

DELEGATED

AGENDA NO

PLANNING COMMITTEE

2 June 2021

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

20/2819/FUL

**Land East Of 232 Cotswold Crescent Billingham TS23 2QN
Erection of 10 dwellings**

SUMMARY

The application site relates to an area of previously developed land which has access from a cul-de-sac on Cotswold Crescent to the north. To the east is Brendon Crescent, to the south is the railway line, and to the west are allotments which are used by the Billingham Homing Society. The application site previously contained garages and was sold by the Council in 2019.

The proposal is for the erection of ten two bedroom semi-detached bungalows. The existing access is proposed to be widened to 4.8m with footways proposed either side of the road. The application was originally applied for the erection of 8 bungalows and two semi-detached two storey dwellings.

The application is supported by Flood Risk Assessment and Drainage Strategy, Preliminary Ecological Appraisal, Noise Impact Assessment and Phase 1 and Phase 2 Site Investigation Report.

Objections have been received, along with a number of letters of support and these are summarised within the main body of the report below.

In terms of the visual impacts of the proposal, there would be a dominance of hard surfacing and built form to the main 'entry' point of the proposed development. There is also little opportunity for landscaping and small garden areas for several of the plots which in the opinion of the Officers would lead to an unattractive environment causing an adverse impact on the character of the area, amenity of future occupiers of the dwellings and neighbouring properties.

The Lead Local Flood Authority (LLFA) are unable to support the above application as the location of the proposed cellular storage is not within public open space and therefore be easily accessible for maintenance. This is deemed to be a significant concern given the proximity of the railway and risk to public safety.

The application is therefore recommended for refusal for the reasons detailed below.

RECOMMENDATION

Planning application 20/2819/FUL be Refused for the following reasons;

- Insufficient landscaping and overdevelopment of the site
1. In the opinion of the Local Planning Authority, by virtue of the layout and density of the proposals, the development would result in a dominance of build form and leave insufficient

space for suitable private amenity space and effective landscaping, to the detriment of the visual amenity of the area and the amenity of future occupiers and neighbouring occupiers. It would therefore be contrary to guidance contained within the National Planning Policy Framework (paragraph 127 and 130) and local plan policy SD8.

Insufficient information - Drainage

2. In the opinion of the Local Planning Authority insufficient information has been provided to satisfactorily demonstrate that surface water can be adequately stored and be maintained over the lifetime of the development within the site, to ensure that the risk of flooding within the area and to the railway is satisfactorily minimised, contrary to Local Plan Policies SD5 2(c) and ENV4 (1) and (4).

SITE AND SURROUNDINGS

1. The application site relates to an area of previously developed land which has access from a cul-de-sac on Cotswold Crescent to the north. To the east is Brendon Crescent, to the south is the railway line, and to the west are allotments which are used by the Billingham Homing Society.
2. The access to the allotments is via the application site, and the site contains an area of concrete hardstanding which is used for parking by the allotment holders.

PROPOSAL

3. The proposal is for the erection of ten two bedroom semi-detached bungalows. The existing access is proposed to be widened to 4.8m with footways proposed either side of the road. The application was originally applied for the erection of 8 bungalows and two semi-detached two storey dwellings. It was amended to the current proposal following discussions with the Local Planning Authority.
4. Parking would be provided for the dwellings in accordance with SPD3: Parking Provision for Developments and also four visitor spaces are proposed which could be used by the allotment holders.

CONSULTATIONS

5. The following Consultations were notified and any comments received are set out below (in summary):-
6. **Highways, Transport and Design** – No objections but all efforts should be made to maximise soft landscaping on the site.

Highway comments:

The access road would take the form of a simple priority T junction and would be 4.8m wide with footways either side which is in accordance with the Councils design guide and is therefore considered to be acceptable. Car parking for each dwelling has been provided in accordance with SPD3: Parking provision for Developments 2011.

There are no highways objections to the proposals.

Landscape & Visual Comments:

The submitted layout has changed significantly since the original submission, due to the increase in car parking and rearrangement of the layout. This has removed incidental areas of soft landscaping and therefore space for tree planting. The submitted landscape proposals are now out of date and need to be updated, however, this information could be conditioned. All efforts should be made to maximise soft landscaping on the site.

A contribution to public open space will also be required

Flood Risk Management:

The Lead Local Flood Authority are unable to support the above application as the location of the proposed cellular storage is in contravention of Local Standard 23 of the Tees Valley SuDS Guidance Design Guide and Local Standards;

'All SuDS features serving more than one property must be located in areas of Public Open Space (POS), highways or public car parks, they will not be accepted within private curtilages'.

7. **Network Rail** - Network rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis. Following assessment of the details provided to support the above application, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

- Works in Proximity to the Operational Railway Environment
- Drainage – it is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets
- Boundary Treatments, Landscaping and Lighting
- Landscaping - It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety.
- Lighting - lighting erected adjacent to the operational railway, has the potential for train drivers to be dazzled must be eliminated.
- Railway Noise Mitigation

8. **Northumbrian Water** - We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy Report". We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy Report" dated "31.03.2021". The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 2301. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

9. **Health and Safety Executive** – do not advise, on safety grounds, against the granting of planning permission in this case.
10. **Northern Gas Networks** - No Objection, 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.
11. **Billingham Town Council** - Billingham Town Council welcome changes made by the applicant to improve parking and mitigate the possible overspill onto Cotswold Crescent. The Town Council remain in support of this application.

12. **Natural England** - no comments. Natural England has published Standing Advice which you can use to assess impacts on protected species. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.
13. **Alex Cunningham MP** – Objects to the application to build 10 houses on land to the rear of Cotswold Crescent in Billingham – and hope the application will be referred to the full planning committee for determination.

Agrees with residents that this amounts to the overdevelopment of a relatively small site in a difficult location with poor access – and a site that has a long history of flooding from a local water course. Even if the site wasn't a flood risk, development on the scale proposed would have a major impact on local people and amenities with very limited access to the adjacent allotments for gardeners and pigeon fanciers alike who have been there for generations

I also struggle to see how the development can provide the parking spaces that would be required without impinging on existing residents and visitors – residents and allotment users who already park in the area.

The Council will also be aware of our shared ambitions to see further development of the railway which runs alongside the site – and the upgrading work which includes work not so far from the site will in time lead to more frequent services and therefore greater noise which would have a huge effect on the proposed new houses proposed.

I have also noted that the site could be contaminated from historical waste disposal in the area which I hope will be explored thoroughly. There is often conflict between the need to build new houses and the need to ensure appropriate development and protection of existing amenities. I hope the Planning Committee will conclude that the proposal is not appropriate nor just it protect existing amenities.

14. **Environmental Health** – No objections in principle to the application, subject to conditions set out below. Are also satisfied with the rational provided for not undertaking further gas testing. Following the collection of data during the Phase 2 Site Investigation, the risk from ground gas is now considered to be low, and I would agree that no further works or risk assessment is considered necessary.
- A remediation scheme
 - Submission of an overheating assessment
 - Construction Noise
 - Dust Emissions

15. **Councillor Barry Woodhouse** – objects on the following grounds
- over development of the site given the location and surrounding land use
 - Although the access road may be widened at site entry point the part of Cotswold Crescent is very narrow and used by residents to park / access drives
 - There can be up to twenty vehicles including a 7.5 ton wagon requiring access to the allotment site on sometimes three days a week
 - The volume of traffic generated and requiring parking will probably cause nuisance to the surrounding properties
 - There are more disabled badge holders who may require access than the allotted four bays which it would appear can be used by residents and will possibly lead to disputes
 - The rear of the site has a water course which historically has led to flooding including the most recent affecting many of the allotments when the water course became blocked

- Given the “Greening agenda” and the proposed opening of East coast rail there is likely to be an increase in rail movement.
- To expect senior citizens to leave windows closed and by inference not use gardens is in my view unreasonable
- There are trains on this line up to around 22.20 on an evening and even later for the goods trains throughout the night which generate substantially more noise
- Historically this is a site on or near a municipal / trade waste disposal facility I am led to believe which could lead to pollutants being released during and post development
- I would therefore respectfully ask the Planning Committee to reject the application on the above grounds.

16. **Councillor Evaline Cunningham** - Objects to this planning application and requests that the application is referred to planning committee. Although this area is outside my ward I have read the reports provided to understand the issues and looked at the maps. From my understanding this area floods on occasion. I would be concerned that further houses being built would cause an increase in these incidents as drainage ground would be lost.

The entrance to the area is very narrow and I believe there would be issues around parking for the new homes and also the users of the allotments. Many homes now have more than one car and with the congestion already in this area I think it would lead to disputes over parking areas.

On reading the ecological survey provided by Mr Leck I noticed that they commented that the Great Crested Newt (endangered species) was in the wider area yet there was apparently no effort made to actually check if it was present.

The community established at these allotments have been present for many years and are very disturbed by the clearance of trees and wildlife that was present before the area was cleared.

17. **Strategic Housing** - would seek to have new affordable housing delivered on site in accordance with the Affordable Housing SPD at 20% which equates to 2 units of affordable accommodation given the proposed development is for a total of 10 dwellings.

The planning statement outlines that the development is aimed at meeting the needs of housing the elderly and people requiring an element of care in a home environment (in the bungalows and houses) , there is no detail on how this could be achieved and if this would be in partnership with a local registered provider. There has been no discussion with the strategic housing team in advance of this application as to whether this would be a suitable development for this group of clients.

The site is in close proximity to the railway line and even with appropriate sound insulation could be disruptive to residents. It is not clear if parking abys 14/15/16 are for visitors or allocated to a property. If you require anything further or would like to discuss this application please get in touch.

PUBLICITY

18. Local residents have been individually notified of the application and it has also been advertised on site.
19. Eighteen letters of objection were received from the following addresses and a summary of the comments received are set out below.

1. 220 Cotswold Crescent, Billingham TS23 2QN
2. 226 Cotswold Crescent, Billingham TS23 2QN
3. 240 Cotswold Crescent, Billingham TS23 2QN

4. 210 Cotswold Crescent, Billingham TS23 2QJ
5. 44 Weardale Crescent, Billingham TS23 1BA
6. 52 Lomond Avenue, Billingham TS23 2QY
7. Billingham pigeon racing Society 38 Greenwood Road
8. 13 Ragworth Place, Norton, Stockton on Tees TS20 1EL
9. 234 Cotswold Crescent, Billingham TS23 2QN
10. 236 Cotswold Crescent, Billingham TS23 2QN
11. 37 Lomond Avenue Billingham Ts23 2qz
12. 2 Laxton Close Billingham TS23 3UF
13. 23 Deighton Grove Billingham Stockton-on-Tees TS23 3UD
14. 1 Popular Terrace Port Clarences Middlesbrough TS21TA
15. 111 Dawson House TS23 2PA
16. 12 Sinderby Close Billingham TS23 3HF
17. 4 Brendon Crescent, Billingham TS23 2QR
18. 6 Brendon Crescent, Billingham TS23 2QR

The main concerns raised were: -

- Car parking issues – allotment holders would have to park on street
- Development not suitable for the area
- Means of access
- Overdevelopment of the site
- Scale/size of the development
- Anti-social behaviour/crime
- Construction traffic
- Loss of open space
- Impact on ecology/wildlife
- Flood risk
- Loss of privacy
- Noise
- Visual Impact
- Creation of litter

20. Letters of support were received from the following addresses and a summary of the comments received are set out below. 20 letters of support were received in total. The full details of the letters of support can be viewed on line at the following web address:-

1. 2 Brendon Crescent, Billingham TS23 2QR
2. 46 Cotswold Crescent, Billingham TS23 2PP
3. 1B Parklands Avenue, Billingham TS23 1DZ
4. 15 Swinburne Road, Eaglescliffe, Stockton-on-Tees TS16 0AA
5. 64 Flodden Way, Billingham TS23 3LG
6. 69 Cotswold Crescent, Billingham TS23 2QB
7. 232 Cotswold Crescent, Billingham TS23 2QN
8. 230 Cotswold Crescent, Billingham TS23 2QN
9. 7 Moreland Close, Wolviston, Billingham TS22 5LX
10. 3 Brendon Crescent, Billingham TS23 2QR
11. 42 Brendon Crescent, Billingham TS23 2QT
12. 6 Mossbrough Close, Stockton-on-Tees TS19 0QT
13. 8 Hardy Grove, Billingham TS23 3GN
14. 15 Austen Close, Billingham TS23 3GT
15. 119 Knole Road, Billingham TS23 3AD
16. 61 Cotswold Crescent, Billingham TS23 2QB
17. 10 Balmoral Avenue, Billingham TS23 2HS
18. 2 Cotswold Crescent, Billingham TS23 2PP

19. 2 Peace Garden Mews, Billingham, Stockton-on-Tees TS23 1FB
20. 15 Austen Close, Billingham TS23 3GT

The main reasons for support were: -

- Redevelopment of derelict land
- Fly tipping/ rubbish dumping on land
- New bungalows in local area
- Need for housing for disabled/elderly in local area
- Deter anti-social behaviour
- Enhance the local area

PLANNING POLICY

21. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

22. 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

23. 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.

24. 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.

25. **Paragraph 127.** Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

26. **Paragraph 130.** Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

Local Planning Policy

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

Policy 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.

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:

- 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.

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.
- 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.
- 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.
- 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.

Policy H4 – Meeting Housing Needs

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.
3. The Council require 20% of new homes to be affordable on schemes of more than 10 dwellings or with a combined gross floorspace of above 1000sqm.
4. Where an applicant considers that the provision of affordable housing in accordance with the requirements of this policy would make the scheme unviable, they must submit a full detailed viability assessment to demonstrate the maximum level of affordable housing that could be delivered on the site. The applicant will be expected to deliver the maximum level of affordable housing achievable.
5. Affordable housing will normally be provided on-site as part of, and integrated within housing development to help deliver balanced communities. This provision should be distributed across sites in small clusters of dwellings. Off-site affordable housing or a commuted sum will only be acceptable where:
 - a. All options for securing on-site provision of affordable housing have been explored and exhausted; or

- b. The proposal is for exclusively executive housing, where off-site provision would have wider sustainability benefits and contribute towards the creation of sustainable, inclusive and mixed communities; or
- c. The proposal involves a conversion of a building which is not able to accommodate units of the size and type required; or
- d. Any other circumstances where off-site provision is more appropriate than on-site provision.

6. Where off-site affordable housing or a commuted sum is considered acceptable, the amount will be equivalent in value to that which would have been viable if the provision was made onsite and calculated with regard to the Affordable Housing Supplementary Planning Document 8 or any successor.

7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.

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;

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 - 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.
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.
8. Within critical drainage areas or other areas identified as having particular flood risk issues the Council may:
- a. Support reduced run-off rates.
 - b. Seek contributions, where appropriate, towards off-site enhancements directly related to flow paths from the development, to provide increased flood risk benefits to the site and surrounding areas.
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.

MATERIAL PLANNING CONSIDERATIONS

28. The main planning considerations of this application are the principle of development, layout of development, character and appearance, flood risk, highway safety and other matters as outlined below.

Principle of Development

29. Under the adopted Local Plan the application site lies within the development limit to Billingham and is not allocated for another land use. The application site is also previously developed land (as a former garage court), the redevelopment of previously developed land is supported by the local plan and the National Planning Policy Framework. The proposal for housing on the site therefore does not result in any specific conflict with planning policy.

30. Given the policy context above, the application is considered to be acceptable in principle subject to further material planning considerations as identified below.

Layout, character and landscaping

31. The NPPF encourages visually attractive development as a result of good architecture, layout and appropriate and effective landscaping.

32. Policy SD8 of the local plan seeks 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 quality, character and sensitivity of the surrounding public realm, the landscape character of the area, and the need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment.

33. The residential area around the application site is characterised by mainly two-storey and terraced housing, many of which have large gardens. In the context of the area, what is proposed is a relatively high density cul-de-sac, accessed from the existing cul-de-sac on Cotswold Crescent. Whilst there are no objections from Highways in relation to the parking and access arrangements (discussed further below), the required parking provision for 10 x 2 bedroom dwellings, as well as visitor parking, and parking for the host dwelling, would lead to a dominance of hard surfacing and built form to the main 'entry' point of the proposed development. As a result, the development would offer little landscaping and have an overdeveloped appearance with significant areas of hardstanding, with few grassed/landscaped areas. It is considered that this would leave insufficient space for appropriate and effective landscaping, and would therefore lead to an unattractive environment causing an adverse impact on the character of the area, amenity of future occupiers of the dwellings and neighbouring properties.

34. It would not be acceptable to reduce the number of parking spaces per dwelling as there is already a considerable amount of on-street parking on Cotswold Crescent which could be exacerbated by the proposal if minimum parking standards are not met. Concerns regarding parking issues and overdevelopment of the site have been raised by many objectors.

35. Whilst the comments of support are acknowledged from the public, particularly in regard to providing additional housing for elderly and redeveloping derelict land, this does not outweigh

other material considerations. For these reasons, in this context, it is considered that 10 dwellings on this site would be considered as overdevelopment, and would be contrary to the NPPF and local plan policies.

Amenity

36. The proposed dwelling are a sufficient distance from the neighbouring properties so as to comply with the Council's minimum superstation distances and thus not adversely impact on the amenity (inc privacy, appearing overbearing or a loss of light) so have any harmful implication and thus justify a refusal of the application.
37. From the submitted site plan it is noted that several of the plots (1, 2, 8 & 9) have very limited amenity spaces. Whilst it may be expected that bungalows have less amenity space than a 'traditional dwelling' if intended for older persons, it would still be expected that these have a reasonable amenity space. In several instances this is below 5 metres in depth, which further highlights the limited space available for development within the site and the overdeveloped nature of the overall proposals.
38. A noise assessment has been undertaken by the applicant. The most significant noise source affecting the proposed development was noise from passing trains using the adjacent railway line. The assessment concluded that external amenity noise levels will be met without mitigations, and internal noise levels will be met using the mitigations outlined in the Report mainly closed windows and the use of trickle ventilation. The Environmental Health Officer has also confirmed that the design is acceptable in terms of layout as bedrooms are furthest away from the railway, providing further noise reduction but would request a condition relating to potential overheating.
39. In the absence of an objection from the Environmental Health Unit on grounds of noise disturbance from the railway, it is on balance considered that trickle ventilation would be an acceptable solution. However, the applicant is advised that as part of any overheating report, the Local Planning Authority would be unlikely to support the use of mechanical ventilation as a primary method of ventilation as a good standard of amenity.
40. In terms of any issues during the construction period in terms of noise and dust impact, this would be controlled by conditions outlined above, and as recommended by the Environmental Health Officer.

Flood Risk and Drainage Considerations

41. The Lead Local Flood Authority (LLFA) and the Environment Agency were consulted on the application. The LLFA are unable to support the above application as the location of the proposed cellular storage is in contravention of Local Standard 23 of the Tees Valley SuDS Guidance Design Guide and Local Standards; as outlined above.
42. As a consequence it is considered that the developer has failed to satisfactorily demonstrate that suitable provision for the storage of surface water can be achieved and satisfactorily maintained over the lifetime of the development, all the more important given the proximity of the development to the railway and the risk that flooding could cause to public safety. Additionally, the lack of a dedicated area for cellular storage highlights further the over-developed nature of the proposal..

Highway Safety Considerations

43. The access road would take the form of a simple priority T junction and would be 4.8m wide with footways either side which is in accordance with the Councils design guide and is therefore considered to be acceptable.
44. Car parking for each dwelling has been provided in accordance with SPD3: Parking provision for Developments 2011.

45. Taking into account the above, the Highways Transport and Design Manager has no objection to the proposal and is acceptable in regard to highway safety considerations.

Other Matters

46. The issue of access to the allotments and parking associated with the allotments, whilst not planning matters, have been raised a number of times by objectors. It is noted that there was a condition of sale which stated that there is a right of access in the transfer from the public highway to 'Retained Land' and 'Unregistered Land', the right of access is for owner(s) and/or occupiers of the Retained Land and Unregistered Land and their successors to pass by foot and/or vehicle. This also includes the right during any development.

47. In regards to land contamination, the Environmental Health Officer has reviewed the submitted information and has confirmed that they are satisfied with the conclusions drawn with surface water contamination and the risk from ground gas is now considered to be low, and that no further works or risk assessment is considered necessary.

48. In terms of ecology, an assessment has been undertaken to assess the potential impacts of the development on ecology and nature conservation. The assessment comprised a desktop study and a site survey. The assessment considered impacts to protected and notable species and habitats that may be incurred and advised how these should be mitigated and compensated for. Natural England were consulted and advised that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

49. In respect of affordable housing contributions and the comments from Strategic Housing, the threshold for affordable housing in the Local Plan is over 10 dwellings, therefore the proposal should not seek a contribution.

CONCLUSION

50. The impacts of the proposal have been considered against national and local planning guidance, and the development as proposed is considered to be contrary to general planning policies set out in the Development Plan and the National Planning Policy Framework. The layout and density of the proposed scheme is considered unacceptable for the reasons set out above and is recommended for refusal.

Director of Finance, Development and Business Services
Contact Officer David Richards Telephone No 01642 526058

WARD AND WARD COUNCILLORS

Ward	Billingham Central Ward
Ward Councillor	Councillor Barry Woodhouse
	Councillor Ann McCoy

IMPLICATIONS

Financial Implications: As Report

Environmental Implications: As Report

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

Community Safety Implications:

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

Background Papers

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton-on-Tees Local Plan