

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
19 January 2022  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**21/2095/VARY**

**Land At Hunters Rest Farm, Urlay Nook Road, Eaglescliffe  
Section 73 application to vary condition no1 (Approved Plans) of planning approval  
19/2084/REM - Reserved Matters application for the Scale, Layout, Landscaping and  
Appearance of 108 dwellings.**

**Expiry Date 21 January 2022**

**SUMMARY**

Outline planning permission and reserved matters approval have been granted for the site. The original developers are no longer proceeding with the site and therefore a new house builder will bring the site forward.

This application is a variation to the approved plans on the reserved matters application for the erection of 108 dwellings and includes full details of the houses, including layout, scale, appearance and landscaping. The layout generally follows that of the original reserved matters application with changes in house types from one housebuilder's style to another.

Eight objection letters have been received, some of which relate to the principle of development and matters which have been fully addressed in the previous applications and cannot be revisited as this application relates purely to the change in house types.

The site is allocated for housing in the local plan and has an outline and reserve matters approval; therefore the principle of development has been established. All other matters are considered to be acceptable and there are no sustainable planning reasons to refuse the application.

In view of the planning merits of the case, the proposal is therefore considered to be acceptable and is recommended for approval subject to the recommendation below;

**RECOMMENDATION**

**That planning application 21/2095/VARY be approved subject to the following conditions and informatives;**

**01 Approved Plans;**

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

<i>Plan Reference Number</i>	<i>Date Received</i>
<i>SR4052/008 REV C</i>	<i>22 December 2021</i>
<i>SR4052/009 REV B SECTION B</i>	<i>22 December 2021</i>
<i>SR4052/010 REV O SECTION C</i>	<i>22 December 2021</i>
<i>EAG-HRF-004 D</i>	<i>21 December 2021</i>
<i>EAG-HRF-003 REV E</i>	<i>7 January 2022</i>
<i>SGD-02 REV B</i>	<i>5 August 2021</i>
<i>SGD-03 REV B</i>	<i>5 August 2021</i>

SGD-05 REV D	5 August 2021
144746/8001 REV B	21 December 2021
144746/8002 REV A	22 December 2021
144746/8003 REV A	21 December 2021
144746/8004 REV A	21 December 2021
144746/8005 REV A	21 December 2021
144746/8006 REV A	21 December 2021
BD-WD-06 REV S	5 August 2021
BD-WD-08 REV S	5 August 2021
BS-WD-06 REV C	5 August 2021
CM-WD-06 REV R	5 August 2021
CM-WD-08 REV R	5 August 2021
DG-WD-06 REV M	5 August 2021
FH-WD-06 REV P	5 August 2021
FH-WD-08 REV P	5 August 2021
HB-WD-06 REV Q	5 August 2021
HY-WD-06 HARLEY REV T	5 August 2021
HY-WD-06 HYDE REV D	5 August 2021
HY-WD-08 REV T	5 August 2021
JCC21-134- 600 REV B	21 December 2021
ME-WD-06 REV N	5 August 2021
MS-WD-06 REV C	5 August 2021
PD-WD-06 REV P	5 August 2021
PD-WD-08 REV P	5 August 2021
RN-WD-06 REV E	5 August 2021
RT-WD-06 REV Q	5 August 2021
RT-WD-08 REV Q	5 August 2021
SN-WD-06 REV H	5 August 2021
ST-WD-06 REV P	5 August 2021
WF-WD-06 REV C	5 August 2021
EAG-HRF-001 REV G	21 December 2021
JCC21-134 C-GA 320	7 January 2022

Reason: To define the consent.

**02 Ecological Checking Survey**

*Prior to the commencement of any site works, a checking survey for the presence of protected species and suitable habitat shall be undertaken and appropriate mitigation measures, if different from the original survey, shall be submitted to and approved in writing by the local planning authority. Site works shall be carried out in complete accordance with the updated survey unless otherwise agreed in writing by the local planning authority.*

*Reason: In the interests of protected species and their habitat*

**03 Hedgehogs Fencing;**

*Notwithstanding the submitted information, holes shall be installed in boundary walls and fences at ground level to allow for the free movement of hedgehogs and be retained thereafter for the lifetime of the development.*

*Reason: In the interests of protected species and their habitat*

**04 Retaining Walls.**

*Notwithstanding the submitted plans, prior to the commencement of works on the highways full detailed design of the retaining walls to be erected adjacent to the highway /footpath shall be submitted and approved in writing by the local planning authority. work shall be undertaken in accordance with the approved plans.*

*Reason: To ensure that the design and location off the wall is acceptable and sufficient to support the highway.*

**05 Permitted Development Rights**

*Notwithstanding the provisions of classes A, AA, B, C, D and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority*

*Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents and landscaping features.*

**06 Permitted Development Rights means of enclosure**

*Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), unless shown on the approved plan (1202\_RHL\_00\_XX\_DR\_A\_004 Rev E) no gates, fences, walls or other means of enclosure shall be erected between the front or side wall of any dwelling which the curtilage of the dwelling fronts or abuts without the written approval of the Local Planning Authority.*

*Reason: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents.*

**07 Removal of PD rights - no garage conversions;**

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order), no garages shall be converted into part of the house or incidental uses without the prior written consent of the Local Planning Authority.*

*Reason: To adequately control the level of development on the site to ensure adequate garaging and parking spaces are made available.*

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

**Informative: Working Practices**

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

**Informative : Overhead Lines**

Statutory clearances that shall be maintained are outlined in ENA43-8 Overhead Line Clearances. Guidance for construction activities near Overhead Lines is given in GS6 which is available on the HSE website for download, it is the responsibility of the developer that clearances are maintained both during construction & upon completion of the development.

## **BACKGROUND**

1. Outline planning permission was allowed the appeal on 23rd October 2018 (Application: 17/0775/OUT) and is subject to a Section 106. An initial Reserved Matters planning application (ref. 19/2084/REM) was submitted by Thirteen Homes and approved.
2. Planning permission has also been for the adjacent site for the erection of 22 dwellings with associated garages and access (ref. 20/1898/FUL).

## **SITE AND SURROUNDINGS**

3. The application site is currently agricultural land on the edge of Eaglescliffe, beyond the existing built form on the south side of Uray Nook Road. There is a power line crossing the site and an existing farmstead, Hunters Rest, in the centre of the site which to be demolished.
4. To the north west of the site are allotments with Nelly Burdon's Beck running around the west and southern perimeter of the site which is within Flood Zones 2 and 3.
5. Since the adoption of the new local plan the application site is within the limits to development and an allocated housing site.

## **PROPOSAL**

6. Planning permission is sought under Section 73 of the Town and Country Planning Act 1990 to vary condition 1 associated with planning permission 19/2084/REM.
7. The need for the application has arisen following the purchase of the land by Persimmon Homes. In order to carry out the approved development for 108 units, Persimmon Homes are seeking to substitute the approved Thirteen Homes approved plans with their equivalent plans.

## **CONSULTATIONS**

8. The following Consultations were notified and any comments received are set out below:-
9. Highways Transport & Design Manager  
General Summary - The Highways, Transport and Design Manager has no objections to the proposed varying of condition no1 (Approved Plans).  
Highways Comments - The car parking provision for each house type has been reviewed and is in accordance with the requirements set out in SPD 3: Parking Provision for Developments 2011. There are no highways objections to the proposals.  
Landscape & Visual Comments - There are no landscape and visual objections to the proposals, however it is requested that conditions to secure details of the proposed appearance and materials of the retaining walls within the development are retained.  
Flood Risk The LLFA wish to make no comment on this VARY drainage issues will be addressed through the original drainage pre- commencement condition.
10. Environmental Health Unit  
Environmental Health have no grounds to object to the above application and the variation of the site layout from planning approval 19/2084/REM.
11. Northumbrian Water Limited  
Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the

context outlined above I can confirm that at this stage we would have no comments to make.

12. Tees Archaeology  
Thank you for the consultation on this application. The site has previously been evaluated and was found to be of low archaeological potential. No further archaeological assessment is required.
13. Northern Gas Networks  
No Objection
14. Highways England Company Limited  
With regards the above variation application, as this only refers to reserved matters, Highways England do not wish to comment.

## **PUBLICITY**

15. Comments were received from the following addresses with comments summarised below.
  1. Mrs Tracey Wright 2 Hunters Green Eaglescliffe
  2. Mrs Ruth Cross 15 Egglestone Drive Eaglescliffe
  3. Anne And Anthony Bowden 16 Valley Gardens Eaglescliffe
  4. Paul And Fiona Nicholson 18 Urray Nook Road Eaglescliffe
  5. Mike Brabanski 3 Cotherstone Close Eaglescliffe
  6. S Carr 46 Grassholme Way, Eaglescliffe,
  7. Mrs Amanda Marshall The Gables Urray Nook Road Eaglescliffe
  8. Mrs Jean Buttle 14 Coatham Vale Eaglescliffe

Main reasons for objection can be summarised below Full comments can be found at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Impact on Traffic
- Impact on School Places / Doctors
- increase in antisocial behaviour / thefts in the area.
- Views from Houses
- Impact on Wildlife / Habitat
- Increased noise pollution and engine pollution
- Drainage
- Unsustainable

## **PLANNING POLICY**

19. 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.
20. 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.
21. National Planning Policy Framework

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.

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; orany adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## 22. Local Planning Policy

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 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.

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.

k) Supporting proposals within the Tees Heritage Park which seek to increase access, promote the area as a leisure and recreation destination, improve the natural environment and landscape character, protect and enhance cultural and historic assets, and, promote understanding and community involvement.

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 6 (SD6) - Transport and Infrastructure Strategy

3. The Council will work with partners to deliver community infrastructure within the neighbourhoods they serve. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular the growing populations at Ingleby Barwick, Yarm, Eaglescliffe, Wynyard Sustainable Settlement and West Stockton Sustainable Urban Extension.

### Strategic Development Strategy Policy 7 (SD7) - Infrastructure Delivery and Viability

1. The Council will ensure appropriate infrastructure is delivered when it is required so it can support new development. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of infrastructure provision. The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure.
2. New development will be required to contribute to infrastructure provision to meet the impact of that growth through the use of planning obligations and other means including the Community Infrastructure Levy (CIL). Planning obligations will be sought where:
  - a. It is not possible to address unacceptable impacts through the use of a condition; and,
  - b. The contributions are:
    - i Necessary to make the development acceptable in planning terms;
    - ii Directly related to the development; and
    - iii Fairly and reasonably related in scale and kind to the development.

### 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.

### 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.

#### Housing Policy 1 (H1) - Housing Commitments and Allocations

1. To deliver the housing requirement and to maintain a rolling five year supply of deliverable housing land, the Council have allocated sites identified within this policy. The majority of the new homes will be delivered through existing commitments (sites with planning permission identified within point 2) with the remainder of new homes being delivered through allocations at:

a. Various sites within the Regenerated River Tees Corridor.

b. Various sites within the conurbation.

c. West Stockton Sustainable Urban Extension.

d. Wynyard Sustainable Settlement.

The total number of dwellings set out in this policy is not the same as the housing requirement. This is because some commitments have already delivered a proportion of the dwelling numbers identified and some sites will likely deliver dwellings beyond the plan period, after 2032.

Commitments

2. Residential development is proposed at the following main sites, which benefit from planning permission. These sites are re-affirmed for residential development and are illustrated on the Policies Map:

Site Location/Name	Area (ha)	Total Dwellings (approx)	Remaining Supply at April 2018
Eaglescliffe			
E4 Hunters Rest Farm	6.5	130	130

#### Housing Policy 4 (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.

#### SPD1: Sustainable Design Guide

##### 4.8 Privacy and Amenity

4.8.1 Providing a balance between the natural surveillance of public areas and excessive overlooking of private areas can be difficult to achieve but is important. Private garden areas should not be subject to an inordinate level of overlooking from public spaces or neighbouring properties.

4.8.2 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. However, it is advisable to seek pre application advice, should a development involve this relationship, as the required separation distance will depend upon individual circumstances and may need to be increased.

4.8.3 A significant variation in ground levels between properties or differences in the number of stories between dwellings may require an increase in the separation distance, in order to prevent an unacceptable overbearing impact. Where a building is above two- stories in height, an additional 4m distance should be provided for each additional storey. Where there are differences in ground levels the separation distance should be increased by 2m for every 1m rise.

4.8.3 The above residential standards may be applied flexibly, where the context of the site demands. Innovative design solutions, creativity in external and internal layouts and the careful use of landscaping and boundary treatments could all be employed to achieve satisfactory levels of privacy and may allow a reduction in the separation distance.

### **MATERIAL PLANNING CONSIDERATIONS**

23. The application site already has outline consent and reserved matters approval and therefore the principle of the development has been established, the main considerations therefore of this application relate to the changes to the house types from one developer design to another. The number of houses has not increased and the layout largely follows the previously approved plans.

#### Scale, Appearance and Layout

24. The outline approval was for the erection of up to 130 dwellings, and 108 dwellings is applied for through this application which includes 16 affordable homes.

25. The proposed housing layout incorporates detached and semi-detached homes, which are on the whole modern in design. The homes are a sufficient distance away from existing dwellings and the design and appearance of the development is considered acceptable.
26. The application site is constrained due to the level changes across the land some of which are significant. The scheme follows that of the original approval in that applicant works with the existing levels and avoids wherever possible large and unsightly retaining walls and the movement of a significant amount of soil on or off site. Whilst the dwellings have largely been designed to ensure that adequate distances are met and do achieve 21 / 11 metres as laid out in the SPD guidance, there are a number of plots where the distances should to be greater due to the level difference, it is therefore recommended that permitted development rights be removed which will ensure that any future extensions can be fully considered and will protect the amenity of the occupiers of these properties. On the whole the scheme has been designed to that houses are off-set against each and the internal arrangements of the proposed dwellings together with the positioning of window openings have been designed to minimise any overlooking.
27. The development will have one single point of access which was approved as part of the outline application and each house has the requisite number of car parking spaces and in order to protect this level of parking, permitted development rights have been removed for integral garage conversions.
28. The proposed development is predominantly 2 storey dwellings. The affordable units are not grouped together and are 'pepper potted' across the development.

#### Landscaping and Open Space

29. In terms of landscaping, detailed plans have been provided which are considered to be acceptable.
30. A condition on the outline application was the implementation of a footpath link to the perimeter of the site. The applicant has provided a link as well as several connections through site, which are generally considered acceptable.
31. The Highways Transport and Design Manager has considered the proposal from a landscape perspective and is satisfied with the scheme. Comments in relation to retaining walls are noted however timber crib walls are proposed which will give a softer appearance and are considered acceptable.
32. Residual Matters
33. Ecology: The original application was accompanied by an ecological appraisal and whilst this cannot be revisited at the reserved matters stage a condition has been recommended to ensure a checking survey is undertaken prior to commencing works on site to ensure the security of protected species and habitat. In addition, a European Protected Species Licence will be applied for prior to development commencing due to the presence of Great Crested Newts and Bats.
34. Impact on Traffic, infrastructure, antisocial behaviour; sustainability and drainage, have been considered in full on the previous applications and cannot be revisited as this application is in relation to purely the change in house types.

#### **CONCLUSION**

35. It is recommended that planning permission be granted with Conditions for the reasons specified above

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

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Eaglescliffe</b>
<b>Ward Councillor</b>	<b>Councillor Stefan Houghton</b>
<b>Ward Councillor</b>	<b>Councillor Laura Tunney</b>
<b>Ward Councillor</b>	<b>Councillor Jacqueline Bright</b>

## **IMPLICATIONS**

**Financial Implications:** None as part of the reserved matter application

**Environmental Implications:** The proposal relates to the reserved matters for a residential development and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance. These are considered and addressed within the report although in this instance are not considered to have any significant impacts.

**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**

National Planning Policy Framework, Stockton on Tees Local Plan, Supplementary Planning Documents / Guidance