

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

15th January 2020

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

19/1873/OUT

239 Oxbridge Lane, Stockton-on-Tees, TS19 7AG

Outline application with all matters reserved for the erection of 2 No. dormer bungalows with associated garages and private access road.

Expiry Date 20 January 2020

SUMMARY

The Site relates to a 0.2 hectare parcel of land associated with the residential dwelling 239 Oxbridge Lane. The Site, within a residential area of Stockton, is bounded by residential garden/amenity spaces. On the site there are two protected trees, an Ash and a Poplar, these are shown to be retained.

Outline planning permission is being sought for the erection of two dormer bungalows with associated garage and a private access road. This Outline Application has been submitted with all Matters Reserved. However, in accordance with the Procedure Order paragraph 5 (3), the submitted plans indicate the proposed point of access to the Site, which would be taken of the existing host dwellings private driveway onto Oxbridge Lane.

A total of 25 letters of objections have been received. The objections are principally raising concern over impact on highway safety, amenity, safety, ecology and the protected trees. A summary of all the concerns are addressed within the report.

The proposed development Members are being asked to consider is a revised proposal. The application as submitted proposed the erection of three dormer bungalows, with associated garages. However, following concerns raised by officers over impact on the settlement pattern and character, as well as the impact on the protected trees, the application was revised to the proposed two dwellings. Following the re consultation on the revised proposal, there is no objection from any of the technical consultees. It is considered that that the revised development has addressed the previous concerns and the application is therefore recommended for approval subject to the conditions set out in this report.

RECOMMENDATION

That planning application 19/1873/OUT be approved subject to the following conditions and informatives detailed below;

01 Approved plans

The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
1885/03A	30 September 2019

1885/01A

23 August 2019

Reason: To define the consent.

02 Reserved Matters:

Details of the appearance, landscaping, layout, and scale of each phase of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before development of the phase concerned begins, and the development shall be carried out as approved.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

03 Time Limit for Submission of the Reserved Matters:

Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

04 Time Limit for Commencement:

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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

05 Surface/foul Water Drainage:

The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Suitable Surface Water Drainage Scheme and a foul water drainage scheme have 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 programme 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 the construction phase;
- IV. Details of adoption responsibilities.

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 Local Plan Policy ENV4 and the National Planning Policy Framework.

06 Construction Management Plan:

Within each phase, no development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Construction Management Plan shall provide details of:

- (i) the site construction access(es)
- (ii) the parking of vehicles of site operatives and visitors;

- (iii) loading and unloading of plant and materials including any restrictions on delivery times;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing,
- (vi) measures to be taken, including but not limited to wheel washing facilities and the use of mechanical road sweepers operating at regular intervals or as and when necessary, to avoid the deposit of mud, grit and dirt on the public highway by vehicles travelling to and from the site;
- (vii) measures to control and monitor the emission of dust and dirt during construction;
- (viii) a Site Waste Management Plan;
- (ix) details of the HGVs routing including any measures necessary to minimise the impact on other road users;
- (x) measures to protect existing footpaths and verges; and a means of communication with local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period.

Reason. In the interests of highway safety and residential amenity

07 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. Historical potentially contaminative features located within 250m of the proposed development.

08 Construction Hours

No construction/ site preparation works or deliveries shall take place on the premises before 8.00 a.m. on weekdays and 8.30 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays).

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

09 Site Levels

Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent and to ensure that the development does not adversely impact on the visual amenities of the area

10 Tree Protection

An Arboricultural Method Statement and Tree Protection Plan should be submitted in support of the Reserved Matters application. 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.

11 Scale

Notwithstanding the submission of the illustrative plans, the maximum ridge height of the dormer bungalows, hereby approved, shall not exceed 6.5m and the ridge height of any garages shall not exceed 3.5m.

Reason: to protect the amenity of the occupiers of the neighbouring properties and in the interest of the visual amenity of the area.

12 Ecology – Update Survey

A maximum of three months before works commencing on site a suitably qualified ecologist shall undertake a checking survey to ensure that no protected species or their habitat are present on site. The results of the survey shall be submitted and approved in writing by the Local Planning Authority and identify any additional or revised mitigation measures required

Reason: To conserve protected species and their habitat where necessary

13 Ecology - Hedgehogs

Notwithstanding the submitted information, prior to the erection of any fencing details of the specification for holes in boundary walls and fences at ground level to allow for the movement of hedgehogs shall be submitted to and be approved in writing by the Local Planning Authority. The agreed works shall be implemented in accordance with the agreed details and be retained thereafter for the lifetime of the development.

Reason: To conserve protected species and their habitat

14 Ecological – Mitigation

All ecological mitigation measures shall be carried out in accordance with the submitted ecological appraisal received by the Local Planning Authority on the 20 September 2019, unless the update report, required by Condition 15 outlines any revised mitigation measures.

Reason: To conserve protected species and their habitat

15 Biodiversity Plan

Prior to the commencement of the development hereby approved, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of features including bat and bird boxes and holes at ground level in boundary walls and fences for hedgehogs to pass through, shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development.

Reason: To conserve protected species and their habitat

16 Open Access

Open access ducting to facilitate fibre and internet connectivity shall be provided from the homes to the public highway

Reason: To ensure that infrastructure is provided to facilitate fibre connections to all new development in accordance with Policy TI3 of the Stockton on Tees Local plan.

17 Works to Host Dwelling

Notwithstanding the submitted plans, a full set of existing and proposed plans for the proposed alterations to the host dwelling, known as 239 Oxbridge Lane, shall be submitted in support of the Reserved Matters Application. As approved the works required shall then be completed prior to the occupation of the two dormer bungalows hereby approved.

Reason: In the interest of protecting the residential amenity of future occupiers.

INFORMATIVES OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative: Northumbrian Water

We can inform you that a public sewer and two strategic water mains cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/developers.aspx>.

Informative: Northern Gas

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.

Informative: Designing out Crime

The developer is encouraged to adopt the police security standard 'Secured by Design' and to make contact with Crime Prevention & Architectural Liaison at their earliest opportunity for any crime prevention/designing out crime input/advice. Further information on the police designing out crime initiative and my contact details are available at www.securedbydesign.com, or you can call the police non-emergency number (within the Cleveland Police Force Area) on 101 and ask for Gerry McBride.

BACKGROUND

00.8.5.884 Tree Preservation Order 884 (2018) Land to rear of 239 Oxbridge Lane. Confirmed

SITE AND SURROUNDINGS

1. The application site, hereby referred to as the Site, is a large (0.2 ha) parcel of land associated with the residential dwelling 239 Oxbridge Lane. Bounded to the east by the rear garden/amenity spaces of Grosvenor Road and to the west and north by the rear amenity spaces of Merville Avenue. The boundary treatment is a mix of boundary hedges, fencing and built form, although it is noted that some of the boundary treatments have been removed.
2. The settlement pattern of this particular stretch of Oxbridge Lane, taken from the roundabout to the east to where Oxbridge Lane meets Greens Lane to the west, is principally characterised by large street frontage semi-detached dwellings with single liner streets branching off from Oxbridge lane.
3. This Site is unique is so far as the extent of landownership associated with the host dwelling.
4. It is understood that the Site was previously heavily landscaped, however a large proportion of the trees have since been felled with only a few species remaining including the TPO trees, and Ash and a large Poplar.

PROPOSAL

5. Outline planning permission is being sought, with all matters reserved for the erection of two dormer bungalows, with associated garages and access road. In accordance with Para 5 (3) of the Procedure Order, the application for outline planning permission, states the area or areas where access points to the development proposed would be situated.
6. During the course of the application process the application has been revised, the application was as submitted, seeking outline permission for three dormer bungalows. The revised proposal was submitted following concerns raised in relation to the retention of the protected trees and impact on character and settlement pattern.

CONSULTATIONS

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

Councillor Stephen Richardson

After reading through the plan and the residents' comments I am left with no option but to OBJECT to the proposed plan.

I feel that at busy times Oxbridge Lane can be heavily congested and to add more housing off the road would lead to more delays for residents which would be unacceptable.

I am concerned about the residents' privacy as many of the home owners have lived in their addresses for over 10 years, and I feel it would be wrong to subject them to a development along the back of their gardens which could take months to complete. This would also cause noise concerns from building works. As for the visual impact, the size of the development is far reaching so it would impact many residents and not just those in the immediate vicinity of the development.

As for setting precedent I don't believe it is a good move to start allowing home owners to develop multiple dwellings in their back gardens as this could lead to overcrowding and loss of local wildlife.

In my opinion the site is not suitable for development as there are other areas on which new homes could be built. I don't feel developing 2 to 3 bungalows in a back garden is the answer. As someone that knows the area very well I would not welcome these changes. As you can see from all the other comments that residents have raised there are huge concerns about this project.

Environmental Health Unit

I have checked the documentation provided, and have found no grounds for objection providing the following condition regarding construction noise be imposed on the development, due to the close proximity of residential premises.

I have checked GISQ4 which shows no potential contaminated land features, and as such would not require any further information from the applicant with respect to land contamination.

' 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 that working hours of all construction/demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 ' 18:00Hrs on weekdays, 09.00 ' 13:00Hrs on a Saturday and no Sunday or Bank Holiday working. Should works need to be undertaken outside of these hours the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

Tree & Woodland Officer (SBC)

At the time of writing no written representations had been received.

Northern Gas Networks

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

Northumbrian Water Limited

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- *Discharge into ground (infiltration)*
- *Discharge to a surface water body*
- *Discharge to a surface water sewer, highway drain, or another drainage system*
- *As a last resort, discharge to a combined sewer*

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager raises no landscape and visual objection to the proposals.

Highways Comments

The proposals seek outline permission for the erection of 2 dwellings on land to the rear of 239 Oxbridge Lane.

The principle of development in this location is considered to be acceptable, from a highways perspective, as the impact on the local highways network would be negligible and suitable visibility splays are achievable at the junction with Oxbridge Lane.

Whilst the application is outline, with all matters reserved, a proposed site layout plan (drawing 1885/03 RevA) has been submitted and the following comments are provided, should the application be approved, to assist in the reserved matters layout.

- All of the proposed plots are in excess of 45m from the adopted highway and as such exceed the maximum distance stated by Cleveland Fire Brigade in relation to access. It will therefore be necessary, as a part of any reserved matters approval, to provide a suitable turning head within the development that meets the requirements of Cleveland Fire Brigade.*
- All of the proposed plots are in excess of the recommended 'pull distance' for a refuse bin. It will therefore be necessary to provide a bin store immediately adjacent to the adopted highway to allow for the collection of refuse from the development.*
- The car parking spaces indicated to serve the host property appear to be enclosed by a 2m high boundary fence and no gate has been shown to provide access.*

Landscape & Visual Comments

The submitted scheme has been updated and the number of properties reduced to 2 to ensure the TPO protected trees T1 and T4 can be retained. These trees are considered to have significant landscape/amenity value.

There are no landscape and visual objections to the principal of developing this site with two new properties, provided that the protected trees are retained. An arboricultural impact assessment, method statement and tree protection plan to BS5837 will be required as part of any reserved matters application.

It is also recommended that new tree planting should be undertaken to integrate the new development into the residential landscape and mitigate the recent loss of trees from this site.

PUBLICITY

8. Neighbours were notified and a total of 25 letter of objections were received. A summary of the reasons have been included below. The full letters can be viewed on the public access;

Gavin Morley (244 Oxbridge Lane), Mr Mike Date (21 Whitton Road), Mrs Valerie Morley (237 Oxbridge Lane), Mrs Helen Hornby (8 Grosvenor Road), Mr Gavin Hatton (2 Grosvenor Road), Ms Jacqui Kelly (16 Grosvenor Road), Robert Copland (22 Grosvenor Road), David And Viv Murphy (12 Grosvenor Road), Mr Martin Sherwood (10 Grosvenor Road), Miss Vicky Adamson (6 Grosvenor Road), Mr Robert Lamb (4 Grosvenor Road), Mrs Susan Tilburn-Hunter (243 Oxbridge Lane), Mrs Sarah Clark (241 Oxbridge Lane), Mr P. Connor (10 Merville Avenue), George Middleman (8 Merville Avenue), Mark Boyes (6 Merville Avenue), Alison Topp And Matthew Bell (18 Merville Avenue), Miss Rebecca Robson (16 Merville Avenue), Mr Gordon Cooper (9 Grosvenor Road), Mrs Christine Chadfield (20 Merville Avenue), Mr Jeremy Dawson (12 Merville Avenue) Miss Bethany Phillips (9 Kingsley Road), Mrs Emma Antrobus (38 Grosvenor Road), MS BRIONY POWTON, JACQUI KELLY AND PAUL MCQU MRS REBECCA POYSER DOUG HARRIS GEORGE MIDDLEMAS

The following material considerations have been raised;

- Loss of privacy;
- Impact on Ecology, concern that the survey was carried out after the Site was cleared;
- Noise from cars
- Highway Congestion Oxbridge Lane
- Highway impact on Kingsley Road, congestion and parking
- Unsuitable access into Oxbridge Lane
- Impact on existing mature planting boundary treatment
- Internal road not wide enough
- Bin storage on Oxbridge Lane
- Loss of light
- Loss of amenity from additional properties in respect of noise
- Not in keeping with the stylistic context or scale of the local area
- Concern over the construction phase
- Lack of carparking
- Impact on emergency services
- Flood Risk
- Not essential, profit for development
- Allegation of Japanese Knotweed
- Contrary to Local Plan Policies SPD1 and SD8 and SPD1 – Backland Development
- Light pollution
- Security of neighbouring properties
- Previous loss of trees
- Impact on saleability of host dwelling
- Precedent
- Breach of Covenant
- Disputes with the applicant

PLANNING POLICY

9. 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 Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

11. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
12. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Local Planning Policy

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

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 2 (SD2) - Strategic Development Needs

1. The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough.

Housing

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of:

- a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22.
- b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

3. The Strategic Housing Market Assessment for Stockton-on-Tees Borough identifies that there are specific needs with regard to housing type and tenure. This includes delivering homes to meet the needs of the ageing population.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

1. The housing requirement of the Borough will be met through the provision of sufficient deliverable sites to ensure the maintenance of a rolling five year supply of deliverable housing land. Should it become apparent that a five year supply of deliverable housing land cannot be identified at any point within the plan period, or delivery is consistently falling below the housing requirement, the Council will work with landowners, the development industry and relevant stakeholders and take appropriate action in seeking to address any shortfall.

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.

- b. Providing accommodation that is affordable.
 - c. Providing opportunities for custom, self-build and small and medium sized house builders.
3. The approach to housing distribution has been developed to promote development in the most sustainable way. This will be achieved through:
- a. Supporting the aspiration of delivering housing in the Regenerated River Tees Corridor (as identified on the Policies Map) in close proximity to Stockton Town Centre. Key regeneration sites which provide major opportunities for redevelopment include:
Queens Park North, Victoria Estate, Tees Marshalling Yard and Land off Grangefield Road
 - b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.
 - c. Creating a Sustainable Urban Extension to West Stockton.
 - d. Promoting major new residential development at Wynyard leading to the area becoming a sustainable settlement containing general market housing and areas of executive housing in a high-quality environment.
 - e. Supporting residential development in villages (as shown on the Policies Map) through the recognition of existing commitments and new build within the limits to development where the land is not allocated for another purpose.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
 - b) Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources.
 - c) Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species.
 - d) Enhancing woodlands and supporting the increase of tree cover where appropriate.
 - e) Supporting development of an appropriate scale within the countryside where it does not harm its character and appearance, and provides for sport and recreation or development identified within Policies SD3 and SD4.
 - f) Ensuring any new development within the countryside retains the physical identity and character of individual settlements.
 - g) Directing appropriate new development within the countryside towards existing underused buildings on a site for re-use or conversion in the first instance. Only where it has been demonstrated to the satisfaction of the local planning authority that existing underused buildings would not be appropriate for the intended use should new buildings be considered.
 - i) Considering development proposals within green wedges against Policy ENV6.
 - j) Ensuring development proposals are responsive to the landscape, mitigating their visual impact where necessary. Developments will not be permitted where they would lead to unacceptable impacts on the character and distinctiveness of the Borough's landscape unless the benefits of the development clearly outweigh any harm. Wherever possible, developments should include measures to enhance, restore and create special features of the landscape.
 - l) Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground, air, water, light or noise pollution or land instability. Wherever possible proposals should seek to improve ground, air and water quality.

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:
- a. Directing development in accordance with Policies SD3 and SD4.
 - b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
 - c. Supporting sustainable water management within development proposals.
 - d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
 - e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and economic conditions such as incorporating suitable and effective climate change adaptation principles.
 - f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.
 - g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.
 - h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.
12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.
8. Taking into consideration viability, the Council require developers of new homes, employment or main town centre uses to deliver, as a minimum, on-site infrastructure including open access ducting to industry standards, to enable new premises and homes to be directly served by local fibre and internet connectivity. This on-site infrastructure should be provided from homes and premises to the public highway or other location justified as part of the planning application. Where possible, viable and desirable, the provision of additional ducting will be supported where it allows the expansion of the network.

Natural, Built and Historic Environment Policy 1 (ENV1) - Energy Efficiency

1. The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation. The Council will:

- a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence:
 - i. Energy reduction through 'smart' heating and lighting, behavioural changes, and use of passive design measures; then,
 - ii. Energy efficiency through better insulation and efficient appliances; then,
 - iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then
 - iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then
 - v. Conventional energy.
- b. Require all major development to demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees' Climate Change Strategy 2016; and
- c. Support and encourage sensitive energy efficiency improvements to existing buildings.

2. Proposals are encouraged where development:

- a. Incorporates passive design measures to improve the efficiency of heating, cooling and ventilation; and
- b. Includes design measures to minimise the reliance on artificial lighting through siting, design, layout and building orientation that maximises sunlight and daylight, passive ventilation and avoids overshadowing.

Domestic

3. All developments of ten dwellings or more, or of 1,000 sq m and above of gross floor space, will be required to:

- a. Submit an energy statement identifying the predicted energy consumption and associated CO₂ emissions of the development and demonstrating how the energy hierarchy has been applied to make the fullest contribution to greenhouse gas emissions reduction; and
- b. Achieve a 10% reduction in CO₂ emissions over and above current building regulations. Where this is not achieved, development will be required to provide at least 10% of the total predicted energy requirements of the development from renewable energy sources, either on site or in the locality of the development.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.

2. Development on land in Flood Zones 2 or 3 will only be permitted following:

- a. The successful completion of the Sequential and Exception Tests (where required); and

- b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
 - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
 - b. Foul and surface water flows are separated;
 - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.
9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.
10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.
11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.

Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.
2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.
3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.
4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Natural, Built and Historic Environment Policy 6 (ENV6) - Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a. it has been demonstrated to be surplus to requirements; or
- b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d. the proposal is ancillary to the use of the open space; and
- e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the

living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations in the determination of this application include; the principle of development, impacts on the character and appearance of the area; amenity of neighbouring occupiers; highway safety; flood risk, ecology and other residual matters.

Principle of development

15. The National Planning Policy Framework (2019) is clear in the purpose of the planning system which is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives

16. The Site is located within a principally residential area within the defined development limits of Stockton. The Site is not allocated for another use in which the explanation of Policy SD3 would generally support the principle of housing if the land is not allocated, owing to the Site position within the existing settlement, development of this Site would represent a sustainable form of development.

17. Additionally, the proposed development of dormer bungalows would support a mix of housing types, which is supported within Policy H4 which, when viewed in the context of the predominantly two storey dwellings, would provide a suitable mix of housing types to help meet the needs of present and future occupiers.

18. In view of the above, the principle of the proposed development is considered to represent a sustainable form of development in line with the National Planning Policy Framework and Local Plan Policy SD1. The more detailed matters outlined in Policy SD3 and SD8 of the Local Plan, and SPD1 are considered below.

Character and Appearance

19. The National Planning Policy Framework (para 127) requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

20. SPD1 (4.17) sets out;

Private garden is classified as greenfield land but this does not necessarily prevent development on these sites and all applications will be considered on their own merits. Nevertheless, the Council will often resist backland schemes as they can result in cramped developments that have an unacceptable impact upon the amenity of residents in neighbouring properties and upon local character. They may be appropriate under certain circumstances and this will generally be on larger plots or on sites that include land from a number of rear gardens. However, these schemes will also be resisted where the layout is not a common characteristic

of the area or where large rear gardens are important to the distinctive characteristics of the area.

21. The Site and Surrounding Section of this report sets out that the Site is unique for this stretch of Oxbridge Lane with the Site benefiting from a relatively large parcel of land associated with the host dwelling, with limited examples of backland development. However, there is an example of tandem backland development within this section of Oxbridge Lane, approximately 382m to the east of the Site.
22. The application is for Outline permission with All Matters Reserved. An illustrative layout has been provided however an illustrative layout, based on the revised proposal of two dormer dwellings have been received which demonstrates that two units could be accommodated on the Site, in tandem, which would not result in a cramped form of development and would reflect the existing form of tandem development to the east of the Site.
23. Furthermore, as set out, the size of amenity space is not distinctive to the area and would not therefore set a precedent for other backland development within the immediate area.
24. The objectors have raised concern over the proposed scale of the development and consider the development would represent over development of the Site. Whilst illustrative, the submitted layout demonstrates that two units can be accommodated on Site, each benefiting from an acceptable level of amenity space. The host dwelling would also retain an amenity space akin to the adjoined dwellinghouse amenity space. It is therefore not considered that in principle 2No. Dormer Bungalows would represent overdevelopment of the Site.
25. However, it should be noted that the actual scale and massing of the proposed dormers would be considered at the Reserved Matters phase. The objectors have raised concern over the design of the proposed development. Again these plans are illustrative and full consideration would be given to the design and appearance of the dwellings at the Reserved Matters phase.
26. The development as a whole will largely be screened from the main public vantage points off Oxbridge Lane by the existing built form. Where views are obtained, this would be viewed in the wider context of a residential area.
27. The revised scheme has ensured the retention of the TPO trees, subject to the recommended conditions the Councils Senior Landscape Officer has raised no objection to the proposed development
28. This is an outline planning application All Matters Reserved, taking the above into consideration and subject to the imposition of the recommended conditions it is considered that the principle of accommodating 2No. Dormer bungalows on the Site could be achieved without having an adverse impact on the character and appearance of the area. It is therefore considered that the principle of the development would comply with Local Plan Policies SD5 and SD8 and SPD1.

Residential Amenity

29. SPD1 sets out that;
The Council will normally expect a minimum of 21 metres separation to be provided between the main habitable room windows on facing residential properties. Where main habitable room windows will face windows of secondary rooms, such as bathrooms and hallways, or a blank gable, there should normally be a gap of at least 11 metres between the two properties

30. The illustrative layout demonstrates that a suitable level of amenity in respect of privacy could be achieved for the occupiers of the surrounding residential dwelling and the proposed dwellings, in accordance with the above guidance.
31. The indicative layout plans indicate that the host dwelling bay window and internal layout will be reconfigured to accommodate the indicative access road. It is recommended a condition is imposed requiring that the detailed plans are submitted in support of the Reserved Matters application and that the internal alterations to the host dwelling are completed prior to the occupation of the proposed dwellings.
32. Subject to the recommended conditions in respect of layout and scale, it is not considered that the principle of the proposed dwellings, due to the limited scale and available separation, would result in a loss of light or over bearing presence which would warrant refusal of the Outline planning permission on these grounds.
33. A number of the objectors have raised concern over the potential security aspect of the proposed development. The proposed development is for two residential dwellings within a residential area and matters of security are a civil issue. Nevertheless at the reserved matters stage elements such as layout, means of enclosure and lighting will be considered.
34. The objectors have also raised concern over the impact of noise as a result of the proposed development in respect of vehicle movements along the boundary and with the use itself. SPD1 does set out that *A suitable minimum separation distance is 3m from the edge of the access road to the edge of the nearest affected house, together with appropriate boundary treatment for screening. It may be necessary to increase this separation distance dependant on the location of habitable rooms and the frequency of use of the proposed access. This standard may also be relaxed, where the context of the site allows.*
35. It is not considered that the traffic generation resulting from two dormer bungalows would create a level of activity which would have a significant adverse impact over and above the existing residential area due to the relationship the surrounding residential properties already have with Oxbridge Lane. Nor is it considered that the use of the Site for residential given the location of the Site within a residential area off a busy road would have an adverse impact on the existing residential properties occupiers' amenity to such a level that it would warrant refusal of the application on these grounds.
36. The Environmental Health Unit have been consulted on the proposed development and, subject to a condition required in relation to construction hours, have raised no objection to the proposed development.
37. For the reasons set out above, the proposed development due to its scale and siting would not be considered detrimental to the adjacent properties in terms of overbearing, loss of light or privacy. On balance, it is considered that the development will offer an appropriate degree of amenity for the occupiers of the development and the adjacent residential dwellings.

Highways

38. The objectors have raised concerns over the potential impact on the highways and parking issues as a result of the proposed new dwellings.
39. Para 109 of the NPPF sets out;
Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

40. The Highways Transport and Design Manager considers that the principle of development in this location is considered to be acceptable, from a highways perspective, as the impact on the local highways network would be negligible and suitable visibility splays are achievable at the junction with Oxbridge Lane.
41. Whilst no objection has been raised as the application is outline, with all matters reserved, a proposed site layout plan (drawing 1885/03 RevA) has been submitted and the following comments are provided, should the application be approved, to assist in the reserved matters layout.
- *All of the proposed plots are in excess of 45m from the adopted highway and as such exceed the maximum distance stated by Cleveland Fire Brigade in relation to access. It will therefore be necessary, as a part of any reserved matters approval, to provide a suitable turning head within the development that meets the requirements of Cleveland Fire Brigade.*
 - *All of the proposed plots are in excess of the recommended 'pull distance' for a refuse bin. It will therefore be necessary to provide a bin store immediately adjacent to the adopted highway to allow for the collection of refuse from the development.*
 - *The car parking spaces indicated to serve the host property appear to be enclosed by a 2m high boundary fence and no gate has been shown to provide access.*

Trees

42. The revised layout confirms the retention of the TPO trees, subject to the imposition of the relevant conditions, it is considered that development of the Site is achievable without causing harm to the protected trees.
43. Whilst a number of trees have been identified to be removed and in the rear amenity spaces these trees are not afforded any protection and whilst their collective value does contribute to the overall character, a suitable landscaping scheme secured via condition, would ensure that the character is largely preserved.
44. It is noted that a number of objectors have raised concern that a number of trees were removed prior to the submission of the application. These trees were afforded no form of protection. The previous removal of trees from the Site can be afforded no weight in the determination of this application.

Residual matters

Drainage

45. The application form states that the proposed development would connect to the mains sewers for the treatment of foul waste which surface water would be dealt with via an existing watercourse and mains sewers. Northumberland Water have no comments to raise at this stage. It is proposed that the details of this are secured via the recommended conditions.

Ecology

46. A Preliminary Ecological Appraisal was submitted in support of the application. The report concludes that the Site is of low ecological value, however a number of mitigation, compensation and enhancement measures have been recommended. It is recommended that a number of conditions are imposed on an approval in support of the recommendation of the ecological appraisal.

47. Furthermore, recent guidance has been released in terms of the protection of hedgehogs during both the development stage and post development. A suitable worded condition is recommended in response to this guidance.
48. Again whilst the timing of the survey, after the alleged clearing of the Site has been questioned by the objectors, this cannot be given any weight.

Covenants

49. It has been well established that covenants are land do not form a material consideration and therefore no weight can be attributed.
50. Whilst concerns have been raised over the impact on existing boundary treatments, no one has raised concern that the Site as indicated within the Red Line Plan is not entirely with the applicants land ownership.

CONCLUSION

51. Given the indicative drawings provided, it is considered that the proposal can satisfactorily accommodate the additional two dwellings within the site without affecting the character of the area, amenity of neighbouring residents or highway safety. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Economic Growth and Development
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward	Grangefield
Ward Councillor	Councillor Carol Clark
Ward Councillor	Councillor Stephen Richardson

IMPLICATIONS

Financial Implications:

Not Applicable

Environmental Implications:

Not Applicable

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

Supplementary Planning Documents

SPD1 – Sustainable Design Guide
SPD2 – Open Space, Recreation and Landscaping
SPD3 – Parking Provision for Developments