

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
8 June 2022
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/0275/VARY

**Land Off Roundhill Avenue, Ingleby Barwick, Stockton-on-Tees
Section 73 application to vary condition no1 (approved plans) of planning approval
20/2591/VARY**

Expiry Date 10 June 2022

SUMMARY

The application site is located to the west of Ingleby Barwick. White House Farm and Bala Close lie to the immediate north and are separated from the site by the existing bridleway. To the east lies the rear gardens of the properties forming Marchlyn Crescent and Harlech Court. To the south east lies Blair Avenue and a groups of trees, while on the southern boundary of the site lies the residential properties of Nolton Close and Newgale Close.

Outline planning permission and reserved matters have been approved for the scheme and work has commenced on site. The application was approved subject to a Section 106 which included the transfer of Land for open space purposes to Stockton Borough Council which will to form part of Tees Heritage Park and a contribution for its maintenance. Work is ongoing to arrange for the early transfer of the land after appropriate clearance works have been undertaken in relation to the hogweed.

The site has permission for 65 detached dwellings and since the original permission the scheme has changed housebuilder and the eastern portion of the houses have already obtained approval for the new house types.

Objection letters have been received from 17 residents, some of which relate to the principle of development / loss of the land and the remainder have been addressed in the main body of the report.

The revised plans are considered to be acceptable and there are no sustainable planning reasons to refuse the application. The proposal is therefore considered to be acceptable and is recommended for approval subject to the recommendation below;

RECOMMENDATION

That planning application 22/0275/VARY be approved subject to the following conditions and informatives;

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

Plan Reference Number	Date Received
5198/SL/V3/01D	17 May 2022
AV22/BIL/0-001C	1 February 2022

AV22/BIL/0-002B	1 February 2022
AV22/CAD/0-001B	1 February 2022
AV22/CAD/0-002B	1 February 2022
AV22/COO/0-001C	1 February 2022
AV22/COO/0-002B	1 February 2022
AV22/DAR/0-001C	1 February 2022
AV22/DAR/0-002B	1 February 2022
AV22/HOR/0-001C	1 February 2022
AV22/HOR/0-002B	1 February 2022
AV22/OAK/0-001B	1 February 2022
AV22/OAK/0-002B	1 February 2022
AV22/THO/0-001C	1 February 2022
AV22/THO/0-002C	1 February 2022
AV22/WEN/0-001B	1 February 2022
AV22/WEN/0-002B	1 February 2022
AV22/LEY/0-001B	16 May 2022
AV22/LEY/0-002B	16 May 2022

Reason: To define the consent.

02 Landscaping to the southern boundary

Notwithstanding the submitted plans, prior to works commencing on the existing hedge to the southern boundary, the developer shall contact Stockton Borough Council to arrange a site visit to determine the extent of trimming works to facilitate the footpath. Works shall be undertaken in accordance with the schedule as agreed on site.

Reason: In the interests of the visual amenities of the area.

03 Surface of the bridleway

Prior to works commencing on the public right of way, full details of the bridleway surfacing shall be submitted and agreed in writing to the local planning authority. Works shall be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the area

04 Ecological Checking Survey

Prior to the commencement of any site works in this phase, 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

05 Hedgehogs Fencing;

Notwithstanding the submitted, 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 the species and their habitat

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 (BDV.38.02 A) 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.

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

07. Undeveloped Land

Should the housing development to the south of the pumping station be completed and a permission not be obtained for the land identified for future development, a scheme for the use of this land as open space shall be submitted and approved in writing by the local planning authority. Work shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

INFORMATIVES

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 gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

Informative: Northumbrian Water

A number of public sewers and sewerage rising 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 and therefore we will be contacting the developer direct 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 will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Informative: Contaminated Land

All materials re-used or imported to site should follow the CL:AIRE 'Code of Practice' (CoP) and Aggregate quality protocols to include an approved Material Management Plan (MMP). No material other than those classified as 'inert' should be brought onto site and are subject to these protocols. Any materials re-used on site must also be subject to WAC testing. This is to ensure all materials imported follow the correct material management protocols, are suitable for re-use and do not cause contaminative risk to site users.

BACKGROUND

1. Outline planning permission with some matters reserved for a residential development of up to 65 no houses was approved on the 2nd June 2017. The permission includes the access to the site which is to be taken from Blair Avenue (Application 15/2531/OUT). The application was approved subject to a Section 106 which included;
 - Transfer of Land for open space purposes
 - Commuted Lump sum for open space purposes/maintenance
 - Commuted Lump sum towards off site affordable housing

1. The reserved matters application for a residential development comprising of 65 houses and associated access and landscaping was approved by planning committee on the 3rd June 2020 (Application: 18/1459/REM)
2. A Section 73 application to vary the approved plans of planning approval 18/1459/REM - (Substitution of House Types to plots 1-15 and 66-73) was approved on the 8th March 2021 (20/2591/VARY). Work has commenced on site.

SITE AND SURROUNDINGS

3. The application site is a former agricultural field. Centrally within the site lies an access track and pumping station. A public footpath and bridleway also run through the side adjacent to the eastern boundary and to the north.
4. White House Farm and the residential properties of Bala Close lie to the immediate north and are separated from the site by the existing bridleway. To the east lies the rear gardens of the properties forming Marchlyn Crescent and Harlech Court.
5. To the south east lies Blair Avenue and a group of trees, while on the southern boundary of the site lies the residential properties of Nolton Close and Newgale Close. To the west there are former agricultural fields which falls away steeply towards the River Tees.

PROPOSAL

6. Planning permission is sought to vary the approved plans to allow a change of house types.
7. The plans also shown an area for future development which will be subject to a separate application as it would lead to an increase in numbers and cannot be considered as part of the application. It is envisaged that the proposal will add approximately 12 additional dwellings to the overall scheme which can be considered when the application is received.

CONSULTATIONS

8. The following Consultations were notified and any comments received are set out below:-
9. Highways Transport & Design Manager 08/02/22
General Summary - The Highways, Transport and Design Manager raises no objections to the proposed section 73 application to vary condition no1 (approved plans) of planning approval 20/2591/VARY.
Highways Comments - There are no highways objections to the proposed variation of the approved site layout plan as shown on drawing 5198/SL/V3/01 Rev D.
Landscape & Visual Comments - There are no further landscape and visual comments following the updated proposals.
Flood Risk Management - The Lead Local Flood Authority have reviewed the information submitted to support the above application and have no comment to make.
10. Environmental Health Unit
I have no objection or comments to the above application.
11. Northern Gas Networks
No Objection
12. Northumbrian Water Limited

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. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/> For information only - We can inform you that multiple assets including public sewers, sewerage rising mains and a sewage pumping station 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/services/developers/>

13. Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

14. SBC Housing Services Manager; SBC Care For Your Area; SBC School Place Planning; Land & Property Services; SBC Environment, Leisure & Green Infrastructure Manager; SBC Tree & Woodland Officer; Northern Powergrid; Tees Valley Wildlife Trust; Friends Of Tees Heritage Park; The Ramblers Association were also consulted and at the time of writing no comments have been received.

PUBLICITY

15. Neighbours were notified and 17 letters of objection were received from the addresses below.

1. Rob Ayton 7 Pagan Drive Ingleby Barwick
2. Dr Andrew Henderson 27 Whernside Crescent Ingleby Barwick
3. Mr Chris Burnett 8 Hidcote Gardens Ingleby Barwick
4. Mr Nicholas Waddington 10 Nolton Court Ingleby Barwick ? check hedge
5. Julie Clark 6 Harlech Court Ingleby Barwick
6. Mr Stephen Corbyn 35 Marchlyn Crescent Ingleby Barwick
7. Ms Sameena Akhtar 21 Marchlyn Crescent Ingleby Barwick
8. Mr Steve Burns 11 Newgale Close Ingleby Barwick
9. Mr Ian Wharton 11 Roedean Drive Eaglescliffe
10. Miss Jayne Himsworth 10 Nolton Court Ingleby Barwick
11. Mr Richard Mann 17 Caldey Gardens Ingleby Barwick
12. Dr Huma Aazer 14 Newgale Close Ingleby Barwick Mental Health
13. Mrs Louise Pratt 16 Newgale Close Ingleby Barwick Mental health of son
14. Mrs A Donaldson 8 Nolton Court Ingleby Barwick

15. Mrs Claire Thompson 9 Bala Close Ingleby Barwick
16. Mr P Thompson 9 Bala Close Ingleby Barwick
17. Sue Fordyce 21 Keighley Ave Middlesbrough

17. The main objections are summarised and full details of the objections can be viewed online at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

- Future development will lead to over development, more traffic and parking issues.
- Impact on services through increased population
- Principle of Development
- Traffic implications
- Removal of the hedgerows
- increase in the antisocial behaviour
- properties facing the river have their gardens to the rear and a road to front, this is not in keeping with the current housing along the attractive river corridor
- Impact on Privacy
- Impact on Views over green space
- Increase in Density
- Depreciation in house price

PLANNING POLICY

18. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
19. 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

20. 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.
21. 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

22. 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
Ingleby Barwick IB5 Roundhill Avenue	4.3	65	65

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 and therefore the principle of the development has been established and the objections in relation the principle, traffic and impact on services have already been considered and cannot be revisited.
- 24. The main considerations therefore of this application relate to the details of the proposed amendments to the house types and plot layouts in terms of appearance, landscaping, layout and scale and its relationship to existing and approved development.
- 25. The original scheme consisted of 40 x 4 bed homes; 23 x 5 bed homes and 2 x 6 bed homes and the revisions as proposed will consist of 11 x 3 bed homes; 49 x 4 bed homes and 4 x 5 bed homes.
- 26. The house types and the revised plans are similar in massing and appearance to those house types currently approved. The materials, boundary treatment, parking strategy and all other details follow the approved strategy with the outline planning consent and reserved

matters approval. The proposed housing layout incorporates 3, 4, and 5 bedroomed detached homes, which are on the whole modern in design with the use of a palette of materials which will assimilate the development into the area. The design and appearance of the development is therefore deemed acceptable.

27. The application site is constrained due to the presence of various services and a pumping station; however the dwellings have been designed to ensure that adequate distances are met. Whilst the previous scheme removed permitted development rights, this scheme meets the required separation distances and some places exceeds the required 11/21 metres. It is therefore not reasonable to apply the same condition.
28. The development will have one single point of access which was approved as part of the outline application and the internal road layout features two streets with hammerheads at the end. The proposed development is 2 storey dwellings with integral stores/ garages and some detached garages.
29. Comments have been made that the properties facing the river have their gardens to the rear and a road to front, which is not in keeping with the current housing along the attractive river corridor. This is noted however it is considered that the layout will be more visually attractive rather than timber fences backing onto the land and would not be a reason to refuse the application.
30. In terms of landscaping, updated plans have been provided which now show the retention of the hedge to the west, alongside the open space which is to be transferred to the Council. The hedgerow to the north and east along on the PROW is to be retained and cut back in the proposed garden areas as per the previous approval. The hedgerow to the south is to be cut to the boundary to allow for the proposed public right of way and some of this work has been undertaken with the agreement of the Council Landscape Officer. The vegetation in this area is overgrown and is difficult to determine the extent that will need to be cut back, to facilitate access to the Tees Heritage Park, a condition was recommended to ensure a member of Stockton Borough Council is present when work is undertaken on this area to agree the extent of works required which will be kept to a minimum and retain as much hedgerow as possible. This condition has been repeated.
31. The Highways Transport and Design Manager has considered the proposal from a landscape perspective and is satisfied with the scheme subject to appropriate conditions.

Protected Species:

32. 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 this phase to ensure the security of protected species and habitat. In addition, a European Protected Species Licence for the newts has been applied for and will be issued by Natural England.

Nitrate Neutrality:

33. Natural England has recently published advice in relation to nutrient discharge into nearby water bodies caused by new housing developments. The Habitat Regulations state that where a development would have likely significant effects on a site, an appropriate assessment would be required prior to granting planning permission, and the further requirement that, if following the appropriate assessment adverse effects on site integrity cannot be ruled out, planning permission may not be granted unless there are imperative reasons of overriding public interest.

34. However, the regulations only apply only at the stage when planning permission is sought and as noted above planning permission has already been approved for housing on this application site and development has commenced.
35. Nevertheless, using the Nitrate Calculator as supplied by Natural England, whether we use the 'number of bedrooms' or 'average occupancy method' the development as proposed will be no worse than the implemented scheme. Therefore, in this instance, it is not considered that any nutrient discharge would need to be considered further. Should a further application come in for the addition plots then this will need to be considered at that time.

CONCLUSION

It is recommended that the application be Approved with Conditions for the reason(s) specified above.

Director of Finance, Development and Business Services
Contact Officer Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillor Ken Dixon
Ward Councillor	Councillor Ross Patterson
Ward Councillor	Councillor Kevin Faulks

IMPLICATIONS

Financial Implications: None as part of the application

Environmental Implications: The proposal relates to the variation of the approved plans for a residential development and its visual impacts. 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