DELEGATED

AGENDA NO
PLANNING COMMITTEE
14th June 2017
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES

17/0641/REM

Land Adjacent To 12 Butts Lane, Egglescliffe, TS16 9BT Application for reserved matters approval (scale, appearance layout and layout) for a three storey dwelling with attached garage and associated access.

SUMMARY

The application site forms part of the side garden area of Lane End, 12 Butts Lane, Egglescliffe.

Outline planning approval has previously been granted for the erection of a dwelling on the site. The earliest approval dates back to 1986 (S870/86) and the most recent was approved in 2015 (Application Number: 15/2015/OUT). The outline application only considered the means of access and all other matters in relation to scale, layout, appearance and landscape were reserved and are to be considered as part of this application.

The proposed six bedroomed dwelling is 'H' shaped and is in the main two storey, with a third storey in the roof of the northern wing. The house has large gables and substantial amount of glazing and incorporates a double garage. The largest of the wings (with the room in the roof) will be approximately 9.4metres high, with the main house being approximately 7.8 metres in height. Boundary treatments will consist of a 1.8m high close boarded fence and hedge to the west side of the plot and with the existing 1.2m high estate railings to the north side being retained.

As outline planning permission has been granted for a residential dwelling on the site, the principle of development has been accepted and therefore the main considerations in determining this application are the reserved matters.

Butts Lane has differing property types and layouts along its length. There is a strong building line on plan; however this is not so apparent from the street scene. Whilst the preferred option would be to see the proposed dwelling built in line with the remainder of the houses along Butts Lane this would lead to the loss of some valuable trees which are well established and add to the character of the leafy conservation area. Given the position of the plot, at the end of the row, on balance it is considered that the siting of the dwelling further back in the site would not have a significant detrimental impact on the area as it would allow the retention of important landscape features.

Whilst objections have been received stating the development would affect light and view from at least 3 other houses, due to the distances involved, it is considered that the only neighbour to be affected by this development would be the host property which is located to the north east of the site. Given the design and layout of the proposed dwelling, it is not considered that the development would adversely affect the privacy and amenity of this neighbour.

The surrounding dwellings vary in design from a two-storey nature to bungalows, however neighbouring properties to the north are substantial and vary in height from 7 metres to 10.3

metres, with the host property extending to approximately 9.5 metres in height. Whilst his property has a three storey element in the northern wing with rooms in the roof, the remainder of the dwelling is two storey. Nonetheless the height (at 9.4 metres) remains comparable to the others along the lane and is not considered to be out of character or overdevelopment.

The proposed dwelling is different to others, however each property has its own unique design and appearance. It is considered that with the use of the sympathetic materials that the proposed development would not have an adverse impact on the character of the area.

The applicant submitted an arboricultural report and the Highways, Transport and Design Manager is satisfied that the indicated trees can be removed, as they have a low impact, and is generally satisfied, subject to the submission of an final Arboricultural method statement which is covered by condition on the outline application, that the development will not have an adverse impact on landscaping.

Comments have been made regarding the impact on the conservation area, however this matter was considered at the outline stage and does not require further consideration. Nonetheless the Historic Buildings Officer has viewed the current plans and raised no objections to the proposed scale, layout or appearance of the property.

Objections have been raised regarding the impact on traffic generation, vehicular access, highway safety, however these matters were all considered at outline stage when the details for the access were agreed and does not require further consideration.

In terms of ecology it is not considered that the development would have an adverse effect sufficient to warrant refusal of the application as the development is primarily within the garden area of the host property, and not extending into the wooded area.

Covenants are not material planning considerations and is a legal matter for the applicant to address.

Overall it is considered that the proposed development is acceptable in terms of appearance, landscaping, layout and scale and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours. It is considered that the reserved matters are in general accordance with the National Planning Policy Framework and the Development Plan policies and therefore the recommendation is to approve the reserved matters application subject to the conditions set out in the report.

RECOMMENDATION

That planning application 17/0641/REM be approved subject to the following conditions and informatives:

01 Approved Plans

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

 Plan Reference Number
 Date on Plan

 1501-15-105
 8 March 2017

 1501-15-100 REV D
 10 March 2017

 1501-15-103 REV B
 13 March 2017

 1501-15-101 E
 4 May 2017

 Arboricultural Impact Assessment ARB/AE/1217
 31 May 2017

Reason: To define the consent.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

BACKGROUND

 Outline planning approval has previously been granted for the erection of a dwelling on the site. The earliest approval dates back to 1986 (S870/86) and the most recent was approved in 2015 (Application Number: 15/2015/OUT). The outline application only considered the means of access and all other matters in relation to scale, layout, appearance and landscape were reserved.

SITE AND SURROUNDINGS

- 2. The application site forms part of the side garden area of Lane End, 12 Butts Lane, Egglescliffe.
- 3. The host property is a 2 storey detached dwelling to the north of the site which has a large garden area to the side and rear containing several semi mature trees. A Tree Preservation Order covers various trees on the property (00.8.5.855), the majority of which are to be retained.
- 4. To the south is a public footpath and graveyard and to the west are open fields. Access is to be taken from Butts Lane, which lies to the east of the site and opposite are Egglescliffe Primary School and a Parish Hall.

PROPOSAL

- 5. Outline planning permission has been granted for a dwelling on the site and this reserved matters application seeks approval for the following matters. The means of access has already been agreed at outline stage and is shown on the submitted plans.
 - Appearance aspects of a building or place which affect the way it looks, including the exterior of the development
 - Landscaping the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
 - Layout includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development
 - Scale includes information on the size of the development, including the height, width and length of each proposed building
- 6. The proposed six bedroomed dwelling is 'H' shaped and is in the main two storey with a third storey in the roof of the northern wing. The house has large gables with a substantial amount of glazing and incorporates a double garage. The largest of the wings (with the rooms in the roof) will be approximately 9.4metres high, with the main house being approximately 7.8 metres in height at the lowest.

7. Boundary treatments will consist of 1.8m high close boarded fence and hedge to the west side of the plot and with the existing 1.2m high estate railings to the north side being retained.

CONSULTATIONS

- 8. The following Consultations were notified and relevant comments received are set out below:-
- 9. SBC Highways Transport And Environment

General Summary: The Highways Transport and Design Manager requires some further information but this may be resolved as a condition.

Highways Comments: The access for the proposed dwelling was approved under 15/2016/OUT with visibility splays of 2.4m x 25m. In accordance with SPD3: Parking Provision for Developments 2011, 4 incurtilage car parking spaces are provided for a 6-bedroom house. There are no highway objections.

Landscape and Visual Comments: The current proposal requires the loss of four no. trees from the site, T3 and T10 which were included for removal in the outline application, and two additional trees T12 and T13. The Principal Tree and Woodlands Officer is satisfied that T12 and T13 can be removed, as they have a low impact, being relatively young and surrounded by high density tree cover resulting in a negligible visual impact from outside the site.

The proposed dwelling now extends closer to the south western edge of the site, with the areas of hardstanding extending out towards the red line boundary. The high density tree cover south west of the site, on the slope below the development plot, provides valuable screening of properties in the village from locations in Yarm and must be retained and protected during the works. The arboricultural survey submitted indicates that none of the trees outside the red line boundary will be impacted by the works, and tree protection fencing should be erected around the RPA of the mature sycamore as shown on drawing ARB/AE/1217-TPP. It should be noted that the position of the building close to the edge of the site, may result in some shading of the property and the garden area. However the impact of this is not considered to be so significant to make the development unviable.

The line of tree protection fencing shown on the submitted drawing ARB/AE/1217-TPP (and to be agreed on site with The Council's Principal Tree and Woodlands Officer) will provide sufficient protection for site trees during construction.

The submitted Arboricultural Method Statement (AMS) indicates that no dig construction methods will be used for construction of the driveway access serving the property. This is a condition on the outline application and needs to be formally discharged with full details. The submitted details regarding the boundary treatment to the edges of the site requires some further clarification, in respect of its position in relation to the highway. This is a condition on the outline application and needs to be formally discharged with full details. The Principal Tree and Woodlands Officer has reviewed the submitted information and following a recent site meeting is satisfied this has addressed the issues raised:

The recommended tree removals are acceptable and will have low/ negligible impact and the proposed dwelling layout and construction will not have any adverse impact on the retained trees. With regards the modified layout, dimensions and position of the proposed this will be compatible with the retained tree cover without causing any direct conflict - for example does not consider there will be any excessive light restriction that will lead to future 'pressure' to heavily prune or remove trees as the retained trees will be a sufficient distance from the property. The removal of the dense shrubbery (as recommended) will provide immediate substantial clearance between the proposed houses and the nearby trees in the wooded area to the rear. It was accepted that some 'crown lifting' of larger trees and possibly some woodland management such as thinning trees etc may still be acceptable in future without having any negative impact on the adjoining tree cover.

With regards the construction process it is essential that there is close accordance / full compliance with arboricultural method statement — e.g. the recommendations for construction methods, tree protection, site supervision and planning and organising of the construction processes (all building works /utility installations/site protection) must be followed exactly as recommended in the arboricultural report — this includes reference to other documents such as NJUG 4, BS5837 etc. A condition on the outline will ensure the final details are approved and agreed.

10. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the advisory conditions in relation to Construction/ Demolition Noise

11. Tees Archaeology

I note that the applicant has provided a WSI for an archaeological watching brief during the construction works. This partially fulfils (as far as is possible pre-commencement) the requirements of condition 12 of planning approval 15/2016/OUT.

12. <u>Historic Buildings Officer (Verbal)</u>

No objections to the proposed plans. The houses to the north are not part of the historic core of the village but contribute to the conservation area.

13. Northumbrian Water Limited

In making our response to the local planning authority Northumbrian Water will 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.

14. 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.

15. Northern Powergrid

No comments received

16. Parish Council

No comments received

17. Councillors

No comments received.

18. Northern Powergrid

No comments received.

PUBLICITY

19. Neighbours were notified and letters of objection were received from the 11 addresses detailed below with the main objections summarised below. Full details can be viewed at http://www.developmentmanagement.stockton.gov.uk/online-applications/

Mrs M Smith The Grange Egglescliffe
Mr Matthew Wood 8 Butts Lane Egglescliffe
Mr M A Carneiro 10 Butts Lane Egglescliffe
Mr Peter Farrage Tees Villa Aislaby Road
Mr Neil Abbott 6 Eastbourne Avenue Egglescliffe
Mr Jeet Thambyrajah 15 Butts Lane Egglescliffe
Joy And Roland Bullock 3 The Glen Egglescliffe
K A Ward 2 The Glen Egglescliffe
Mrs Fran Wood 8 Butts Lane Egglescliffe
M Carneiro And T Swailes, 10 Butts Lane Egglescliffe
Gilbert O Springett 1 The Glen Egglescliffe

- 20. The main reasons for objection are;
 - This reserved matters application relates to an outline application for a two storey dwelling occupying an area of approximately 100m2 within the development site. The proposed property is a three storey dwelling occupying twice the ground area – an over-development of this site
 - Application is not consistent with that of the approved outline application.
 - Development is excessive scale in terms of height and area
 - Design out of character
 - Development is a 3 storey dwelling where all neighbouring properties are 2 storey
 - Development will have a negative visual impact on Egglescliffe Conservation Area
 - The development will dominate the views from various viewpoints.
 - The scale of the dwelling necessitates the removal of many more trees within the site which will have a detrimental effect on the biodiversity within the site, and increase the negative visual impact
 - Patio extends beyond the line approved in the outline matters application
 - Impact on the historic church
 - Increase in traffic
 - The location of the entrance may endanger children during school drop-off and pick-up times.
 - Light Pollution
 - Development will interfere with the light and view from at least 3 other houses
 - Impact on wildlife
 - Covenant requirements

PLANNING POLICY

- 21. 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
- 22. National Planning Policy Framework 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 planmaking 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

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

24. Core Strategy Policy 1 (CS1) - The Spatial Strategy

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre. 3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

25. 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.

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

- 1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.
- 3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
- 8. Additionally, in designing new development, proposals will:
- _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- _Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

27. Core Strategy Policy 11 (CS11) - Planning Obligations

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

- 2. When seeking contributions, the priorities for the Borough are the provision of highways and transport infrastructure; affordable housing; open space, sport and recreation facilities, with particular emphasis on the needs of young people.
- 28. Saved Policy EN24 of the adopted Stockton on Tees Local Plan

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area
- 29. 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.

MATERIAL PLANNING CONSIDERATIONS

30. As outline planning permission has been granted for a residential dwelling on the site, the principle of development has been accepted and therefore the main considerations in determining this application are the reserved matters which are considered below.

Layout

- 31. The host property is a large detached dwelling, which is set back from the highway, and has a side and garden of a considerable size, within which a variety of trees and other landscaping is present.
- 32. Butts Lane has differing property types and layouts along its length. There is a strong building line on plan; however this is not so apparent from the street scene. Whilst the preferred option would be to see the proposed dwelling built in line with the remainder of the houses along Butts Lane this would lead to the loss of some valuable trees which are well established and add to the character of the leafy conservation area. Given the position of the plot, at the end of the row, on balance it is considered that the siting of the dwelling further back in the site would not have a significant detrimental impact on the area and would allow the retention of important landscape features.
- 33. Whilst objections have been received stating the development would affect light and view from at least 3 other houses, it is considered that the only neighbour to be affected by this development would be the host property which is located to the north east of the proposed plot. There are small windows proposed in the side elevation, however these serve non habitable rooms such as en-suites and a landing and it is not considered that the proposed development would adversely affect the privacy or amenity of this neighbour. A close boarded fence will be erected along the boundary of the garden areas and it is considered that this would be sufficient to protect the privacy and amenity of each property.
- 34. 8 and 10 Butts Lane are located over 40 metres to the north and given there is a large area of landscaping along the northern boundary of the host property which provides significant screening it is considered that the proposed dwelling would not have an adverse impact on these neighbours.

Scale and Appearance

- 35. The surrounding dwellings vary in design from a two-storey nature to bungalows, however neighbouring properties to the north are substantial and vary in height. (Using plans from the previous applications for neighbouring properties, the heights vary from 7 metres to 10.3 metres, with the host property extending to approximately 9.5 metres in height).
- 36. Whilst his property has a three storey element in the northern wing with rooms in the roof, the remainder of the dwelling is two storey. Nonetheless the height (at 9.4 metres) remains comparable to the others along the lane and would not be considered out of character.
- 37. The NPPF, whilst promoting good design states that local should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The proposed dwelling is different to others by each property has its own unique design and appearance. It is considered that with the use of the sympathetic materials that the proposed appearance would not have an adverse impact on the area.
- 38. Comments have been made that the proposal would lead to overdevelopment, however given the size of the plot and the dwelling this would not be the case.

Landscaping

- 39. The applicant submitted an arboricultural report which covered the removal of four trees from the site, T3 and T10 which were included for removal in the outline application, and two additional trees T12 and T13. The Principal Tree and Woodlands Officer is satisfied that T12 and T13 can be removed, as they have a low impact, being relatively young and surrounded by high density tree cover resulting in a negligible visual impact from outside the site.
- 40. The proposed dwelling now extends closer to the south western edge of the site, with the areas of hardstanding extending out towards the red line boundary. The high density tree cover beyond the rear site boundary provides valuable screening of properties in the village from locations in Yarm. The report was updated to include these trees and the arboricultural survey submitted indicates that none of the trees outside the red line boundary will be impacted by the works, subject to tree protection fencing as shown on drawing ARB/AE/1217-TPP which forms part of the approved documents.
- 41. The trees beyond the boundary could have caused shading to the property, thereafter leading to pressure for removal which would generally be resisted as they form part of an important woodland group. The survey has been assessed and whilst the siting of the dwelling further back may result in some shading of the property and the garden area the Principal Tree and Woodland Officer does not consider the impact of this to be so significant to make the development unviable.
- 42. The submitted Arboricultural Method Statement (AMS) indicates that no dig construction methods will be used for construction of the driveway access serving the property and providing works are done in accordance with the submitted details no objections are raised.
- 43. Whilst the means of enclosure on the submitted plans are generally acceptable, the submitted details require some further clarification. A condition on the outline requires full details of the means of enclosure to be submitted and therefore this is adequately controlled

44. The Highways Transport and Design Manager has reviewed the submitted information and is generally satisfied subject to the submission of an final Arboricultural method statement which is covered by condition on the outline application, the development will not have an adverse impact on landscaping.

Impact on the Conservation Area and Listed Buildings

- 45. Comments have been made regarding the impact on the conservation area, however this matter was considered at the outline stage with the officer report stating that the majority of the development is sited well back from the main highway within the garden area and neither the street scene nor the conservation area will be significantly affected by the proposed scheme. Also given the separation distances from listed structures within the village and the significant intervening landscaping it was not considered impact would require further consideration.
- 46. The Historic Buildings Officer has viewed the current plans and raised no objections to the proposed scale, layout or appearance of the property. It is therefore not considered that the proposed development would have an adverse impact on the conservation area or nearby listed buildings.

Access & parking

- 47. Objections have been raised regarding the impact on traffic generation, vehicular access, highway safety, however these matters were all considered at outline stage when the details for the access were agreed.
- 48. In summary, it was considered the implementation of the access as shown and the limited additional traffic that a single dwelling would generate it is considered that the proposed application for a single dwelling would not have an adverse impact on pedestrian and highway safety.
- 49. Within the site there will be a double garage and areas of hard standing, which provides adequate car parking to serve the dwelling and its occupants and complies with the guidance in SPD3 Parking Provision for Developments.

Other Matters

- 50. Environmental Health have requested conditions be placed on the application regarding construction / demolition hours and unexpected land contamination which have been added to the outline application.
- 51. Northumbrian Water and Northern Gas Networks have commented that they have no objections to the proposed dwelling.
- 52. In terms of ecology it is not considered that the development would have an adverse effect sufficient to warrant refusal of the application as the development is primarily within the garden area of the host property, and not extending into the wooded area.
- 53. Covenants are not a material planning consideration and are a legal matter for the applicant to address.

CONCLUSION

54. Overall it is considered that the proposed development is acceptable in terms of appearance, landscaping, layout and scale and it is considered that the site could

satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours.

55. It is considered that the reserved matters are in general accordance with the National Planning Policy Framework and the Development Plan policies and therefore the recommendation is to approve the reserved matters application subject to the conditions set out in the report.

Director of Economic Growth and Development Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward Eaglescliffe

Ward Councillor(s) Councillor Phillip Dennis
Ward Councillor(s) Councillor Stefan Houghton
Ward Councillor(s) Councillor Laura Tunney

IMPLICATIONS

Financial Implications: None

Environmental Implications: As detailed in the report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:

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

Background Papers

Stockton on Tees Local Plan Adopted 1997 Alteration Number 1 to the Adopted Local Plan – 2006 Core Strategy – 2010 Householder Extensions SPD3 – Parking Provision for Developments Planning Application file and Background Papers