

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th July 2018

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

17/2546/OUT

14 Wellington Drive, Wynyard, TS22 5QJ

Outline application with some matters reserved (landscaping, scale, appearance and layout) for the erection of up to 7 no residential dwellings (use class C3) with associated access, infrastructure works and the erection of a new garage (demolition of existing garage)

SUMMARY

The application site is 14 Wellington drive Wynyard, which currently houses a large detached dwelling which is to be retained and outline planning permission is sought for the erection of 7 dwellings and access with all matters reserved. The dwellings are proposed to be self-build properties.

A total of 5 objections have been received from neighbours with an objection from the garden history society and concerns raised by Historic England in regards to the impact on the setting of the grade II* registered parkland of Wynyard registered historic park.

The main considerations in determining this application are the principle of development, the impact on the character and appearance of the area primarily heritage assets, 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.

As this is an outline planning application it considered that in principle, 7 dwellings of a satisfactory design and layout, with the use appropriate construction materials would be acceptable in this location and would not be detrimental to the character and appearance of the area.

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

RECOMMENDATION

That planning application 17/2546/OUT be approved subject to the following conditions and informatives and subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms below;

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

Plan Reference Number	Date on Plan
2474 (PL) 05 G	4 May 2018
2474 (PL)06	14 November 2017
01/01A	17 November 2017
2474 (PL) 03 A	30 January 2018

Reason: To define the consent

02. Reserved Matters - Time Limits

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.

03. Reserved Matters - Time Period for submission

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

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 appearance and layout of the buildings and the landscaping of 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: To reserve the rights of the Local Planning Authority with regard to these matters.

05. General conformity;

The proposed siting of the dwellings hereby approved, to be submitted at reserved matters stage shall be in general conformity with drawing ref. (PL) 05 Rev G (Proposed Site Plan) date received 4th May 2018:

Reason:- To ensure a satisfactory form of development and for the avoidance of doubt

06. Design Code;

Prior to the submission of any Reserved Matters application(s), a Detailed Design Code shall be submitted to and agreed in writing with the Local Planning Authority. All applications for Reserved Matters approval shall thereafter be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Detailed Design Code.

Reason:-To ensure a satisfactory form of development.

07. Levels;

Prior to the commencement of development, details of the existing and proposed levels of the site shall be submitted to and approved in writing by the Local

Planning Authority. Development shall be carried out in accordance with the approved details. Thereafter the finished floor levels required for the individual plots shall be submitted to and approved in writing by the Local Planning Authority on a plot by plot basis as part of the reserved matters. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. Development shall be carried out in accordance with the approved details.

Reason:-To take into account the position of the buildings and impact on adjacent properties and their associated gardens in the interests of the amenities of the area

- 08. 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.

- 09. Sustainable surface water drainage scheme;**
The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;
- I. Detailed design of the surface water management system**
 - II. A build program and timetable for the provision of the critical surface water drainage infrastructure**
 - III. A management plan detailing how surface water runoff from the site will be managed during construction Phase**
 - IV. Details of adoption responsibilities;**
 - V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;**

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

- 10. Plot Boundaries;**
No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority.

Reason:-In the interest of the proper planning of the area to ensure plots can be clearly identified when reserved matters applications are submitted

11. Recording of a heritage asset through a programme of archaeological works
- A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- The site may be of archaeological interest

12. 10% Renewables;
- No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Reason: To limit the energy requirements of the development

13. Construction activity;
- No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

- 14. 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.

Reason:- To ensure a satisfactory form of development and the proper restoration of the site

- 15. Access;**
No part of the development shall be occupied until vehicular and pedestrian access connecting each plot of the proposed development to the public highway and servicing provisions have been achieved to the satisfaction of the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area

Reason:- to ensure a satisfactory means of access to the development hereby approved in the interests of highway safety.

- 16. Shade assessment drawings;**
Notwithstanding the submitted information, prior to the commencement of the development, shade assessment drawings detailing how the existing trees will impact upon the proposed residential dwellings shall be submitted and approved in writing by the Local Planning Authority. The hereby approved development shall be carried out in full accordance the findings of shade assessment drawings.

Reason: To ensure satisfactory landscaping is provided without any adverse loss of amenity and to ensure the long term maintenance of the existing Tree Protection Areas.

- 17. Ecological mitigation;**
All ecological mitigation measures shall be carried out in accordance with the submitted ecological report prepared by Naturally Wild (September 2017) and shall be implemented in full in accordance with the advice and recommendations contained within the document.

Reason: To conserve protected species and their habitat

- 18. Arboricultural method statement;**
Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority. This must be in close accordance with:

1. **BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction – Recommendations**
2. **NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007**

Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.

HEADS OF TERMS

- Contribution for affordable housing provision in line with the Councils formula or affordable off site provision
- Offsite contribution to Highway infrastructure as the site will form part of the proposed housing allocations identified within the Wynyard Park and Wynyard Village area, contribute towards the identified mitigation measures on an equitable basis
- Offsite open space contribution at Wynyard Woodland Park of £33,934.25

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: 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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative 2: Reserved Matters

When submitting the application(s) for reserved matters; the reserved matters should include the following details “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 3: 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

Informative 4: Surface water Drainage

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to 5l/sec with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS intergrate into the landscape

The FRA makes no reference to "Urban Creep", an allowance of 10% should be included within the detailed surface water drainage design

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If the applicant proposes to discharge surface water into an ordinary watercourse or undertake works on the existing drainage ditch a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
2. 1 in 100 year plus 20% climate change;
3. 1 in 100 year plus 40% climate change;

- o Drainage systems can be designed to include a 20% allowance for climate change;
- o A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
- o If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

Informative 5: Access

The applicant will be required to enter into a s38 Agreement for the upgrading and subsequent adoption of the main access to the site.

Informative 6: Northern Gas

Northern Gas Networks has commented that there may be apparatus in the area that may be at risk during construction works and the application should contact directly to discuss any requirements in details. Should diversionary works be required these will be fully chargeable.

BACKGROUND

1. Wellington Manor is a single residential plot it is larger than those found on Wellington Drive with the original owner having purchased several plots and amalgamating to create a single dwelling and associated residential curtilage. (96/1618/P Change of use from residential plots (14.1-14.5) to private garden, including the erection of a security gatehouse, generator housing and column mounted CCTV surveillance cameras- approved with conditions 10th October 1996).
2. The dwelling was constructed through application 95/1017/P, erection of a two storey detached dwellinghouse which was constructed across 3 plots (plot numbers 14.3,14.4 & 14.5). The application was approved with conditions on the 15th June 1995
3. An application for a certificate of lawful use for part of the application site was approved in May 2008(Application 08/0373/CPE). The land in question was not part of the original residential garden area of the property and is included within the registered area of Wynyard registered parkland.
4. The applicant demonstrated at that time that the ha-ha ditch and fence was installed in 1997 when the property was originally constructed and subsequently the area of land had been in residential garden use for a continued period of ten years and the certificate was granted.
5. Planning permission was granted for a single detached dwelling house and associated means of access at the west of the site (original plot reference 14.1) in 2016 (16/1640/REM). This approved a two-storey five bedroomed dwelling with a triple detached garage. The footprint of the property will be a U shaped design with the detached garage sited to the front of the dwelling. The property will have a pitched roof design with a maximum ridge line roof height of 9.6 metres The detached garage will have a pitched roof height of 5.8 metres

6. The site is subject to various tree preservation orders (Tree Preservation Order numbers 660-00.8.5.568, 662 00.8.5.660 & 391 00.8.5.388)

SITE AND SURROUNDINGS

7. The site currently comprises of Wellington Manor, a garage block, small observatory building and surrounding land including a copse of woodland. The site has a gently sloping gradient from north to south.
8. The Site measures 2.95 hectares (circa 7.3 acres) in size. It is accessed via Wellington Drive to the north. A recessed ditch is also located within the site's boundaries: a physical landscape feature which separates the residential curtilage of the property to the north with registered park and garden of Wynyard to the south. A certificate of lawful use has established that the residential planning curtilage of the property extends to the ditch, although the Applicant has ownership and control of the land to the south of this feature and this subsequently forms part of this planning application site boundary.
9. With regard to the surrounding area, the Site is bound:
 - a. To the north by a tree lined avenue with Wellington Drive and residential housing beyond;
 - b. To the west by mature woodland and to the north west by enclosed land with planning permission for one detached residential dwelling (15/2763/OUT), for which a reserved matters application was submitted in June 2016 (16/1640/REM);
 - c. To the south by the Grade II* registered parkland of Wynyard Park and Gardens;
 - d. To the south east by cottages and kennels (previously) associated with Wynyard Hall, although now in individual private ownership; and
 - e. To the east by a mature wooded copse with the entrance to Wynyard Park beyond.
10. The land subject to the application is mostly private domestic curtilage which serves Wellington Manor. The southern portion of the application site is directly adjacent to and falls within the designation of Wynyard registered historic park, which is grade II* listed, with Wynyard Hall being grade II* listed.
11. The existing garden area is largely laid to open grass lawn.

PROPOSAL

12. The application seeks outline planning approval for 7 detached dwellings that will form the basis of 'self build' plots. Approval is sought for access with all other matters reserved
13. The application also includes minor external 'curtilage' alterations at the host property, Wellington Manor. This includes demolition of the existing garage block and erection of a new triple garage to the north east of the existing property.
14. Originally the proposal was submitted for up to 10 dwellings, due to the concerns raised by Historic England the application has sought to address these concerns by:
 - Removal of housing from the designated parkland, through removal of plots H & J
 - Retention of view from the south through Wellington Manor
 - Reduction and removal of urbanising features on the southern periphery
 - Introduction of a private drive to plots G, F & E
 - A commitment to fix finished floor levels and ridge heights to minimise visual impacts

15. The application is accompanied by a heritage impact assessment prepared by Simpson and Brown.

CONSULTATIONS

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

Historic England

Thank you for your letter of 8 May 2018 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The new site plan indicates that the development will be outwith the boundary of the registered park and garden, although the information provided doesn't make it absolutely clear. As stated in previous letters, we would not support any development within the boundary of the park and garden as there are no heritage benefits that outweigh the direct harmful impact such development would have on the nationally designated landscape. However, if it is no longer directly impacting on the registered area, this does lessen the harm and we would no longer object to the proposal.

That said, as discussed in previous letters, the suburbanisation that has already taken place to the northern edges of the park and garden highlights the incompatibility of housing development to the character of the historic parkland; consequently, further development within the setting of the parkland that lessens the parkland character and expands the developed will have an adverse impact on the significance of the park and garden through erosion of its remaining open, undeveloped setting.

As such, the application will still need to be considered against the requirements of paragraph 134 of the NPPF, which asks for any harm caused by a proposal to the significance of a heritage asset to be weighed against the public benefits of that proposal. In heritage terms, there are still no benefits that outweigh the harm and so we cannot support it, but I appreciate that there are other public benefits that the local authority may wish to take into account when making their balanced decision.

In conclusion, we maintain that this part of the registered park and garden and the land immediately adjoining it make a contribution to the significance of the grade II* registered park and garden and that its character relies greatly on its open, undeveloped nature. This would be harmed by the proposed housing and the local authority need to be convinced that the harm to this highly graded heritage asset has strong justification and is outweighed by the public benefits of the proposal. If you are minded to approve the application then I ask that the harmful impact is mitigated as far as possible by appropriate conditions, especially relating to building materials, and the boundary treatments and screening that will abut the registered area.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 134 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Garden Trust

Thank you for consulting The Gardens Trust (GT) in its role as Statutory Consultee with regard to proposed development affecting a site included by Historic England (HE) on their Register of Parks & Gardens, as per the above application. We have consulted with our colleagues in the Northumbria Gardens Trust who are familiar with the site and its planning history.

Wynyard Hall and Park form a major country house estate in east Durham. The Hall is regarded as the finest C19 house in the county, the Park a superb landscape, both meriting their Grade II* status. The development site cuts across the boundary of the registered parkland, but historical analysis shows that the original C19 parkland extended beyond the site, which despite some later residential development, still contains significant elements of the estate landscape.

The proposal will have a detrimental impact on the registered landscape by its development on open parkland and the dilution of its character by the inevitable introduction of suburban features. We concur with all the comments made by HE, and are concerned that the subsequent fragmentation of ownership will further erode the parkland character.

The GT and NGT fully concurs with all the points raised in the letter from Rosie Brady of Historic England and does not wish to simply repeat them here. We understand that in addition to the opinions and issues raised in Ms Brady's letter, the dilapidated listed Greek Temple within the grounds has been 'restored' by building a new one without any consultation or planning permission that we have been able to find. We are also concerned that the owner of Wynard has planted a considerable quantity of trees within the landscape without due regard to their placement. Whilst in general the GT/NGT are supportive of tree planting, we are concerned that the designed views were not always considered when this work was undertaken and will in time be adversely affected. The proposed housing is another example of this failure to understand the significance of the historic landscape and its setting. The GT and the NGT therefore wish to OBJECT to this application

Tees Archaeology

The application includes an archaeological desk based assessment which reviews the available data for the site and the surrounding area. The report recommends that in the first instance geophysical survey is undertaken of the areas to be developed to help identify any potential archaeological remains that might be impacted by the proposed development. I agree with this approach which is in line with the NPPF (para 128).

SBC Housing Services Manager

The Strategic Housing Market Assessment (SHMA) 2016 has identified an annual affordable housing need in the borough of 240 units, with the majority of need being for 2 and 3 bedroom properties.

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision states: Affordable housing provision within a target range of 15 - 20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more.

Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better serviced by making provision elsewhere.

We note from the Planning Statement that the developer is proposing to provide a commuted sum in lieu of affordable housing units. As the scheme is for self-build properties a commuted sum is acceptable and will be calculated in line with the formula set out in the Council's Supplementary Planning Document 8 - Affordable Housing. Based on a revised scheme of 7 units 15% would equate to 1 affordable unit broken down as follows: -

- o Tenure: Using the ratio of 70/30, it is proposed the split should be:

Proportion	No. of units	Tenure
70%	1 unit	Rent
30%	0 units	Intermediate Tenure
100%	1 unit	Total

- o Bed Size: Using borough wide figures from the SHMA 2012

Size	Proportion	No. of units
2 bed	37.5%	0 units
3 bed	50%	1 units
4 bed	12.5%	0 units
Total	100%	1 units

Tenure for the above would then be split as follows:

No. of units	Size	Tenure
1 Units	2 bed	0 Rented
0	Intermediate Tenure	
0 units	3 bed	1 Rented
0	Intermediate Tenure	

Space standards - the Council would expect all affordable housing units to comply with Homes and Communities Agency Level 1 Space standards and associated design and quality standards.

Highways Transport & Design Manager

I refer to your memo dated: 04/05/18

General Summary

The Highways, Transport and Design Manager, subject to the comments below, has no objections to the proposed outline application with some matters reserved (landscaping, scale, appearance and layout) for the erection of up to 7 no residential dwellings (use class C3) with associated access, infrastructure works and the erection of a new garage (demolition of existing garage)

Highways Comments

This is an outline application for the erection of a new garage (demolition of existing garage), and erection of up to 7 no. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved (excluding access).

Highways Impact

Whilst the applicant has not undertaken any assessment of the impact of the proposed development, on either the local or strategic road network, highways improvements have been identified and agreed to mitigate the impact of the originally identified 1100 dwellings, within Wynyard Park and Wynyard Village, and subsequent mitigation has also been identified which will

allow the local plan allocations for both Stockton and Hartlepool Borough Councils to come forward.

The applicant should therefore, as the site will form part of the proposed housing allocations identified within the Wynyard Park and Wynyard Village area, contribute towards the identified mitigation measures on an equitable basis and the required contribution should be secure via a s106 Agreement.

As set out in the report prepared by ARUPs the dwellings associated with the current application could be netted off against the remaining balance, within Wynyard Parks ownership, of the originally identified 1100 dwellings by reducing the quantum that have not yet been approved, within the redline boundary for application 12/2748/OUT, from 160 dwellings to 153 dwellings.

Should this not be acceptable the development would be expected to contribute towards the wider mitigation associated with the local plan allocations, within the Wynyard Park and Wynyard Village areas, for both Stockton and Hartlepool Borough Councils.

Site Access

A plan showing the proposed site access arrangements, drawing reference 01/01A - Preliminary Highway Access Design, has been provided. The site would be access from Wellington Drive via the existing private drive, which currently serves Wellington Manor, and this would be upgraded to adoptable standards. The works would include the provision of a footway connection and suitable street lighting and as such is considered to be acceptable.

It should be noted that the applicant, should the application be approved, will need to enter into a s38 Agreement for the upgrading and subsequent adoption of the main access to the site.

Two of the proposed dwellings, plot C and plot D, would be access directly from Wellington Drive, as shown on drawing reference (PL)05 Rev G, and this is also considered to be acceptable. It should be noted that, should the application be approved, the applicant will need to contact Care For Your Area to arrange the works to form the new driveway crossings within the existing highway in relation to these two plots.

Site Layout

The applicant has submitted a plan, drawing reference (PL)05 Rev G, indicating the proposed site layout and whilst this is not a material consideration at this stage comments have been provided to help inform any subsequent reserved matters application should this application be approved.

The proposed layout indicates a 6m wide road which will serve plots B, E, F, and G. The road is bounded on either side, over the vast majority of its length, by a narrow verge and the boundary walls of the dwellings. The proximity of the boundary walls to the edge of carriageway will restrict the available visibility and they should therefore be set back appropriately to ensure the required visibility is achievable.

The above should be addressed, should this application be approved, at reserved matters stage.

Landscape & Visual Comments

Landscape and Visual Impact

A landscape and visual impact appraisal has been provided and it is considered that this provides an accurate appraisal of landscape and visual impacts.

With regard to landscape the report considers that "In terms of the magnitude of change anticipated for the landscape character of the Registered Park and Garden, any sense of the expanse of grassland extending apparently seamlessly from the parkland north across to the other

side of the ditch, would be diluted. However this sense of depth to views north through the park has already been compromised by the relatively recent planting of the tree belt to the south of the development site boundary" (6.3.4). Additionally "The introduction of more built development on the periphery of the protected historic landscape is in itself an adverse effect. However, the presence of the existing property and the visibility of the roof to the neighbouring dwelling to the north means the magnitude of change in the landscape character of the parkland is assessed as being low adverse - negligible, which for a landscape of high sensitivity generates an effect of moderate - low significance"(6.3.5).

With regard to landscape, the appraisal states that "The visual relationship between the site and the parkland landscape to the south has already been compromised by the recent planting of a dense tree belt to the south of the site. The magnitude of change in the landscape character of the parkland is assessed as being low adverse - negligible, generating an effect of moderate - low significance. As both new planting within the site and existing planting develops, it is considered that after 10 years any long term residual landscape effects would be of neutral significance" (8.1.21).

This area of recent planting will provide a useful screen to the existing dwelling and the development site for receptors using the main drive within the historic parkland. Ultimately, it will be viewed as part of the tree lined edge of the park, and define the visible limits.

Site Layout

Although the development sits within the historic Wynyard Park, it is seen in the context of considerable past residential development, which has degraded the parkland setting. The scale and type of development is considered acceptable, when viewed against the existing development. Details of the hard and soft landscape proposals including enclosure, surface materials, and street lighting to adoptable standards should be provided. It should be noted that street lighting should be in accordance with the bespoke lighting of the wider Wynyard development, and should be considerably located so as to minimise the impact upon the historic park while the site landscaping matures.

Existing Site Trees

The proposed development requires the removal of five existing trees. Four of these are associated with the provision of site access and driveway access to plots C and D. These trees are of a single age having been planted as part of a previous phase of development in association with the roadside boundary treatment. There would be no objection to the removal of these trees, however, an arboricultural survey, impact assessment, method statement and tree protection information to BS5837 should be provided. A shade parameters plan is also required where dwellings are located in close proximity to the existing woodland, particularly plots C and D. The survey and parameters plan, along with highway adoption criteria will inform the final layout.

Open Space

Based on 7 no. 5 bedroom houses there is no requirement for on-site open space provision. However, in accordance with adopted policy, Open Space, Recreation and Landscaping Supplementary Planning Document <https://www.stockton.gov.uk/media/2828/open-space-spd.pdf> an off-site provision would be required. The contribution is as follows and would be allocated to improvements at Wynyard Woodland Park.

	Standard Charge per Person	Total Charge for Development	
Open Space	£458.71	£16,054.85	
Open Space Maintenance	£510.84		£17,879.40
Total	£33,934.25		

Flood Risk Management

The proposed development is in a Flood Zone 1, the Environment Agency's flood maps confirm that the site is not at risk from surface water flooding careful consideration should be given to the existing blue/green corridors and surface water flooding when determining the site layout and the location of surface water attenuation structures.

The Council's flood risk team are not aware of any previous flooding of the site, however this does not mean that the site has never been subject to previous flooding.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

Conditions

FRM02 Discharge of Surface Water The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;

- i. Detailed design of the surface water management system
- ii. A build program and timetable for the provision of the critical surface water drainage infrastructure
- iii. A management plan detailing how surface water runoff from the site will be managed during construction Phase
- iv. Details of adoption responsibilities;
- v. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

UDHC06f Discharge of Surface Water No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

Reason: To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

Northumbrian Water Limited

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

Having assessed the proposed development against the context outlined above 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:-

- o Soakaway
- o Watercourse, and finally
- o 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 point of connection 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.

Flood Risk Management

Site Specific Comments

The proposed development is in a Flood Zone 1, the Environment Agency's flood maps confirm that the site is not at risk from surface water flooding careful consideration should be given to the existing blue/green corridors and surface water flooding when determining the site layout and the location of surface water attenuation structures.

Historical Flooding

The Councils flood risk team are not aware of any previous flooding of the site, however this does not mean that the site has never been subject to previous flooding.

The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

Condition 1: The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The

scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure
- III. A management plan detailing how surface water runoff from the site will be managed during construction Phase
- IV. Details of adoption responsibilities;
- V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

Condition 2: No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

Reason: To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

Informative Comments

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. The discharge rates from the site will be restricted to 5l/sec with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a "management train" is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS intergrate into the landscape

The FRA makes no reference to "Urban Creep", an allowance of 10% should be included within the detailed surface water drainage design

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

If the applicant proposes to discharge surface water into an ordinary watercourse or undertake works on the existing drainage ditch a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
 2. 1 in 100 year plus 20% climate change;
 3. 1 in 100 year plus 40% climate change;
- o Drainage systems can be designed to include a 20% allowance for climate change;
 - o A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
 - o If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

Principal Environment Officer

With regard to the above application for 10 dwellings and garage, in order to comply with Core Strategic Policy 3 (CS3) an applicant is required to submit an Energy Statement identifying the predicted energy consumption and associated CO2 emissions of the development, and provide details of the fabric U-values for the proposed buildings in order to demonstrate compliance with Part L (2013) building regulations. In accordance with the policy, the Energy Statement needs to identify how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of onsite renewable energy equipment and/or design efficiencies, and the 10% must exceed what is required to comply with Part L (2013) building regulations.

Given that these are proposed self build dwellings, this would have to be managed on a dwelling by dwelling basis.

Northern Gas Networks

Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. 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.

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development.

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:-

- o Soakaway
- o Watercourse, and finally
- o 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.

Environmental Health Unit

I have checked the documentation provided, have found no grounds for objection in principle to the development, subject to the imposition of the following advisory 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.

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

- Noise

Noise disturbance from adjacent premises

Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent units shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of GS3/Jan16 such a scheme, shall be completed before any of the permitted dwellings are occupied. Within such a scheme, some boundaries may require acoustic fencing and mounding, the height and acoustic quality of which should be justified in relation to potential noise source from the immediately adjacent units. In addition there may be a need, where appropriate, for the provision of acoustic double-glazing and mechanical ventilation to first floor bedrooms. An assessment by a noise consultant will be necessary in order to establish where or whether acoustic protection is required.

Reason: To protect the amenity of the new residential premises from music and customer noise coming from Wynyard Hall's Grand Marquee and open garden events.

Stockton Police Station - Stephen Davies

With regard to the outline planning application ref 17/2546/OUT. I recommend that the applicant actively seeks to achieve Secured By Design accreditation for the proposed 7 new dwellings development at Wellington Drive, Wynyard. I would encourage the applicant to make contact with me at his earliest opportunity for any crime prevention/designing out crime input/advice I might be able to offer. Further information on the police designing out crime initiative and our contact details, is available at www.securedbydesign.com

I would, at this stage mention that developers should ensure that the security of a development is not compromised by excessive permeability and that adequate lighting be installed for all areas of the development, including all non- adopted highways, eg. shared surfaces, shared drives.

I would always recommend that all car parking areas always overlooked by dwellings it is always important to keep rear garden areas of dwellings as secure as possible with a boundary recommended of a min. 1.8m in height but where backing onto opening ground this is best raised to 2.0m . Use of defensive planting will improve security to any exposed boundaries

Sabic UK Petrochemicals Ltd

The proposal will not affect any Sabic or Ineos pipelines.

Health and Safety Executive

Padhi- Do not advise against the granting of planning permission in this instance.

Natural England

No comments

National Grid

No objection

PUBLICITY

17. Neighbours were notified of the application and the required press notice and site adverts were displayed. A total of 5 letters of objection have been received with those comment set out below (in summary);

- Traffic congestion and HGv vehicles
- Impacts on grass verges and pedestrian safety
- Roads not wide enough for the traffic proposed and proximity to the junction
- Highway conflict with delivery lorries and existing residential vehicles
- Lack of consideration to existing residents
- Stress and anxiety from traffic
- Construction traffic
- Travesty to destroy the surroundings of one of Wynyard's most prestigious buildings
- environmentally unfriendly impacts on wildlife including deer, woodpeckers, hedgehogs, robins, squirrels, rabbits and various other species
- impacts on trees and landscaping features
- infrastructure, water pressure and sewerage already at peak
- impacts on heritage parkland
- addition of new accesses onto Wellington Drive
- development unsuitable for the location
- tree belt should not be subdivided as garden should a property be built, could lend itself to the 'garden' being used for pastimes such as quad biking etc., which would be detrimental to this area of mature protected woodland.
- Impacts on view from the parkland
- The proposal can be viewed from the Park and would not be in keeping with the historic park.
- Position of the SUDs in the parkland
- Garden remains within heritage parkland, erodes parkland northern edge.
- Existing coniferous tree belt is detrimental to parkland and Kennels and should be removed.
- Site spans and erodes strategic gap
- The mitigation and reduction in the number of properties proposed does very little to reduce the impact of the development.
- The addition of executive homes, of any design, would be overbearing and would engulf The Kennels into the urban sprawl.
- The additional planting suggested would also effect the residential amenity reducing view and nature of The Kennels.
- Restrictive covenants
- Removal of trees

Objectors

1) Mrs Catherine Alexander 15A Wellington Drive

- 2) Mr Simon Blenkinsop 15 Wellington Drive
- 3) John Hall & Muriel Reynard 2 The Kennels The Avenue
- 4) Mr D Morrison,3 The Kennels The Avenue
- 5) Mr & Mrs Robert Alexander 1 The Kennels The Avenue

PLANNING POLICY

18. 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

19. 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.
20. **Paragraph 128.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
21. **Paragraph 17** '....always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'
22. **Paragraph 19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
23. **Paragraph 49.** Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning

24. **Paragraph 56.** The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'
25. **Paragraph 131** '...the desirability of new development making a positive contribution to local character and distinctiveness.'
26. **Paragraph 129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
27. **Paragraph 131** In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
28. **Paragraph 216:** From the date of publication decision-takers may also give weight to relevant policies in emerging plans according to: The stage of preparation, the greater weight that may be given)

Local Planning Policy

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

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.
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.

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.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

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

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

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

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

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

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.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- _ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- _ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- _ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate.

5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.

6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.

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.

Saved Policy EN9 of the adopted Stockton on Tees Local Plan

Development which is likely to be detrimental to the special historic interest of Wynyard park will not be permitted.

Saved Policy EN7

Development which harms the landscape value of the following special landscape area will not be permitted:-

(c.) Wynyard Park

Saved Policy EN28 of the adopted Stockton on Tees Local Plan

Development which if likely to detract from the setting of a listed building will not be permitted.

Saved policy EN30 of the Local Plan

Development, which affects sites of archaeological interest, will not be permitted unless:

(i) An investigation of the site has been undertaken; and

(ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;

(iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

Saved Policy HO3 of the 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.

Emerging Planning Policy H3- Wynyard Sustainable Settlement

1. A masterplanning approach is being undertaken to deliver a sustainable settlement at Wynyard; this will be achieved through reaffirming housing commitments, allocating land for housing and delivering necessary infrastructure. As a strategic cross-boundary issue, the Council will work alongside Hartlepool Council to ensure that infrastructure is provided to ensure growth proposed within both authorities can be delivered.
2. Development will be delivered in accordance with the emerging masterplan.
3. Improvements to the A689 and A19 will be required. The full nature of these will be identified as part of the emerging masterplan.
4. To deliver a sustainable community, it is essential that both sides of the A689 are linked by a safe, sustainable footway and cycleway, connected to the existing rights of way network. Development will be required to deliver this along the route safeguarded within policy T1.
5. Within each housing development the following infrastructure will be provided:
 - a) Land at Wynyard Village:
 - a. Primary school.
 - b. A shopping parade providing small-scale opportunities for town centre uses, as identified in policy EG6.
 - c. Green infrastructure, including appropriate links to Wynyard Woodland Park and the Castle Eden Walkway.
 - b) Wynyard Park:
 - a. Green infrastructure.
 - b. Any further infrastructure identified within the emerging masterplan.
6. The planning commitment at Wellington Drive will provide high-quality executive housing in a low density setting. Development proposals will also provide opportunities for enhancement of the associated golf course and delivery of a five star hotel.
7. Development proposals within Wynyard Village will only be supported where it respects the unique character of the settlement which is defined by its layout, leisure offer and low density executive housing.
8. Development must be designed to ensure that the significance of Wynyard Park Registered Park and Garden and other heritage assets is not harmed and where possible enhanced. Development will also enhance Castle Eden Walkway.

MATERIAL PLANNING CONSIDERATIONS

30. The main planning considerations of this application are the compliance of the proposal with national and local planning policy, the principle of housing development, sustainability of the site, the impacts upon the character and appearance of the area, the impact on heritage assets, the impact on the highway network and highway safety, the impacts on the amenities of neighbouring properties, flood risk, ecology and nature conservation and other material planning considerations.

Principle of development;

31. 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.

32. 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.
33. The Council can demonstrate a 5 year supply for the purposes of the submitted local plan; which has just been through the formal examination process. The inspectors report has not yet been published and it can be given limited weight. The application will need to be determined in accordance with Paragraph 14 of the NPPF which states "for decision-taking this means approving development proposals that accord with the development plan 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".
34. The site falls within the emerging Limits to Development in the Local Plan and is located in the site of a previous housing commitment in 1997 Local Plan. Although not a saved policy this reflected the original outline housing approval for Wynyard. The emerging limits have been drawn to create a sustainable settlement for Wynyard (emerging policy H3) which also looks to respect the location of development adjacent to Wynyard registered Park and garden. This emerging policy is given appropriate weight in accordance with paragraph 216 of the NPPF. Subsequently it is considered that the principle of residential development here is in accordance with the emerging local plan and the thrust of the NPPF to drive economic development and is acceptable subject to all other consideration set out in turn;

Character and appearance;

35. The guidance set out in Paragraph 131 of the National Planning Policy Framework states planning applications should be considered in terms of the 'desirability of new development making a positive contribution to local character and distinctiveness'. The Council's adopted Core Strategy Policy 3(8), states new development should '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.
36. The application is accompanied by a design and access statement and a detailed landscape and visual impact appraisal.
37. It is intended that the appearance of the development will be subject to future Reserved Matters applications. The Wynyard village estate is typified by a variety of architectural styles. Many existing dwellings have been designed using the 'self build' principle and have been subject to a design code.
38. The host dwelling Wellington Manor has been designed in the style of an 'Arts and Crafts' villa. The dwellings are proposed to be no higher than 2.5 storeys in a style and character and palette of materials that reflect the immediate area although detailed design would be subject to reserved matters.
39. It is considered that the application site can accommodate a development of the quantum of development of the general scale and form proposed.

Proposed layout;

40. The application site is located within the boundaries of an existing residential property. Part of the site boundary previously extended into the registered park and garden. The proposal has been amended and all built development is now proposed out with the boundary of the registered parkland.
41. Part of the site benefits from a certificate of lawful use approved through application 08/0373/CPE. This allowed the domestic curtilage of 14 Wellington Drive to encroach into the established boundary of the historic parkland.
42. The original approval for the estate of Wynyard granted outline planning approval for 5 dwellings within this site, plot numbers 14.1- 14.5 . These plots sit in line with the existing dwelling roughly in the areas where plot A, C & D are proposed and the outline permission for the house west of the application site approved under application 16/1640/REM.
43. Therefore it is considered that the principle of residential development within this defined area for 5 residential properties has been previously accepted by the Local Planning Authority.
44. The main area of contention would therefore be the proposed three plots south of the original approved outline application for Wynyard, shown as plot numbers E,F & G on the submitted site plan. The three properties proposed closest to the registered park boundary.

Heritage considerations;

45. Sections 16, 66 and 72 of the Listed Buildings Act requires the LPA to give special consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to the desirability of preserving or enhancing the character or appearance of that area.
46. Development decisions should accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasizes that they should be conserved in a manner appropriate to their significance.
47. The application site lies adjacent to the boundary of the registered historic parkland of Wynyard and Wynyard Hall itself is a grade II* listed building, with various ancillary buildings also listed within the grounds. The neighbouring building The Kennels is a former building associated with the hall and is considered to be curtilage listed by association.
48. Saved policies EN28 seeks to ensure that development does not detract from the setting of a listed building and saved policies EN7 & EN9 seek to safeguard the special historic interest and special landscape interests of Wynyard Park. The application is accompanied by a heritage impact assessment as required by paragraph 128 of the NPPF.
49. There have been several revisions to the proposal with the original application submitted as an outline application for up to 10 dwellings. Historic England and the Gardens Trust have provided comments on the application objecting to the application for 10 dwellings. Due to the concerns raised, the applicant has amended the overall scheme to reduce the number of dwellings on the site, to remove built development from the registered parkland boundary and to look to address the concerns raised in regards to the impact on the historic parkland.
50. Revised comments have been received from Historic England. They still raise concerns in relation to the impact of the proposal on the setting of the registered historic parkland. The

main areas of concern state that they would not support any development within the boundary of the park and garden as there are no heritage benefits that outweigh the direct harmful impact such development would have on the nationally designated landscape. However, if it is no longer directly impacting on the registered area, this does lessen the harm and we would no longer object to the proposal.

51. They have concerns that the suburbanisation that has already taken place to the northern edges of the park and garden highlights the incompatibility of housing development to the character of the historic parkland; consequently, further development within the setting of the parkland that lessens the parkland character and expands the developed will have an adverse impact on the significance of the park and garden through erosion of its remaining open, undeveloped setting and therefore development decisions should be considered against the requirements of paragraph 134 of the NPPF, which asks for any harm caused by a proposal to the significance of a heritage asset to be weighed against the public benefits of that proposal. In heritage terms, there are still no benefits that outweigh the harm and so we cannot support it, but I appreciate that there are other public benefits that the local authority may wish to take into account when making their balanced decision,
52. They maintain that this part of the registered park and garden and the land immediately adjoining it make a contribution to the significance of the grade II* registered park and garden and that its character relies greatly on its open, undeveloped nature. This would be harmed by the proposed housing and the local authority need to be convinced that the harm to this highly graded heritage asset has strong justification and is outweighed by the public benefits of the proposal.
53. They ask that if the authority is minded to approve the application that the harmful impact is mitigated as far as possible by appropriate conditions, especially relating to building materials, and the boundary treatments and screening that will abut the registered area.
54. Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 134 of the NPPF.

Setting of the registered park;

55. The grade II* registered Wynyard Park is an extensive and varied designed landscape of primarily early 19th century date that accompanies Wynyard Hall, one of the region's finest 19th century country houses and also designated grade II*.
56. Saved policy EN28 seeks to ensure that development does not detract from the setting of a listed building and saved policies EN7 & EN9 seek to safeguard the special historic interest and special landscape interests of Wynyard Park. The application is accompanied by a heritage impact assessment as required by paragraph 128 of the NPPF.
57. The registration describes the park as:

The park consists of a mixture of open grassland with scattered trees around the core where the Hall and lake are sited, but it is now (2000) in arable cultivation beyond. The centrepiece of the park is the Y-shaped lake with arms extending on each side of the Hall and pleasure grounds and a sinuous stem which extends for c 400m south of the building. The east side of the lake is sheltered by a belt of trees, and woodland hugs the long western arm of the Y, much as shown on the 1856 OS map. Woodland called Horse Shoe Plantation on the north side of the Hall provides a backcloth for views from the south. An informal circular area of open parkland to the south-west of the Hall and lake is defined by blocks of woodland and shelter

belts. The area north of the pleasure grounds and the wooded sides of Brierley Beck is open grassland and fields with a few scattered clumps of trees which conform with clumps shown on the 1856 OS map.

58. The concerns of the Gardens Trust and Historic England area noted. It is recognised that the existing residential settlement of Wynyard lies in close proximity to the designated boundaries of the parkland. The actual historic boundary of the historic Wynyard estate was much larger than it is currently, encompassing large areas of farmland including many of the sites where there is housing development today. The defined historic parkland boundary is an artificially created boundary for the purposes of designation which identifies the main landscape significance and heritage context of the parkland. Much of the park boundary is heavily tree'd providing a verdant backdrop to the setting of the parkland. The submitted heritage impact assessment has considered the heritage impacts of the proposals.
59. There have been incremental tree planting within the boundaries of the registered parkland in the grounds of Wynyard Hall this has been sporadic and does not accord with the original historic landscape character. Registration brings with it no additional planning protection and the local authority has no planning control over tree planting which is not development. The comments of Historic England that this is an important open aspect of the registered setting it also noted, however, this area could be enclosed by tree planting at any point and the authority would have no control. This would impact on the existing landscape context and would reduce the open landscape character which Historic England advise is important to the retaining the open, undeveloped setting.
60. It is also noted that there are no permitted development rights removed for structures within the garden curtilage of 14 Wellington Drive. Under current permitted development rights for outbuildings, substantial structures could be erected within the grounds of the dwelling without the need for planning permission,
61. Whilst the current site may have open views from Wellington Manor back towards the parkland and hall this is more likely as a result of the original ownership of Wellington manor being in the same family ownership as Wynyard Hall to maximise views for the house over the parkland rather than a deliberate attempt to preserve this as an open area of parkland. The applicant could heavily plant the garden area fundamentally changing this open character, creating a solid tree backdrop as is found around the majority of the parkland without the need for planning permission.
62. This fall-back position demonstrates that change and development can take place within close proximity to the registration boundary, that would fundamentally change the character of the area and would be out with the control of the local planning authority. This planning balance has to be considered when considering the impact of the proposal on the setting of the Historic parkland and the wider setting of the Wynyard Hall.
63. Whilst it is recognised that the garden area is currently open and undeveloped, this could change at any time as through implementation of previous consents and by implementing permitted development rights. The fact that this site remains in its current open character is a lack of implementation of previous consents rather than any direct intention to differentiate this site from other housing development sites surrounding the historic parkland.
64. Existing tree planting can be enhance to create screening and open aspects across the site will be retained in part. It is considered that the character of the area is already read as modern building development on the fringes of the parkland and the proposed development is considered to be no worse than the existing situation.

65. Consequently, the local authority does not share the view of Historic England that the amended proposals will result in harm to the setting of the registered parkland. The impact of the proposals can be mitigated through appropriate design and controlling conditions to ensure that harm does not occur by ensuring built form is kept to the existing garden boundary, outside the registered boundary. Through the implementation of an appropriate materials palette and a scale of development that minimises views of the development from the parkland.
66. The NPPF needs to be read as a whole and the public benefits of additional housing provision, economic growth and contributions that would be secure from the development for improvements at Wynyard Woodland Park, off site highway contributions to contribute to the sustainability of Wynyard as a whole and affordable housing provision are considered to be material considerations.
67. It is therefore considered that the proposal is acceptable in regards to the impacts on the neighbouring designated assets of the registered parkland and curtilage of Wynyard Hall.

Visual appearance and layout/landscaping;

68. The application is accompanied by a landscape and visual assessment which has been considered by the Highways Transport and Design Manager.
69. The NPPF places a strong importance on achieving good design and it is seen as being a key aspect of sustainable development and should contribute to making attractive places. In assessing the context of the surrounding area, it is noted that the application site is currently a large garden area associated with a single property. The general character of the surrounding area is one where there are a wide range of dwelling styles although the scale of the properties mainly consist of two storey dwellings of a variety of materials including brickwork and render.
70. The proposed properties are intended to be self-build plots which would be subject to a design code. The general form and layout shown (although to be considered at reserved matters) is coherent with large detached dwellings set in substantial plots at a low density.
71. It is considered that an appropriate design code could be developed that reflects the general architectural style and context of the surrounding area to ensure the proposed development is in keeping with the general established housing character at Wellington Drive.

Landscaping/Trees;

72. The Head of Highways, Transport and Design has considered the proposal and landscape and visual assessment which concludes that the impact on landscape character is low adverse and negligible.
73. The Head of Highways, Transport and Design raises no landscaping objections to the proposals. Advising that the proposed development requires the removal of five existing trees. Four of these are associated with the provision of site access and driveway access to plots C and D. These trees are of a single age having been planted as part of a previous phase of development in association with the roadside boundary treatment. There would be no objection to the removal of these trees, however, an arboricultural survey, impact assessment, method statement and tree protection information to BS5837 should be provided. A shade parameters plan is also required where dwellings are located in close proximity to the existing woodland, particularly plots C and D. The survey and parameters plan, along with highway adoption criteria will inform the final layout.

74. The existing copse of trees lies within the existing residential curtilage of 14 Wellington Drive. The Copse is protected through a TPO therefore the local authority would retain control over any works to the trees within this area. Conditions in regards to hard and soft landscaping, appropriate means of enclosure and lighting can be considered at reserved matters stage.
75. Subject to appropriate controlling conditions as requested by the Highways, Transport and Design Manger it is considered that the outline application is acceptable in regards to the impacts on trees landscaping and visual impact.

Amenity;

76. There are neighbouring residential properties located on Wellington Drive and at the Kennels. The indicative layout proposed shows that the Councils required separation distances between properties can be achieved. The properties opposite on Wellington Drive over 30m away from the application site and the Kennels over 90m away from the nearest indicative property.
77. Full details would be subject to a reserved matters application however it is considered that a development of the scale proposal can be successfully accommodated on site without having an adverse impact on residential amenity of existing residential properties and that adequate levels of spacing and amenity can be achieved between new dwellings.
78. Whilst the comments of the Environmental Health Team in relation to the grand marquee within Wynyard Hall are noted. It is not considered that new dwellings here would be subject to any additional impacts of noise above and beyond that experienced by existing neighbouring residential properties within the Wynyard estates. As such a controlling condition in respect of noise is not considered necessary in this instance. Any noise nuisance issues arising from the marquee could be controlled under statutory nuisance legislation and the proposed properties would be subject to building regulations, it is therefore considered that the proposal is acceptable in regards to the impacts on the amenities of proposed occupiers of the properties in respect of noise.

Flooding;

79. In terms of flood risk, a Flood Risk Assessment accompanies the application and the site falls within Flood Zone 1. The Councils flood risk team are not aware of any previous flooding of the site and raise no objection to the scheme subject to appropriate conditions in respect of surface water management and drainage.
80. The drainage strategy for the site will be agreed with the Council's Surface Water Management Team and Northumbrian Water and secured by means of a planning condition. It is therefore considered that the development is acceptable in respect of flood risk.

Highway matters;

81. The Highways, Transport and Design Manager has provided comments on the application and has considered the impacts on the wider highway network in accordance with the infrastructure requirements of emerging planning policy at Wynyard.
82. Wellington Drive is an adopted highway and a plan showing the proposed site access arrangements has been provided. The site would be access from Wellington Drive via the existing private drive, which currently serves Wellington Manor. This would be upgraded to adoptable standards.

83. The associated grass verge and row of Ash trees is within the control of the Applicant. The western access road off Wellington Drive (including the 'southern' grass verge and associated trees) is privately owned by the Applicant. It is intended that a small section of footpath will extend along the western leg of road, as part of a new section of adopted highway (of approximately 160m in length). Each domestic curtilage plot has sufficient parking space area to comply with the Local Authority's SPD3 "Parking provision for developments".
84. The Highways, Transport and Design Manager therefore raises no objection to the application and it is considered that a suitable access to the site is achievable and that incurtilage car parking provision can be provided for each property in accordance with SPD3.
85. Subject to the applicant entering into a section 38 agreement which can be added as a way of informative and a contribution for offsite highway mitigation works the application is considered to be acceptable in highway terms.

Archaeology;

86. Saved policy EN30 states that development which affects sites of archaeological interest will not be permitted subject to certain criteria. Tees Archaeology have provided comments on the application noting that the application includes an archaeological desk based assessment which reviews the available data for the site and the surrounding area. The report recommends that in the first instance geophysical survey is undertaken of the areas to be developed to help identify any potential archaeological remains that might be impacted by the proposed development. They consider that this approach is necessary and in line with the NPPF (para 128). Therefore subject to a controlling condition in respect of this it is considered that the proposal will be in accordance with saved policy EN30 in respect of archaeology.

Contributions;

87. Core Strategy Policy CS11 relates to planning obligations and sets out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. The applicant has indicated that they will enter into a Section 106 Agreement to fund off-site highway works, affordable housing provision and off site open space provision and Wynyard Woodland Park.

Ecology;

88. The application is accompanied by an ecological assessment. The site was found to be of overall low to negligible ecological value, with no evidence of protected species recorded on the site and limited habitat suitability for most species of wildlife, although the woodland areas located on adjacent to the site were considered to provide suitable habitat for foraging bats and nesting birds.
89. Subject to a controlling condition in respect of the proposals being carried out in accordance with the recommendations of the ecological report it is considered that the proposals are acceptable in regards to the impact on ecology

Other matters;

90. A pipeline is located within the vicinity of the application site and the Health and Safety Executive raises no objection to the development proposal which is therefore acceptable from a health and safety perspective.
91. Northern Gas Networks have raised no objections to the scheme although advised that there may be gas apparatus in the area and recommended the developer get in touch with

them. Attaching an informative to the decision is recommended which will advise the developer to make suitable contact should the application be approved.

92. Issues raised in regards to tree planting and unauthorised works within the registered parkland are not material planning considerations of the current application, are not works carried out by the applicant and will be dealt with under planning powers as appropriate.

CONCLUSION

93. In view of the above considerations and whilst acknowledging those objections received, the principle of residential development on the site is considered to be acceptable for the reasons outline. The proposed development and the impacts of the proposal have been considered against national and local planning guidance and has been considered in detail.
94. The scheme is considered to be visually acceptable and is in keeping with the characteristics that can be expected from a modern housing development and respects those characteristics in the surrounding area including the impacts on heritage assets.
95. Provision for adequate landscaping can be made and the indicative separation distances provided will ensure that acceptable standards of residential amenity for both neighbouring occupiers as well as future residents of the development are delivered. The access arrangements are acceptable and sufficient incurtilage car parking can be achieved.
96. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Economic Growth and Development
Contact Officer Fiona Bage Telephone No 01642 526271

WARD AND WARD COUNCILLORS

Ward Northern Parishes

Ward Councillor(s) Councillor John Gardner

IMPLICATIONS

Financial Implications:

Environmental Implications:

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

Emerging

Local Plan Publication Draft September 2017

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder

SPD6 – Planning Obligations

SPD8 – Affordable Housing