

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
26 July 2017
REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

17/0989/OUT

North Meadow, Sunderland Road, Wolviston

Outline application with all matters reserved for the erection of 4 no. dwellinghouses.

Expiry Date: 28 July 2017

SUMMARY

The application site is North Meadow, Sunderland Road, Wolviston which currently houses a large detached dwelling which is to be demolished and outline planning permission is sought for the erection of four dwellings with all matters reserved. A total of 10 objections have been received along with one letter making in general contributions but not objecting to the principle of development.

The main considerations in determining this application are the principle of development, the impact on the character and appearance of the area (and wider conservation area), the impact on the amenity of the proposed and neighbouring properties and provision of adequate access and parking, and impact of landscaping features and any other residual matters.

The National Planning Policy Framework sets out that there is a presumption in favour of sustainable development and paragraph 49 of the NPPF sets out that Local Authorities need to be able to demonstrate a five year supply of deliverable housing sites and where this cannot be demonstrated the relevant policies for the supply of housing should not be considered up-to-date. The Local Planning Authority cannot currently demonstrate a 5 year housing land supply, which weighs in favour of the development.

The site falls within the Limits to Development as defined by saved policy EN13 of the Borough Local Plan, within which, there is a presumption in favour of residential development subject to certain criteria as detailed in Saved Policy HO3.

Sunderland Road has differing property types and layouts along its length including bungalows and houses and The Pippins opposite is also a mix of house types. The proposed development would involve the provision of new accesses off Sunderland Road; however the trees and hedge will be retained wherever possible and it is therefore considered that the street scene will not be significantly affected by the proposed scheme.

Given the separation distances from the conservation area boundary and listed buildings it is not considered that the proposed scheme would have an adverse impact on these historic features.

It should be noted that many concerns have been raised that the houses are identical, and that they are out of character with the area. The plans submitted are indicative only and basically serve the purpose to show that four houses can be achieved on site. The applicant is aware that should the application be approved, the full details should provide a layout which reflects the local character and each house should be an individual design.

As this is an outline planning application and the applicants wish for all matters to be reserved, it considered that in principle, four dwellings of a satisfactory design and layout and with the use

appropriate materials would be acceptable in this location and would not be detrimental to the character and appearance of the area.

Wayside is located to the south and it is considered that with the sensible siting and design of the proposed dwellings and retention of the landscaping on the side boundary there would be no adverse impact on privacy or amenity of the existing or proposed dwelling. Properties in The Pippins are a minimum of 18 metres to the front boundary of the application site. Given the houses will be set back giving a greater separation distance and that the plans show the retention of the landscaping along the western boundary which provides significant screening along with the existing screening to the rear of the Pippins it is considered that the proposed dwellings would not have an adverse impact on the privacy and amenity of these neighbours.

This is an outline application with access being dealt with as a reserved matter. Objections have been raised regarding the impact on traffic generation, vehicular access and highway safety. The Highways Transport and Design Manager has reviewed the proposal and raised no objections and it is considered that the limited additional traffic that four extra dwellings would generate, and with the provision of suitable accesses, turning areas and incultilage parking that the proposed application would not have an adverse impact on pedestrian and highway safety.

An emergency tree preservation order placed on the trees whilst further information was sought. An Arboricultural Assessment accompanies the application and the Councils Principal Tree and Woodland Officer raised no objections to the removal of the trees as proposed provided that some replacement planting is undertaken and a detailed Tree Protection Plan and Arboricultural Method Statement is submitted at reserved matters stage. In addition, as the proposed layout has not been finalised a Shade Parameters Plan will be required to demonstrate the impact of existing and proposed new tree planting on any proposed properties and their gardens. Following on from this application, the tree preservation order will be varied, omitting the trees to be removed and the lower quality trees, and the order can be confirmed affording protection to the remaining trees/buffer planting.

In terms of ecology, this area is a private garden with limited scope for wildlife, however the submitted report has made certain recommendations in relation to bats and birds and a condition has been recommended to ensure that the applicant adheres to the recommendations

Conditions in relation to drainage; noise protection; construction / demolition hours and unexpected land contamination have been added to the application.

In view of the planning merits of the case, the proposal is therefore considered to be acceptable and is recommended for approval with conditions as detailed below;

RECOMMENDATION

That planning application 17/0989/OUT be approved subject to the following conditions and informatives;

Approved Plans

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

Plan Reference Number	Date on Plan
SBC0001	10 April 2017

Reason: To define the consent.

02 Reserved matters - Period for submission of details

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

03 Reserved Matters - Period for commencement

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

04 Reserved matters - Details

Approval of the details of the access, layout, scale, appearance and landscaping to the site (the reserved matters), shall be in accordance with the details of a scheme to be submitted to, and approved by the Local Planning Authority before development commences.

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

05 Drainage

Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning 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 National Planning Policy Framework.

06 Reserved Matters Application: Noise

When submitting the reserved matters application, the design and layout of the proposed dwellings shall include;

- Windows with acoustic ventilation [in line with approved document F(AD_F) of the building regulations] to ensure that no greater than the noise limits listed below are achieved:
Dwellings indoors in daytime: 35 dB LAeq, 16 hours
Inside bedrooms at night-time: 30 dB LAeq, 8 hours (45 dB LAmax).
- Acoustic fences to achieve an outdoor noise limit not greater than 55 dB LAeq, 16 hours.

Reason: To protect the residents against traffic noise in the outdoor living areas during day time hours

07 Reserved Matters Application: Shade Parameters Plan

When submitting the reserved matters application, the application shall include a shade Parameters Plan to demonstrate the impact of existing and proposed new tree planting on properties and their gardens.

Reason: To ensure a satisfactory layout in the interest of protecting the existing and proposed landscaping features on site.

08 Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity of the occupants of neighbouring properties

09 Arboricultural method statement

Before development commences an Arboricultural method statement for working in close proximity to the trees on and around the site shall be submitted and agreed in writing by the local planning authority. The statement needs to be informed by the recommendations contained in the submitted Arboricultural Impact Assessment report and shall include the methods of working, use of materials and plant, and protection of the rooting zone of the trees on and around the site. The approved arboricultural method statement should then be undertaken in full unless with the prior written agreement to any variation by the Local Planning Authority.

Reason: In the interest of the protection of the trees on and around the site.

10. Landscaping

Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at reserved matters stage, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Reason: To protect the existing and proposed trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

11. Ecology

Work shall be undertaken in complete accordance with the recommendations as detailed in Section 7.5 of the Arboricultural Implications Assessment, May 2017.

Reason: To conserve protected species and their habitat

12. Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Reason: In the interests of protecting residential neighbours from noise and disturbance during construction

13. 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 resumption of the works.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) - Environmental protection and enhancement

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

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: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details
“access”, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings;

“landscaping”, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

Informative: Northumbrian Water Authority

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely, Soakaway; Watercourse, and finally Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

SITE AND SURROUNDINGS

1. The application site is North Meadow, Sunderland Road, Wolviston which currently houses a large detached dwelling which is to be demolished. The application site is located to the north of the village, south of the A689.
2. To the west of the site is Sunderland Road and the rear gardens of The Pippins and to the East is the Community Centre and associated land. The adjacent property to the south is a bungalow, Wayside.
3. The application site lies within the village limits and the trees on the site are covered by a provisional tree preservation order.

PROPOSAL

4. Outline planning permission is sought for the erection of four dwellings with all matters reserved.

5. The application includes two indicative plans to demonstrate how the four houses could be laid out. Neighbours were not consulted on the second plans as they are only indicative and will not form part of any approval, should the recommendation be accepted.
6. A tree survey accompanies the application.

CONSULTATIONS

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

8. Spatial Planning and Regeneration

As you will be aware 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 the Local Plan (1997) and Local Plan Alteration Number One (2006).

The NPPF 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 Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are therefore to be considered out of date and the proposal must be assessed in the context of the presumption in favour of sustainable development.

The determination of the application should consider relevant planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

9. SBC Highways Transport and Environment

Highways Comments Re: revised plan 17031-SK01B

This is an outline application with all matters reserved however indicative plans have been submitted and comments are based on these.

This section of Sunderland Road does not have any footways; the carriageway width varies but is over 5m throughout. Sunderland Road leads to The Pippins and serves fewer than 30 dwellings. The lack of footway along this section is not considered to be a highway safety concern for an additional 4 dwellings in a village setting. The applicant proposes 4 dwellings, and the submitted plans show an access for each dwelling. The revised plan shows the access to Plot 4 relocated away from the junction. Incurtilage turning would be strongly recommended to allow drivers to enter the highway in a forward gear. Incurtilage car parking must be provided in accordance with SPD3: Parking Provision for Developments 2011. Subject to the comments above there are no highway objections.

Landscape & Visual Comments: The proposed development is located at the northern edge of the village, at the end of Sunderland Road. The site currently forms the private garden to the dwelling North Meadow. Construction of 4 new dwellings is proposed within the garden area, facing on to Sunderland Road with individual access to each dwelling.

The site has limited visibility from publically accessible viewpoints. The existing buffer planting along the northern boundary limits views from the A689, There is a pedestrian access path through the buffer connecting the A689 with Sunderland Road, so pedestrians using this route do gain filtered views of the site. Similarly road users on Sunderland Road

and the Pippins will also experience views of the site. The view for receptors on Sunderland Road will change from a tree lined boundary to more open views of properties, but this is typical of the village location. To the east of the site is an area of grassland associated with the Village Hall. Receptors here may also gain glimpsed views of the site, filtered by the existing boundary and trees.

The village is separated from the A689 to the north by a green corridor of trees and open space, This separation between the highway and edge of the village is consistent in its location approximately 40m from the edge of the highway. This 40m corridor generally falls outside the ownership of residential properties, but on this site the corridor is part of the garden for the host dwelling. This area of land is not protected, but it maintains separation between the village and the busy road corridor to the north, and has a valuable screening effect. It is considered that this width of un-developed land along the northern edge of the site should be maintained and protected. The current proposal butts up to the edge of this green corridor.

The site appears somewhat over developed, with very little space between the individual properties, although it is acknowledged that the most recent plans do indicate slightly smaller dwellings with a more fragmented and varied roofline giving an impression of individuality which is more suitable to the village location. However, it is still considered that a development of reduced numbers may be more suitable for the site, allowing greater garden space, separation between dwellings and the green corridor to the north.

The site is populated by many trees of varying species, ages and sizes, which contribute to the character of the village which is populated by mature trees throughout. Some tree losses would be acceptable to facilitate the development, provided that some considered replacement planting is undertaken on the site.

Consideration should also be given to the frontage boundary treatment to Sunderland Road, the existing hedgerow provides a soft edge to the site, and should be protected and enhanced where possible to form the new boundary between the development site and Sunderland Road.

The Principal Tree and Woodland Officer has reviewed the proposals and accepts the principle of development on the site. There are presently a large number of trees on the site, and many of these are not yet fully mature. They are closely spaced, and of variable quality in terms of specimen value or long term amenity value. Due to the numbers and density of tree cover it is therefore possible to remove trees without having a significant or negative impact on overall tree cover, which will enable better long term compatibility and sustainability. Should the application be approved a detailed Tree Protection Plan, and Arboricultural Method Statement in accordance with BS5837:2012 will be required. Should the application be approved, a Shade Parameters Plan will be required to demonstrate the impact of existing and proposed new tree planting on properties and their gardens. As part of any reserved matters application, a detailed landscape scheme will be required, showing retained trees in conjunction with any new planting, for example it may be preferable to remove trees at the site frontage and plant a single specimen tree at the front of each property adjacent to the roadside. This will provide some partial screening of new houses to reduce visual impact and provide some continuity of tree cover which is more suitable for the housing layout. The Highways Transport and Design Manager does not object to the proposals.

10. Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following conditions:

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 resumption of the works. Following completion of measures identified in the approved remediation scheme, a verification report must be submitted in writing and approval by the Local Planning Authority.

Construction/ Demolition Noise: I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 – 18:00Hrs on weekdays, 09:00 – 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

Noise: To protect residents inside the properties from traffic noise, suitable windows with adequate acoustic ventilation [in line with approved document F(AD_F) of the building regulations] shall be fitted to the building façade to ensure that no greater than noise limits listed below are achieved: Dwellings indoors in daytime: 35 dB LAeq,16 hours and Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmix). To protect the residents against traffic noise in the outdoor living areas during day time hours, suitable acoustic fences shall be erected to achieve an outdoor noise limit not greater than 55 dB LAeq,16 hours.

11. Parish Council

Wolviston Parish Council objects to this planning application on the following grounds

- 1) It is an overdevelopment of the site
- 2) The proposed properties are out of character with the surrounding area
- 3) Access arrangements are unsatisfactory and may adversely impact on road safety
- 4) There may be important trees at risk on the site. The Parish Council requests that any TPO's are made permanent and that due consideration is given to protecting the trees and hedgerows in and around the site.

Whilst the tree survey appears to suggest there are no protected trees on site, the Parish Council are concerned that there may be an element of bias towards the applicant who presumably has commissioned the survey. Has a survey of the site been completed by SBC arborists? If so, would we be able to see the results?

12. Northumbrian Water

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 we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface 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.

How to Satisfy The Condition; The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely Soakaway; Watercourse, and finally Sewer
If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

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.

13. 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.

14. Councillors

No comments received

PUBLICITY

15. Neighbours were notified and letters of objection were received from the 10 addresses detailed below with the main details summarised below and one letter of contribution was also received. The full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Mrs Karen Hopkins 2 Sunderland Road Wolviston
- Mr Dennis Hind 10 Sunderland Road Wolviston
- Mr & Mrs Elstob 8 Sunderland Road Wolviston
- Dr Colm And Mrs Bernadette Hennessy 6 Sunderland Road Wolviston
- Mr And Mrs Lealman Wayside Sunderland Road
- Mr And Mrs Barker 16 The Pippins Wolviston
- Mr Antony Elgood 12 The Pippins Wolviston
- C McNally 15 The Pippins Wolviston
- Robert Bacon 1 The Pippins Wolviston
- Prism Planning On Behalf Of Mr And Mrs Barker, 16 The Pippins, Wolviston

Contributor (does not object to the principle but does object to the proposed layout)

- Colin McMillan 13 The Pippins Wolviston

16. The main reasons for objection are

- The layout proposes siting a building closer to the A689 road than any other in Wolviston.
- The OS layout map being used is not correct north of The Poplars.
- The type of housing proposed - any building higher than single storey would be out of keeping with the immediate surroundings, notwithstanding that there are detached houses further to the south on the eastern side of Sunderland Road.
- Four houses are far too much for the area for development.

- Loss of a number of trees and hedgerows
- Impact on the wildlife in that area.
- Trees and hedgerows also act as a sound barrier to traffic noise from the A689 .
- The increase in traffic.
- Car parking safety concerns on the corner of the proposed development.
- Impact on access to The Pippins
- Development would lower the standard and value of the property around the development
- No pavements on either side of the road leading to the development.
- Impact on the Character and Appearance of the surrounding area
- Impact on Conservation area/historic fabric of the village
- Overlooking & loss of privacy
- Houses built on this site should be designed to complement properties in the area which are all unique and individually designed.
- We also believe the position of the 4no properties would involve building over the top of existing drainage systems which service properties in the area.
- A neighbouring undeveloped area has already had a planning application for change of use dismissed at appeal (refs 03/2044/COU and APP/H0738/A/04/1146541
- The retained trees will conflict with site usage. As the site will be permanently in the shade and prone to ground dry-out and will also conflict with 40 or more windows requiring natural light.
- The potential for property damage and subsistence in future years due to the root systems of the retained trees or the newly-planted replacement trees (item 5.6) is not assessed. Specialist insurance for these properties will be required.
- The survey does not discuss the consequences of storm damage to the retained trees, particularly if wind patterns are altered after the removal of 19 trees. The threat to property and human life is increased due to the high density of the proposed development.
- Maintenance of the retained trees. If this responsibility falls to the property owners then a conflict of interest will exist.
- In the event of the application being approved will adequate provision be made to ensure that during construction activity in such a restricted area there will be minimum disturbance to existing householders? Proper management of earth moving vehicles etc.

PLANNING POLICY

17. 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

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

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

Core Strategy Policy 1 (CS1) - The Spatial Strategy

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.

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

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.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- _ the risks associated with previous contaminative uses;
- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

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

18. The main considerations in determining this application are the principle of development, impact on the character and appearance of the area (and wider conservation area), the impact on the amenity of the proposed and neighbouring properties and provision of adequate access and parking, and impact of landscaping features and any other residual matters.

Principle of development

19. The National Planning Policy Framework sets out that there is a presumption in favour of sustainable development and through its core planning principles encourages the planning system to drive economic development including the provision of new housing, seeking high quality design and reuse land that has already been previously developed. The NPPF excludes garden areas from the definition of previously developed land however it does not specifically preclude development of garden areas and each application should be assessed on their own merits and in-line with the development plan.
20. Paragraph 49 of the NPPF sets out that Local Authorities need to be able to demonstrate a five year supply of deliverable housing sites and where this cannot be demonstrated the relevant policies for the supply of housing should not be considered up-to-date. The Local Planning Authority cannot currently demonstrate a 5 year housing land supply, which weighs in favour of the development.
21. The site falls within the Limits to Development as defined by saved policy EN13 of the Borough Local Plan, within which, there is a presumption in favour of residential development. Saved Policy HO3 of the Borough Local Plan suggests that development of such land may be permitted subject to certain criteria. These criteria require development not to result in the loss of sites which are allocated for another use or are used for recreational purposes and which are sympathetic to the surrounding area, take into account important features within the site, make adequate access and parking provision whilst not result in an unacceptable loss of amenity to adjacent land users.
22. In view of the above, the principle of the proposed development is considered to comply with the National Planning Policy Framework however the more detailed matters outlined in Policy HO3 of the Borough Local Plan, are considered below.

Impact on the character of the surrounding area and street scene

23. The host property is a large detached dwelling, which is set back from the highway, and has a side garden of a considerable size, within which a variety of trees and other landscaping is present. The host property is to be demolished
24. Sunderland Road has differing property types and layouts along its length including bungalows and houses, whilst The Pippins opposite is also a mix of house types. The proposed development would involve the provision of new accesses off Sunderland Road; however the trees and hedge will be retained wherever possible and it is therefore considered that the street scene will not be significantly affected by the proposed scheme. It should be noted that the hedge can be removed without any controls, however a

condition has been recommended to ensure the hedge is retained unless the removal (or part removal) is approved at reserved matters stage.

25. Given the separation distances from the conservation area boundary (approximately 90 metres), and listed structures within the village (St Peters Church), it is not considered that the proposed scheme would have an adverse impact on these features.
26. It should be noted that many concerns have been raised that the houses are identical, and that they are out of character with the area. The plans submitted are indicative only and basically serve the purpose to show that four houses can be achieved on site. Nonetheless, concerns were raised with the applicant regarding the spacing and suggested that three houses of the scale proposed would sit better in the site. The applicant preferred to reduce the size of the houses to achieve the four, and revised indicative plans were submitted which show a more spacious scheme and whilst the Highways Transport and Design Manager suggest the numbers should be further reduced it is considered that four houses can be satisfactorily achieved on this site. The applicant is aware that should the application be approved, the full details should provide a layout which reflects the local character and each house should be an individual design.
27. As this is an outline planning application and the applicants wish for all matters to be reserved it is considered that in principle, four dwellings of a satisfactory design and layout and with the use appropriate materials would be acceptable in this location and would not be detrimental to the character and appearance of the area.

Impact on neighbouring properties from the development.

28. Wayside is location to the south of the dwelling and has a secondary window located on the side elevation. It is considered that with the sensible siting the positioning of windows in Plot 1 and retention of the landscaping on the side boundary, there would be no adverse impact on privacy or amenity of the existing or proposed dwelling.
29. A neighbour at 12 The Pippins has expressed concerns regarding the potential removal of any trees as this may impact on privacy and amenity. 12 The Pippins is located at least 30 metres to the south east and other properties in The Pippins are a minimum of 18 metres to the front boundary of the application site. Given the houses will be set back giving a greater separation distance and that the plans show the retention of the landscaping along the western boundary and along with the existing boundary treatment to the rear of the Pippins it is considered that the proposed dwellings would not have an adverse impact on the privacy and amenity of the neighbours at The Pippins.

Access & parking

30. This is an outline application with access being dealt with as a reserved matter. Objections have been raised regarding the impact on traffic generation, vehicular access, highway safety. The Highways Transport and Design Manager has reviewed the proposal and raised no objections.
31. It is acknowledged that this section of Sunderland Road does not have any footways; the carriageway width varies but is over 5m throughout. Sunderland Road leads to The Pippins and serves fewer than 30 dwellings and the lack of footway along this section is not considered to be a highway safety concern for an additional 4 dwellings within what is a village setting.
32. The applicant proposes 4 dwellings, and the submitted plans show an access for each dwelling. At reserved matters stage, the access to Plot 4 should be located away from the junction with The Pippins to avoid any conflict. Incurtilage turning would be strongly

recommended to allow drivers to enter the highway in a forward gear and Incurtilage car parking must be provided in accordance with SPD3: Parking Provision for Developments 2011. The applicant will take this into consideration at reserved matters stage when drawing up the final design plans for the scheme.

33. Overall it is considered that the limited additional traffic that four extra dwellings would generate, and with the provision of suitable accesses, turning areas where required and incurtilage parking that the proposed application would not have an adverse impact on pedestrian and highway safety.

Landscaping

34. The Highways Transport and Design Manager requested a tree survey. Whilst the survey was completed, an emergency tree preservation order was placed on the trees. Concerns have been raised that the removal of the trees would result in increased noise and an adverse impact on air quality due to the proximity of the proposed dwellings to the A689.
35. An Arboricultural Assessment was submitted and the applicant is proposing the removal of a number of trees within the site but those on the northern boundary will remain retaining the buffer from the A689, along with other trees on the boundaries to the site.
36. The Principal Tree and Woodland Officer has reviewed the report and raised no objections the removal of the trees as proposed, provided that some replacement planting is undertaken on the site. It is considered that due to the numbers and density of tree cover it is possible to remove trees without having a significant or negative impact on overall tree cover, which will enable better long term compatibility and sustainability. Full details can be agreed at reserved matters stage however conditions have been recommended to ensure a detailed Tree Protection Plan and Arboricultural Method Statement is submitted.
37. As the proposed layout has not been finalised a Shade Parameters Plan will be required to demonstrate the impact of existing and proposed new tree planting on properties and their gardens and this has been conditioned.
38. In terms of potential storm damage this is a matter for all residents in the Borough with trees in or close to their property and if concerns area raised about the stability of a tree(s) this will be dealt with appropriately at the time.
39. Concerns have been raised regarding the maintenance of the retained trees and if this responsibility falls to the property owners then a conflict of interest will exist. As with all protected trees owners must not carry out, or cause or permit the carrying out of, any of the prohibited activities (cutting down; topping; lopping; uprooting; wilful damage or wilful destruction) without the written consent of the local authority. As with owners of all trees, they are responsible for maintenance, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.
40. It is considered that with the retention of the trees as shown on the indicative plans that the proposal would not lead to a decrease in noise protection or air quality sufficient to warrant refusal of the application. Following on from this application, the tree preservation order will be varied, omitting the trees to be felled and the lower quality trees, and the order can be confirmed affording protection to the remaining trees/buffer planting.

41. Overall it is considered that with the conditions as recommended the proposed scheme will not have an adverse impact on landscaping features; existing or proposed.

Impact on wildlife

42. In terms of ecology, as the development is primarily within the garden area of the host property, and not extending into the tree buffer there is limited scope for wildlife, however the submitted report has made certain recommendations in relation to bats and birds and a condition has been recommended to ensure that the applicant adheres to the recommendations

Drainage

43. It is indicated that surface water and foul drainage will be via the mains system. Comments have been made that the properties are to be built over the drainage system, however no objections have been raised by Northumbrian Water.
44. As requested by NWL, a condition has been suggested to ensure details of foul and surface water drainage are agreed prior to commencement of work. This condition has been recommended.

Planning Obligations

45. Core Strategy Policy CS11 relating to planning obligations is relevant, along with the Open Space, Recreation and Landscaping Supplementary Planning Document. In accordance with Core Strategy Policy CS11 there would be a requirement for a contribution towards open space, recreation and landscaping. Circular 05/05 (Planning Obligations) has now been re-emphasised by the CIL regulations, which has made 3 of the Circular 05/05 tests statutory, notably a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
46. The proposed dwellings would be served by a private amenity space. In view of the proposed scheme, it is considered that it would be difficult to quantify the resultant impact of the proposed development on the provision of open space within the surrounding area. As such, it is considered that a contribution is not required, as the development does not meet the statutory tests outlined above.

Other Matters

47. Comments have been made regarding a previous refusal (03/2044/COU), however this related to land north of The Pippins which is allocated as open space and is outside the limits to development and was therefore subject to different considerations than this application which is within the village limits and within the residential curtilage of the host dwelling.
48. Environmental Health have requested conditions be placed on the application regarding noise protection; construction / demolition hours and unexpected land contamination which have been recommended.
49. Under the requirements of Core strategy Development Plan Policy CS3, new housing developments are required to be built to code level 4 of the Code for Sustainable Homes. This requirement has recently been removed by government and as such no condition is recommended in this regard.

50. Comments in relation lowering the standard and value of the properties around the development are not material planning considerations.
51. Concerns have been raised that the OS plan is incorrect north of The Poplars. Whilst this is noted it does not affect the determination of this application.

CONCLUSION

52. In conclusion, as the site is within the limits to development and unallocated for any other use, the proposal is considered acceptable in principle, but subject to the consideration of details. The indicative layouts show that the development can be accommodated on the site without any unacceptable impacts on the amenity of the occupants of surrounding properties or uses or compromise highway safety. Adequate account has been made of the protected trees and other vegetation on the site and as such it is considered that the proposal is acceptable.

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

WARD AND WARD COUNCILLORS

Ward Northern Parishes
Ward Councillor(s) Councillor J Gardner

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The assessment of the application has taken into account the impacts on drainage, ecology, the general character and appearance of the area as well as impacts on adjoining properties and the landscaping. It is considered that there would be no undue impacts on these receptors. Detailed considerations are listed within 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 which has included an assessment of people's representations and a weighting up of the points raised. It is considered that no existing residents would be severely affected by the proposed development sufficient to warrant refusal of the application.

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. Within this report consideration has been given to implications of increased traffic movements and the need contributions to improvements. There are no other notable impacts on community safety recognised within the assessment of the proposed development

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
Application File and Relevant Planning History as referred to in the report.*