal road layout and parking provision is in accordance with the required standards.

There are no highways objections to the revised housing layout.

Landscape & Visual Comments

The landscape details shown on the proposed site plan reference 1614/001K, including the establishment maintenance information, is considered acceptable for this development and has taken in account the points raised in our previous memo. The long-term maintenance arrangements for the longitudinal grass area in southern part of the site can be conditioned.

Environmental Health Unit

I have had a look at the above planning application and I have no additional comments to make following my comments for the previous application 15/1466/OUT.

I am however happy for the 'Open Burning' condition which was previously requested to be removed.

Spatial Planning & Regeneration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The development plan for Stockton on Tees Borough is made up of policies from the adopted Core Strategy (2010) and saved policies from Local Plan Alteration Number One (2006).

The NPPF also includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

The principle of this development was accepted under the original outline planning application. Therefore the Economic Strategy and Spatial Planning Team have no additional comments to make on the proposal.

Northumbrian Water Limited

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this document it states that the estimated foul flow can discharge into the foul sewer at manhole 1205 and that no surface water flow from the proposed development will be allowed to connect into the existing public sewerage system.

Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Any drainage scheme submitted to the Local Planning Authority should be in line with the attached NWL comments. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

Durham County Badger Group

The Phase 1 Ecology Surveys carried out in 2012 and 2015 concluded that:

"4.5.1 Badgers are recorded within 2km of site. However, there are no Badger setts on the site and no signs of foraging activity were observed. Whilst the site may provide suitable foraging habitat for this species, we consider it unlikely that the area is an important feeding or commuting site for Badgers. The proposals are unlikely to affect Badgers." The development area is currently just outside of the area traditionally covered by DCBG and therefore we have few, if any, records of badger setts on or near to the site.

On the information that we have to date DCBG can only take a Neutral Stance on this proposal for development.

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

PUBLICITY

12. Neighbours were notified and 45 objection comments were received as summarised below:

Frank Mallon, The Hawthorns, 22 Bassleton Lane	Mr Riley 9 Liverton Crescent
Ken Small, 53 Bassleton Lane	Mrs Riley, 9 Liverton Crescent
Kenneth Gettings, 91 Bassleton Lane	Mr Kevin Smithson, 3 Axton Crescent
Mrs Brenda Bean, 98 Bassleton Lane	Thornaby
Joan Imerson, 24 Bader Avenue	Mr Peter Coffield, 5 Axton Close,
BR Bridgewater, 25 Bader Avenue	Thornaby
SI Bridgewater, 25 Bader Avenue	Pamela Norton, 9 Kintyre Drive,
Paul Norman, 2 Barton Close	Thornaby
B Taylor, 10 Lockton Crescent	Jones, 16 Kintyre Drive
M Pearson, 14 Lockton Crescent	Mr A D Harrow, 25 Kintyre Drive
Mr Michael Hutchinson, 19 Lockton Crescent	N W Deacon, 31 Kintyre Drive
Ann Gardner, 23 Lockton Crescent	J Deacon, 31 Kintyre Drive,
Ken Gardner, 23 Lockton Crescent	Mrs Mable Etherington, 33 Kintyre Drive
Eileen Skidmore, 25 Lockton Crescent	M Johnson, 35 Kintyre Drive
Keith Skidmore, 25 Lockton Crescent	Mr Gary Wilson, 26 White House Road,
Mrs Karen Newton, 29 Lockton Crescent	Thornaby
Mr Robert Newton, 29 Lockton Crescent,	Rosemary Mohammed, 3 Charrington
Brent Smith, 35 Lockton Crescent	Avenue
Christine Smith, 35 Lockton Crescent	Mr Robert Crallan, 7 Charrington Avenue
Mr Palin, 37 Lockton Crescent	Mrs Lilian Crallan, 7 Charrington Avenue,
Mr Palin, 37 Lockton Crescent	Thornaby
Mr Ronald Brown, 27 Liverton Crescent	Mr Jonathan Skidmore, 63 Marchlyn
Mrs Kathleen Collier, 33 Liverton Crescent	Crescent, Ingleby
Mr Laurence Collier, 33 Liverton Crescent	Mr Henderson, 35 Middleton Drive
	Mrs Henderson, 35 Middleton Drive
	Mr Robert Turner, 10 Cayton Drive
	Mr Gavin Lyon, 12 Cayton Drive
	Mrs Rachel Wilkinson, 7 Barkston
	Avenue

Application issues

- 'Back door' application as previous application at appeal and residents under impression Inspector deciding issue
- Been previous refusals for housing on this site
- Outline application should request a full application
- Out of date ordnance survey plans
- Appeal still ongoing
- Not addressed previous concerns
- Planning committee should be out of office hours and given more than 5 days notice
- Planning Inspectorate should decide the application
- Question on why the scheme is being recommended for approval when a letter from the agent in September 2016 showing the properties close to the southern boundary mentions it was to be recommended for refusal by the planners.

Amenity Issues

- Proximity of existing properties to proposed dwellings
- Measurement lines between dwellings inaccurate
- Plots 3 and 4 close proximity to dwellings
- Appearance of development row of terraces out of character
- House (Plot 6) altered from 3 to 4 bedroom next 35 Lockton Crescent
- Extension at 25 Lockton Crescent and 91 Bassleton Lane not shown

- Overshadowing
- Loss of light
- Loss of privacy
- Loss of views
- Devaluation of properties
- Number of properties should be reduced
- Development should be moved closer to the trees boundary
- Residents will be facing a continuous 30 feet high section of wall to south of their properties
- Insufficient amenities such as schools, medical centres and shops in the area
- 91 Bassleton Lane owns an additional area of land to the rear of their property which impacts on separation distances
- the requirement for the access road within the development to be moved further south to remove the grassed area and the need for its long term maintenance

Affordable housing provision

- 200 homes proposed at Little Maltby Farm how many affordable homes needed
- Insufficient provision of affordable housing

Highway issues

- Single access not acceptable
- Additional traffic and increase in traffic volume, noise and air pollution.
- Increased traffic congestion and on street parking
- Access will be through narrow roads along Burniston Drive and Liverton Crescent issues with emergency vehicles
- Extra cars due to lack of bus services
- SBC extra funding for dirt and damage to roads
- Ownership of strip of land not investigated

Environment issues

- Removal of Green Wedge
- Intrusion on Tees Heritage Park
- Historic hedge boundary to rear of 25 Lockton Crescent is this to be retained
- Questioning the removal of the open burning condition
- Neglecting heritage and history of Thornaby
- Loss of Open Space area
- Impact on existing tree belt
- Effect on Wildlife including bats and owls

PLANNING POLICY

13. 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. 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 [planning 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

National Planning Policy Framework

14. 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. 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.

Local Planning Policy

15. The following planning policies are considered to be relevant to the consideration of this application.

Saved Policy HO3 of the adopted Stockton on Tees Local Plan

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.

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

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

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.

MATERIAL PLANNING CONSIDERATIONS

16. The approval at appeal for the outline application (15/1466/OUT) established the principle of the development of the land for housing. This reserved matters application relates solely to the appearance, landscaping, layout, access and scale for the development. It is noted that several objection comments have been made regarding the principle of the development, such as the loss of part of the Tees Heritage Park, loss of the green wedge and ecological impacts. These issues were considered as part of the outline approval and as such will not be taken into account as part of the reserved matters application.

Proposed access

17. The access remains to be taken from a single access point off Cayton Drive to the north of the site. Objection comments have been received that there should be two access points to the development with the second access to be from Middleton Avenue and that allowing this development will generate further traffic congestion and on-street parking in the area and would impede emergency services access. It is noted that as part of the recent appeal decision (paragraph 16) that the inspector took the view that as the access was a reserved matter it was open to the applicant to alter the access proposals in the reserved matters submission.
18. The Highways Transport and Environment Manager indicated that as part of the outline application that two access points would be preferable, however, land ownership issues mean that the applicant is unable to provide a second access in and out of the site. Objection comments have been received that the ownership of the strip of land has not been fully investigated. The Highways Transport and Environment Manager has considered the current proposal and comments that the single access into the site is considered to be suitable for a development of this scale and therefore the land ownership is not a material planning consideration for this application. As detailed within the appeal decision without substantive evidence to suggest otherwise and in the absence of an objection from the Highway Authority it is considered that the scheme would be acceptable in terms of highway safety.
19. The revised internal layout for the site includes car parking provision for each dwelling in accordance with the Council's SPD3- Parking Provision For Developments guidelines with 6 additional visitor parking bays provided to the south of the internal road.
20. The applicant as part of the previous reserved matters application (16/1024/REM) submitted a highway note which demonstrated that Cayton Drive and Liverton Crescent are 5.3m and 5.5 metres in width respectively which is sufficient to allow emergency vehicles access even if cars were parked within the street. These highway details remain relevant for this revised application.

Site Layout including impact on surrounding properties

21. The layout of this revised scheme differs from the previous application; significantly it moves the proposed dwellings further to the south of the existing dwellings and increases the degree of separation for the majority of the neighbouring properties. Objection comments have been received from residents that the submitted plans do not reflect extensions which have been added to their properties and therefore do not accurately reflect the impact of the development in terms of loss of privacy, loss of light and potential overbearing. However the ordnance survey plan which has been submitted is standard practice with planning applications and the applicant is not as part of the planning process required to survey any surrounding properties. The case officer has completed a site visit for the application and noted several properties along both Liverton Crescent and Lockton Crescent have had extensions completed which are mainly single storey extensions and these have been taken into consideration as part of the determination of this application.
22. As indicated above, this revised layout has moved the proposed dwellings further south within the site to increase the separation distances between the dwellings and the existing properties. The minimum separation distance achieved between plots 7-15 and Plot 23 and 40 facing towards Lockton Crescent and Liverton Crescent is now 23 metres. Considering the single storey extensions to the rear of the properties may be between 3-4 metres this would still leave a minimum separation distance of 19 metres. The previous revised scheme which was submitted reported minimum separation distances between rear elevations of the existing and proposed elevations of 11+ metres, with some extensions meaning the separation distance was closer and consequently it is considered that this revised scheme adequately addresses the concerns of the planning inspector with regards to loss of outlook.

23. The minimum rear gardens lengths of plots 7-15 and plots 23 and 40 to the existing properties boundary line is 14 metres. Plots 6, 19, 20 and 41 are located closer to the northern boundary of the site, however the orientation of the properties means the side elevation of these properties will be facing towards the existing properties. In terms of privacy, loss of light and potential overbearing, the proposed dwellings will have no habitable room windows facing the existing neighbours with any windows being either bathroom windows or utility room windows. Plots 6 and 20 have a ground floor utility and first floor bathroom window located on the side elevation which will be approximately 16 metres from the neighbour's rear elevation. Plot 19 has a first floor bathroom window facing 14 Cayton Drive that has no windows on their elevation with Plot 41 having no windows on the side facing 24 Middleton Avenue. The separation distances between plots 1-6 on the western boundary and the existing properties along Bassleton Lane is over 18 metres.
24. The current boundary treatments along the northern boundary of the site are mixture of low walls and fences and higher 1.8 metres fences and hedges. Objection comments have been received regarding the loss of views however this is not a material planning consideration.
25. The revised layout shows the majority of the dwellings being in a linear format with the front elevations of the properties facing towards the internal highway and the grassed area and woodland to the South. Concerns have been raised with regards to potential shading of plots 1 and 45 from the existing woodland to the south. The Landscape Architects have assessed the impact and consider there to be no shading issues to the future occupiers of the dwellings. Plot 1 is adjacent to two large Oak and Ash trees but has a large front and rear garden which extends 14-15 metres beyond the wedge of the woodland. Although the southern part of the garden will be in the shade the northern parts will not be affected and will experience sun for much of the day. Plot 45 lies perpendicular to the woodland and the trees adjacent to this garden are hawthorn hedges which cast only a small amount of shade with only a limited area of the southern part of this garden experiencing any shading effects.

Scale of Development

26. The proposal is for two-storey semi-detached and detached dwellings. Each property will have their own driveway area with both front and rear garden areas. The proposal is for 45 dwellings which given the current density and garden areas of the current housing located to the north of the development site is considered to be in keeping with its surroundings.

Appearance of Development

27. The proposed development will include a mixture of house types with both semi-detached and detached two-storey properties which will have a mixture of hip and gable roofs. Each property will have a driveway area with the detached properties having integral garages. Sandstone footpaths will be located around the exterior of the dwellings. Internally within the development, the proposal includes landscaping between the driveway areas to ensure there will be no lengthy areas of hard standing with additional tree planting in key locations. The lengthy grass strip located between the internal highway and the woodland area provides a more open character to the street scene with views from the frontage of the majority of the dwellings to the woodland area.
28. The overall modern design of the dwellings is considered to fit in with the existing modern designed properties to the north of the site. A condition will be placed on the application regarding specific details of the materials for the dwellings and the boundary treatments.

Landscaping of the Site

29. The proposal includes area of shrub and hedge planting to the frontage of the properties mainly between proposed driveway and for some additional small and medium trees to be planted between the properties and the internal highway. In addition, there will be an area of grass

between the established woodland to the south and the internal highway. The Landscape Architects have commented that they have no landscape or visual objections to the revised housing layout, landscaping and boundary details set out in revised drawing 16414/01K.

30. The proposed drawing 1614/001K show boundary treatments along the northern boundary as a 900mm wall with 900mm fence panels above with a 1.8 metre high close boarded fence between the proposed dwellings. The proposed boundary treatment will be either adjacent to the current boundaries or will replace the existing boundaries but this would need the agreement of the individual owners. To ensure the specific details of the boundaries a condition will be placed on the proposal requesting details to be provided.
31. The long term management of the linear grass area located towards the south of the application site will be maintained through a management plan to be submitted to the Local Planning Authority for approval prior to occupation of the dwellings. Objection comments have been received that if this area of land was removed it would resolve the maintenance issues. The area of grassed land will provide an area of open space between the development and the woodland which is considered to be acceptable in terms of the character and appearance of the development. Given the separation distances between the proposed dwellings and the existing dwellings are considered to be acceptable, there is no requirement to remove the grass area from the proposal.
32. Towards the northern boundary of the site between proposed plots 9,10,11 and 12 and the existing residential properties at 25,27 and 29 Lockton Crescent is an existing tree which is shown as being retained. The Landscape Architects have commented that the tree should be protected during site works in line with BS 5837:2012 and a condition will be placed on the application relating to the tree protection methods. The outline permission included a condition regarding the protection of the trees within the site (condition 8).
33. An objection comment has been raised regarding an ancient hedgerow located to the rear of 25 Lockton Crescent. The removal of hedgerows less than 20 metres in length and where they adjoin residential boundaries do not require planning permission and to be classed as ancient hedgerow they need to fall within certain criteria with none of the hedgerows within the development site being protected/ ancient hedgerows.

Other Matters

34. Northumbrian Water have advised that they have no objections to the proposal however have requested a condition be placed on the application regarding surface water drainage from the site to be approved by the Local Authority. Furthermore, they have clarified that the hatched red line running north to south across the site is not a sewer and is a culverted watercourse and therefore they have no objections to the development.
35. Northern Gas Networks have advised that they have no objections to the scheme but that there may be apparatus in the area and that the developer should contact them. An informative has been recommended to cover this issue.
36. An objection comment has been received regarding the comment regarding the removal of the open burning condition on the site. This condition was placed on the outline application by the Planning inspector at the appeal and will still apply.
37. Objections have been received that this application is a back door method to achieve permission with previous schemes having been refused and an on-going appeal. This revised application will be assessed on its own planning merits. The applicant can submit a further planning application whilst waiting for the Planning Inspectors decision on the previous refusal.

38. Objection comments have been received that due to the inaccuracies of the plans and the fact still only one access road is shown that the plans should be passed to the Planning Inspectorate to assess and if a Public Inquiry was held this would reveal the truth. Only applicants can submit an application for either an appeal or public Inquiry to be assessed by the Planning Inspectorate through the third party right of appeal process.
39. Objection comments have been received that the number of houses within the site should be reduced. The applicant has outline planning permission for up to 45 dwellings on the site and as this application is for 45 dwellings the number is within the number approved at outline stage.
40. The lack of affordable housing provision has been stated along with comments that there is sufficient affordable housing already in the borough. The outline approval for the site provided through the section 106 agreement that 15% of the housing on the site should be affordable which accords with Council Guidelines. The Council's guidance on the levels of affordable housing required within the borough is in line with government guidance.
41. An objection comment has been received regarding the devaluation of properties resulting from the proposed development. Any increase or decrease in property values is not a material planning consideration which can be assessed as part of the application.
42. An objection comment has raised concerns over the notice period for the planning committee and the fact the committee meeting should be out of office hours. Notification of the committee meeting are sent out with a weeks notice to enable people to attend with the working day being considered the most suitable time period for people to attend.
43. An objection comment has been received regarding the 'right to light' law. The impact of the development on the neighbouring properties has been considered as part of the planning process which includes any overshadowing, loss of light and overbearing however the 'right to light' is purely a private property matter between the developer and existing home owners.
44. Concerns have been raised in terms of construction vehicles / cabins, The outline permission provided a condition for a Construction management Plan to be submitted to the Local Authority for approval to include access proposal (HGV routes and HGV trip profile, areas for staff parking during construction and mitigation measures.
45. Comments have been received from the owner of 91 Bassleton Lane that they own an additional area of land to the rear of their current fence line (Appendix 3) and therefore the separation distances between the proposed development and their rear boundary and the plans are misleading, out-dated and show a gap between the development and their boundary. The plans which have been submitted do not include this area of land within the red line boundary of the application site. Although this additional section of land owned by 91 Bassleton Lane will abut the development boundary, the minimum 24 metre separation distances between the proposed dwellings and the rear of 91 Bassleton Lane is considered not to have a significant impact on the amenity of these neighbours.
46. Concerns have been raised that the neighbours were not notified of the recent appeal or of this application. All neighbours who commented on the previous scheme were notified of the appeal and neighbours within the immediate vicinity of the site were notified of this current application with two site notices being placed on Cayton Drive and Middleton Avenue.
47. Concerns have been raised regarding the drainage issues/flooding within the site due to the high water table. The Inspector placed a condition on the outline approval for a surface water drainage and management scheme to be submitted to the Local Authority for approval prior to any works commencing on site.

CONCLUSION

48. In view of the above considerations, the proposed development is considered to satisfactorily address the concerns of the Planning Inspector so that it now represents a suitable layout which is in keeping with its surroundings, while providing adequate access and levels of residential amenity for the nearby residential properties in terms of privacy and amenity. It is recommended that the application be approved with conditions for the reasons specified above.

Director of Economic Growth and Development Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward	Village
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Environmental Implications:

The environmental implications of developing the site were largely matters for the outline approval. The proposed layout assists in protecting the longevity of the trees on the southern site boundary. Green space will exist throughout the estate although in an entirely different form that that existing. There are no known notable environmental implications in determining this application.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. Comments received have all been taken into account although many relate to the principle of development which has already been established and are therefore not material to the consideration of the reserved matters. The proposed layout reasonably takes into account the implications on existing properties.

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. The site access and road layout are considered to be safe and the proposal would be served by the existing footpath network which is considered to be capable of taking the additional demand created by this scheme. There are no known community safety issues associated with the development.

Background Papers

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Background Papers

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments