

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 October 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS
SERVICES**

22/2394/REV

Land East Of 433 To 439, Thornaby Road, Thornaby

Revised application for the erection of 1no detached dwelling and 1no detached bungalow to include associated external works including alterations to public right of way

SUMMARY

The application site is a large rectangular plot to the rear of 433-439 Thornaby Road which is currently vacant and largely has the appearance of wasteland. The site is surrounded by residential properties to the west and south, a commercial development lies to the north and a car garage is located immediately to the east. A public right of way runs through the site.

The application site has been subject to a number of previous planning applications for residential development, most recently planning permission was sought for two detached dwellings and associated external works (ref; 21/2749/FUL), which were refused for two reasons. The first related to the impact on the amenity of future occupiers of plot one due to an unsatisfactory and inappropriate relationship with the existing commercial/industrial use (garage). The second reason related to Nutrient Neutrality and the absence of any supporting information to demonstrate there is no increase in nitrates as a result of the development.

The proposals seek planning permission for the erection of two detached bungalow dwellings and the proposal includes the re-routing of the public right of way and the widening of access from Thornaby Road.

The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development.

It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal due to the relationship between the dwellings and neighbouring garage. The current proposals differ in that they are single storey and the purpose of the proposed design is to create an 'acoustic shadow' by creating physical barriers, both in the form of 2 metre high acoustic fencing and the position of the buildings. Habitable rooms are also located away from the commercial premises and windows relocated along the north, south and western elevations to create a better outlook and protection from the noise source.

The layout of the development proposals also ensures satisfactory levels of amenity for neighbouring occupiers, adequate access and parking arrangements and there are no technical reasons to refuse the planning application.

RECOMMENDATION

That planning application 22/2394/REV be approved subject to the following conditions and informatives below;

- Time Limit**
- 01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

- Approved Plans**
- 02 The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number	Date Received
1987-21-201 REV C	23 August 2023
1987-21-202 REV D	23 August 2023
1987-21-200 REV E	24 August 2023

Reason: To define the consent.

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

Reason: To define the consent

- Materials**
- 04 Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

- Archaeological Recording**
- 05 Recording of a heritage asset through a programme of archaeological works
(A) No construction work (including demolition of the existing building) or ground disturbance works shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording of the existing building
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No new development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of potential archaeological interest.

Hours of Construction

06 No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sundays or Bank Holidays.

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

Planting Scheme

07 Notwithstanding the submitted information, a detailed scheme for landscaping and tree or shrub planting (including hedge planting for boundary treatments) to help screen the development shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. Such a scheme shall specify types, species, layout and contouring. The works shall be undertaken prior to occupation and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species unless the Local Planning Authority gives written consent to any variation.

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

Parking Spaces

08 The parking spaces as shown on drawing ref drawing 1987-21-200 REV E, shall be maintained and retained as such for the lifetime of the development.

Reason: In the interest of ensuring the development has an adequate supply of parking provision in accordance with SPD3.

Hard Landscaping

09 No hard landscaping works (excluding base course for access roads) shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority.

This shall include:

- All external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

- Details of any street furniture and lighting. Such furniture shall be erected before the development hereby approved is occupied.

Reason: To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

Contaminated Land Risk Assessment

- 10 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:
- a. A site investigation scheme, based on the Desk Top Study (Report Ref: DPD16001.1, 23D July 2016)
 - b. to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" Guidance (2020). Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure any unknown contaminative features encountered during the development are investigated and remediated to an acceptable standard.

Tree Protection

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

BRITISH STANDARD 5837:2012 Trees in relation to design, demolition and construction - Recommendations
BRITISH STANDARD 3998:2010 Tree Work - Recommendations
NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007

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

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

12 **Ecology and Mitigation**

The development hereby approved shall only be undertaken on site in accordance with the recommendations and mitigation as detailed in the submitted Ecological Impact Assessment by Dendra Consulting Limited (dated 11/08/2022).

Reason: In order to adequately protect ecology and biodiversity in accordance with the principles of Policy ENV5 and the National Planning Policy Framework.

Nitrate Mitigation

- 13 No development shall commence until the applicant has satisfactorily demonstrated to the Local Planning Authority that they have completed the purchase of the allocated Nutrient Credits via Natural England's Strategic Mitigation scheme for the Tees Catchment.

Reason: To ensure that the proposed development does not adversely impact on the Teesmouth and Cleveland Coast Special Protection Area through increased nutrient pollution.

Permitted Development Rights – extensions and alterations

- 14 Notwithstanding the provisions of classes A, AA, B, C, D, E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (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 otherwise agreed in writing with the local planning authority.

Reason: In order that the local planning authority may exercise further control over residential amenity.

15 **Removal of PD rights - No Boundary Treatments**

Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) there shall be no walls, fences, railings or other form of boundary enclosures erected at the properties unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the character of the development and in the interests of the residential amenities of the area.

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: Northern Gas Networks

The applicant should contact Northern Gas Networks 0800 040 7766 to ensure no nearby apparatus is at risk during construction works.

Informative: unobstructed access to the public footpath

The applicant must also ensure that the public footpath (FP24) route will remain open and unobstructed to allow members of the public to use it at all times during the full period of works.

If the planned works, will restrict and affect the usage the footpath, the 'Rights of Way Officer' should be contacted prior to any works to arrange the appropriate temporary diversions or closures Orders.

BACKGROUND

1. The application site has been subject to a number of previous planning applications for residential development, most recently planning permission was sought for two detached dwellings and associated external works (ref; 21/2749/FUL), which were refused for two reasons. The first related to the impact on the amenity of future occupiers of plot one due to an unsatisfactory and inappropriate relationship with the existing commercial/industrial use (garage). The second reason related to Nutrient Neutrality and the absence of any supporting information to demonstrate there is no increase in nitrates as a result of the development.
2. Previous to that application permission was sought for the erection of two pairs of semi-detached dwellings (17/1208/FUL) which was refused again due to concerns for the amenity of neighbouring occupiers. The appeal was also dismissed due to concerns over the compatibility of the two uses (residential and garage).
3. Other associated planning history is set out below:
 - Outline planning consent was sought for the erection of 2 bungalows in 2001 and was refused on 21 June 2001(01/1068/P).
 - A further application in 2005 sought planning consent for the erection of two pairs of semi-detached properties and was also refused. This application was also dismissed at appeal on 5 July 2005 with the Inspector stating that the limited and enclosed outlooks from the ground floor windows (of two of the houses) taken together with the close proximity to the repair garage would combine to provide a very poor standard of amenity (05/0464/OUT).
 - A further application for one detached dwelling was also refused on 22 November 2006 (06/2959/OUT).

SITE AND SURROUNDINGS

4. The application site, is a large rectangular plot to the rear of 433-439 Thornaby Road. it is currently vacant and largely has the appearance of wasteland.
5. The site is surrounded by residential properties to the west and south, a commercial development lies to the north and a car garage is located immediately to the east. A public right of way runs through the site.

PROPOSAL

6. This application has been revised from its original submission and now seeks planning permission for the erection of two detached bungalow dwellings on land to the rear of 433 - 439 Thornaby Road. The proposal includes the proposed re-routing of the public right of way and the widening of access from Thornaby Road.

CONSULTATIONS

7. Consultees were notified and the following comments were received as detailed below (in summary).

Councillor Mick Moore – The application though on a smaller scale may still may have a future effect on the small businesses in the area, there is still the narrow access and egress problem on Thornaby Road. Therefore, I wish for my previous objections to be taken into consideration with this application.

Previous comments:

I would like to object to the new proposal for the site to the rear of 439 - 443 Thornaby Road and for my previous objections to stand. The loss of amenity and privacy for residents must be taken into account, the widening of the access route and close proximity to the existing property raises the question of possible structural damage. The long-term effect it may have on jobs in the location.

Councillor Ian Dalgarno

I would like to register my objections to this revised application. I would like my objections to the original application be applied to this revised application.

Previous comments:

Please note as a ward councillor I wish to object to this application, the land to be developed is far too small for the proposal and would have serious effects on surrounding buildings. The previous 3 applications have been refused even after appeal.

Parish Council

Thornaby Town Council would like to object to Planning Application 21/2749/FUL on the following grounds:-

- 1/ Overdevelopment of the area
- 2/ Loss of amenities
- 3/ Inadequate access
- 4/ Former buildings have historic and heritage value i.e. RAF houses

Environmental Health - I have reviewed the submitted noise impact assessment dated 17th August 2023 and welcome the noise consultant using their own data based upon noise levels collected from previous acoustic assessments they have worked on.

Based upon the information provided within the BS4142 assessment I am satisfied that figure three demonstrates garden amenity areas which comply with our requirement of not exceeding the background level by more than 5dB during the daytime hours. I am also satisfied with the internal assessment as demonstrated in table 3 which shows habitable rooms will meet the noise levels required for BS8233:2014 for day and night.

The planning authority should note that the strict application of BS4142 is to the facades of the properties, not the garden amenity areas however as good acoustic design has been demonstrated it is felt that the outcome is accepted.

However the planning authority should also note that the commercial garage does not currently operate overnight although there are no restrictions in place preventing this from occurring in the future. Concerns have been raised previously by Environmental Health (email attached) that the BS4142 assessment does not include night time hours and we are therefore unable to determine the suitability of the proposal in the context of BS4142 overnight. Our criteria for BS4142 overnight is for there to be no exceedance of the background level.

Although we withdraw our previous objection as the information provided to date demonstrates compliance with our requirements and good acoustic design, the planning department should be conscious that not all information has been provided in the context of night time BS4142 assessments.

Environmental Health Unit Contaminated Land - I have checked the Phase 1 Desk Top Study (Report Ref: DPD16001.1, 23D July 2016). Which has identified the historical use (military and industrial use for road vehicle refueling, service and repair), the potential for made ground, organic contaminants, metals and asbestos. I would recommend that a further site intrusive work is undertaken to assess the risk to end users.

Contaminated Land Risk Assessment

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site, have been submitted and approved in writing, by the local planning authority:

- a) A site investigation scheme, based on the Desk Top Study (Report Ref: DPD16001.1, 23D July 2016)
- b) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

This must be undertaken in accordance with the Environment Agencies "Land Contamination Risk Management" Guidance (2020). Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Northern Gas Networks - No Objection

Tees Archaeology - Thank you for the consultation on this application. We note the inclusion of a Heritage Statement, which identifies the site as part of Thornaby Airfield, and the location of former buildings associated with it. Although these buildings have been demolished, there may be surviving subsurface remains and artefacts associated with the airfield. I recommend that the developer provides archaeological mitigation during the development to ensure that an appropriate record of any remains is compiled to advance our understanding of the World War II history of Thornaby. This would take the form of archaeological monitoring during the development and could be secured by condition. I set out the proposed wording of this condition below:

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

Natural England – No objection - subject to allocated credits from the Nutrient Mitigation Scheme being secured. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Highways Transport & Design Manager – No objections to the proposals but requests further information relating to tree protection.

Highways Comments - The applicant has submitted a site layout plan, drawing 1987-21-200 REV E, in support of the proposals.

In accordance with SPD3: Parking Provision for Developments 2011, each plot would require 2 parking spaces, which have been provided, and cycle storage has been shown which is acceptable.

The plot of land to the rear of 435 Thornaby Road, which is not in the ownership of the applicant, has been identified as parking for the owner of 435 Thornaby Road which is acceptable.

The applicant proposes to widen the existing access from Thornaby Road to 4.8m, which will allow 2 cars to pass. However, the dropped vehicle crossing would have to be widened accordingly which would require the relocation of the existing telegraph pole and the amendment of the on-street parking bay markings. These works would have to be carried out at the applicant's expense and the applicant should contact the utility company regarding the relocation of the telegraph pole.

There are therefore no highway objections to the application subject to the applicant entering into a S278 agreement with the highway authority to amend the existing access arrangements.

The applicant must also ensure that FP24 route will remain open and unobstructed to allow members of the public to use at all times during the full period of works. If the planned works, will restrict and affect the usage of FP24, the 'Rights of Way Officer' should be contacted prior to any works to arrange the appropriate temporary diversions or closures Orders to protect users of the path during the full period of works.

Landscape & Visual Comments - The Highways Transport and Design Manager raises no landscape and visual objections to the proposals. However, tree protection information is still required, to protect all trees on and adjacent to the site as well as an arboricultural method statement. This information could be conditioned prior to commencement of any works, if not provided up front.

PUBLICITY

8. Neighbours were notified and a total of six letter of objection were received as detailed below;

Mr Anthony Henry 82 Windermere Road Stockton-on-tees

12th December 2022 - As joint owner of 433, Thornaby Road. I want the Planning application team to be aware that there is a Right of vehicular access at any time of day or night for any vehicle to the rear of the property at 433, Thornaby Road. I would like to know what provision is being made to ensure that this access continues and is not impeded.

2nd February 2023 - As previously stated in objections no provision has been made for Vehicular access to the rear of Property 433 Thornaby Road.

433 Thornaby Road as the right for Vehicular access for any type of vehicle 24 hours a day to the rear of the property. This includes access for said vehicles to the rear garden on 433 Thornaby Road. This access would be over the proposed 2m Footpath that is being proposed.

Can I have assurance that vehicular access as agreed by the Highways authority will provide the correct footpath crossing access (Dropped curbs and suitable foundations) to allow access to the rear garden of 433 Thornaby Road. Also, that any such access will be maintained by the applicant and subsequent owners of the properties which are proposed in the application. Without such assurances then I will continue to object to any development of this land.

This planning application is now causing a substantially delay on the conveyancing in the sale of 433 Thornaby Road. To that end could we have a quick decision regarding the application, to facilitate this conveyancing.

Mr John Smith 433 Thornaby Road Thornaby

1st January 2023 - Having seen the proposed plan for the 2m footpath along the side of 433 Thornaby Road, I object to this as the grassed area to the side of 433 Thornaby road has established shrubbery and bushes, and have been there for over 10 years, the upkeep and maintenance of this area was done by the previous owner. This would suggest that this land is within the boundary of 433 Thornaby Road.

11th February 2023 & 29th August 2023 (repeated) - My objection still stands for reasons I have put forward before. Would like to add no provision has been made for vehicular access to my property or parking space, unlike 435 and 437. Also concerns for the wildlife and loss of open space and the privacy, the area is small and would feel cramped with even with just one building.

Mr Terry Beevers 82 Sir Douglas Park Thornaby

8th December 2022 - 1. In addition to the above I wish to object due to the fact that the Plot 2 garden uses my garden fence as the perimeter of the new property, this will prevent me from maintaining, treating, painting or repairing my fence on the side of the new development, this I feel will be detrimental to the value of my property, a suggestion would be that a 2 metre gap be left between the new perimeter fence and my existing well established fence so I can achieve access

2. Adequate lighting for the revised public right of way should be insisted upon as the area does have antisocial problems with youths gathering and causing problems to residents, this area will be a magnet for them and further trouble.

3. The access road is barely the width of one car, this will make it very difficult for vehicle entering and leaving the area.

4. Loss of the open space will be detrimental to wildlife.

5. Privacy will be severely affected in the area.

6th February 2023 - Thank you for your recent update as to the revised application submitted. I do not see that the revised application has made much difference to the original and for that reason my objections still stand.

30th August 2023 - Hi received your letter today and visited your site for the application, but I am having difficulty finding and understanding the latest 'revised' application so finding it difficult to comment, could you assist and explain what are the revised matters, otherwise I still object to this application as previously stated and for my given reasons.

Ste Robinson 439 Thornaby Road Thornaby

18th December 2022 - This is not a suitable area for development. There has been countless attempts for this and each time the self and same happens.

13th September 2023 - I object against this once again. There is practically no difference to the changes since last time. This seems to be a recurring thing. It's going to have a big impact on the little space of land and plus it's restricted access so if there's a fire there is it possible for a fire engine to gain access. Plus there's the impact to the wildlife that use it as their home. I have seen bats in the area.

Mr Terence Waites 441 Thornaby Road Thornaby

31st May 2023 - Having been working away I have missed the opportunity to view the revised plans to a proposed development that is one of several over the last few years. In addition to my previous protestations I note that the blue-prints do not seem to have taken note that I need access to my back garden via the Martinet Road route. In addition, I can see no access to Thornaby Road either. So, in addition to my previous written objections, I wish to add access rights.

Summary of previous comments

Land classification, lack of landscaping, overlooking, impact upon trees, incompatible with existing uses, poor living conditions, parking, lack of passive natural surveillance.

Miss Claire Bishop 437 Thornaby Road Thornaby

16th December 2022 - I object due to close proximity to my property. My privacy in my small garden will be lost and access to the back gate, limited. I work from home in the conservatory on the back of my house, and fear the noise from building works, and another household (on top of current noise) will be detrimental to the work I do (call centre).

I also fear these plans will allow anti-social behaviour to flourish. High fences next to the property, creating alleyways for this sort of behaviour, create anxiety for existing residents, with more traffic than usual to the rear of our properties. Also, loss of wildlife is a concern. I often see foxes and a Woodpecker has also frequented this area.

Mr Ian Atkinson Martinet Motor Company Martinet Road

16th December 2022 - Regarding the latest proposed development I would respectfully request that all involved in the decision process consider my comments and concerns that relate to the previous application. This specifically includes concerns about potential objections by residents about noise output from our long established business. Such complaints would be at risk of affecting the viability of our business and therefore threaten the livelihoods of the families it supports. This factor being even more pertinent in these evermore challenging times.

I would also like to draw attention the perplexing ambiguity of the 2 noise level tests (one done for the previous application and one done for the most recent). How can 2 different professional companies testing to the same claimed high standards come to 2 completely opposite conclusions? That is : the 1st test, which was done after the previous application, advised against development due to high noise output levels, the 2nd noise test relating to the most recent application claims that our noise output levels are within acceptable limits. I accept that our noise outputs will always vary and that the most recent test may have taken place on one of our quieter days but equally and as the 1st test highlighted, our noise output can be high.

I feel that the overall picture is unchanged and that residential development would be unacceptable and uncomfortable to run a business alongside. As pointed out previously our address is : The Old Airfield "Industrial" Estate

10th February 2023 - I write in response to your letter dated 31st January 2023 advising us of revision to planning application for 2 dwellings to the rear/east of 433 to 439 Thornaby Road,

Thornaby. I feel that whilst planting a few trees is no doubt aesthetically pleasing it is difficult to see how this action will provide a reliable, consistent and permanent solution to the problems inherent within this proposed development.

Please also see my previous comments/correspondence dated 16th December 2022 regarding this application, which I feel are still relevant.

PLANNING POLICY

9. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

National Planning Policy Framework

11. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
12. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
 - approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Para 130. 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Para 181. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites

Para 182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Para 183. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Para 185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Local Planning Policy

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

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

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

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

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.

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.

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.
2. Support will be given to higher density development within areas with a particularly high level of public transport accessibility. Elsewhere housing densities will be considered in the context of the surrounding area in accordance with Policy SD8.
9. To ensure that homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1st April 2019 the following Optional Standards will apply, subject to consideration of site suitability, the feasibility of meeting the standards (taking into account the size, location and type of dwellings proposed) and site viability:
 - a. 50% of new homes to meet Building Regulation M4 (2) "Category 2 - accessible and adaptable dwellings".
 - b. 8% of new dwellings to meet Building Regulation M4(3) "Category 3 - Wheelchair User Dwellings". Where the local authority is responsible for allocating or nominating a person to live in that dwelling, homes should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area.

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

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

Supplementary Planning Document 1: Sustainable Design Guide

4.7 Character and Design

4.7.4 New dwellings should be designed with significant attention given to proportions, materials and detailing, in order to provide architectural quality and to respect existing character. Porches, recessed garages, bay windows and other simple details can add a third dimension to otherwise flat-fronted dwellings, and chimneys may also be used to articulate rooflines. Such details will add architectural interest, however, form should follow function and they should not be used where they will serve little or no purpose other than aesthetic.

4.7.6 Particular consideration should be paid to the design of buildings in corner locations. These properties will be prominent within the development and can aid navigation through the site. They can also provide greater security by having windows that face in different directions and by preventing gable walls from facing the street.

4.8 Privacy and Amenity

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.

MATERIAL PLANNING CONSIDERATIONS

14. The main considerations of this application relate to the principle of development, the impact on the street scene and character of the area, the impact on the amenity of neighbouring properties, highway safety related matters and nutrient neutrality.

Principle of development

15. The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development and meets within the sustainable development objectives of the adopted Stockton on Tees Local Plan and the provisions of the National Planning Policy Framework and the principle of residential development in this location is acceptable.

16. Comments have been received regarding the loss of open space and back land development. The application site if not afforded any formal protection through designated open space and as such ENV6 would not be applicable in this instance.

Impact on the character of surrounding area

17. Within the Stockton on Tees Local Plan, it encourages high standards of design; policies SD3 and SD8 set out new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportion, and materials.

18. The proposed development would introduce two detached bungalows into a predominantly residential area. Thornaby Road and the surrounding streets feature a mix of terraced, detached and semi-detached properties both of two storey and single storey. Those that bound this site to the west, are two storey terraced dwellings and the proposed development would be largely screened by these existing residential properties fronting

Thornaby Road. To the east are business premises along Martinet Road (east) and residential properties of Sir Douglass Park to the southeast. Views would however be achieved onto the proposed bungalows from close range with a public footpath that crosses through the site. It is considered the nature of two bungalows would not appear as an incongruous addition within this residential area.

19. Objection comments have been received suggesting that the proposed development would represent overdevelopment of the site which is not suitable for the area and will encourage anti-social behaviour. The proposals have been subject to a revised layout and scale, which has reduced the dwellings to single storey bungalows, this in turn has improved spacing, outdoor amenity space, and outlook for the future occupiers. In addition, the existing public right of way has been altered diagonally through the site which allows for natural surveillance to take place. From a layout perspective it will significantly improve the existing public right of way arrangement which currently has no formal footpath layout and is also routed around the rear boundary fences of the surrounding premises. The new route would provide a more formal and attractive pedestrian route and it is considered that the additional landscape planting will provide an enhancement to the overall area as well as providing a safer design. The Council's Landscape Officer has commented that the revisions significantly improve the proposed scheme.
20. It is noted the site does benefit from several trees on the site. The agent has provided an Arboricultural Survey which states there are 7 Sycamore trees along the eastern boundary which will be felled as part of the proposals. However, these trees offer low amenity value, and the Principal Tree and Woodlands Officer has also reviewed the proposals and considers that the proposed development can be achieved without significantly impacting upon the existing trees on site. The Council's Senior Landscape Officer has assessed the proposal and raises no objection in principle subject to the submission updated tree protection information, method statement and details of surface construction for car parking which can be conditioned accordingly.
21. With regards to anti-social behaviour the development site is currently overgrown with no clear foot path route through and offers a space for anti-social behaviour to occur. The redevelopment of the site will provide natural surveillance to the area as well as a formal public right of way with a safe and attractive walking route. It is not considered the development would increase the likelihood of anti-social behaviour due to a greater level of natural surveillance and defined and enclosed areas of residential space.
22. Overall, it is considered that subject to several conditions in respect to the materials to be used and landscaping, the proposed residential development is considered not to raise any significant adverse impacts on the character of the surrounding area that would warrant the refusal of the planning application on such grounds.

Impacts on amenity

23. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings and with paragraph 130 of the NPPF stating that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users.

Residential amenity of future occupiers of 'Plot 1 & Plot 2'

24. It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal due to the relationship between the dwellings and neighbouring garage. Most of concern has previously been in relation to the dwellings closest to the commercial garage.

25. The most recent planning appeal, determined in 2018, where the Planning Inspector commented "Any disturbance would be likely to be felt in the rear gardens and rooms of the houses proposed... The proposed mitigation, with 2m high fencing, triple glazing, and mechanical ventilation to bedrooms, is clearly aimed at lessening or removing the potential for disturbance. But the fact that such mitigation is proposed suggests to me that the juxtaposition of houses with a garage workshop business, with only a few metres between them, illustrates that the 2 uses are not likely to be well-matched neighbours".
26. The current proposals differ in that they are single storey, propose no opening adjacent to the garage and the outdoor amenity space would be located west of the proposed buildings.
27. The commercial garage has provided comment who acknowledge that the nature of the use would likely generate noise complaints from nearby future occupiers, which in the longer term may impact upon the function of the existing established business. The vehicles repair use is historic and has no controlling conditions that limit the times or days of use, however, should the business operate at unreasonable hours this would be dealt with as a statutory nuisance.
28. As part of the proposals, a noise survey has been submitted which has considered the implications of when the commercial garage is in use and modelled the resultant noise on the surrounding area. That identifies that the noise predominately emits from the east (at the front of the building) whereby nearby residents are already exposed to a degree of noise exposure from the business. No noise complaints have been received regarding the operation of the commercial garage.
29. Although some noise does occur to the rear of the building, the purpose of the proposed design of the application is to create an 'acoustic shadow' by creating physical barriers, both in the form of 2 metre high acoustic fencing and the position of the building. The proposed dwelling has been designed to provide the habitable rooms being located away from the commercial premises and windows relocated along the north, south and western elevations to create a better outlook and protection from the noise source. Environmental Health Unit (EHU) have provided comment withdrawing their previous objections as the scheme demonstrates compliance with their requirements and good acoustic design.
30. With regards to the outdoor amenity space (which is no longer adjoining the commercial premises to the east), the submitted noise assessment demonstrates there is a partial area of outdoor 'garden' that would not be fully protected should all the equipment at the adjacent garage be in operation. However, these areas would serve a driveway for the property (plot 1) and a marginal section to the north of the building which due to its area is unlikely to be able to act as a useable area of outdoor seating. However, the remaining private outdoor amenity space would be assessable for use and would be screened by planting allowing a private enclosed space to the west of the property (front).
31. The EHU have assessed this information together with their previous surveys and as such the future occupiers would not likely experience significant noise and disturbance from the commercial use, both internally and externally to such a demonstrable degree that it would render the site unusable for residential purposes. The potential for noise impact upon the amenity of Plot 1 has been demonstrated to be satisfactory by an updated noise survey.
32. 'Plot 2' would have an increased separation from the commercial garage of approximately 7.5 metres, with the property's main elevations being orientated away from the commercial garage with a blank side gable facing eastwards. Unlike the previous application the outdoor amenity areas serving the property are to the west and south whereby there is a greater distance from the commercial garage and the outdoor amenity areas are buffered

by the main dwelling and are again in an 'acoustic shadow'. The EHU have reviewed the submitted noise survey and advise the internal and external amenity space of plot 2 is acceptable due to good acoustic design.

33. With respect to the relationship between Plot 1 and Plot 2, the proposed dwellings would have an approximate 12 metre separation distance, which would be a front to side relationship with intervening boundary treatments and planting between. The proposed relationship complies with the planning guidance and is considered acceptable in this respect.

Impact on surrounding neighbouring properties

34. 'Plot 1' would have a separation distance of approximately 23 metres from the existing dwellings to the west located on Thornaby Road, which is in excess of the guidance separation distance of 21 metres and no issues are raised with in respect to loss of privacy and amenity for these existing neighbouring residents. It is acknowledged the land directly to the north of 433 Thornaby Road is currently laid with grass. This land is owned by the applicant and would be altered to provide a widened access to the site with a footpath down the side of this property. It is noted this property benefits from a utility and WC window at ground floor. These windows do not serve main habitable rooms and therefore it is not considered there would be such a demonstrable impact upon the amenity of this property.
35. The dwellings located on Sir Douglas Way (south-east) would be oblique from the gable side elevation of the proposed dwelling which is now single storey. The existing boundary enclosures provide adequate screening from the main private amenity areas. It would be located at a sizable distance, with respective intervening gardens between and no concerns are raised with respect to loss of privacy and amenity of these existing properties.
36. 'Plot 2' would have a shared boundary to the south with 441 Thornaby Road. The neighbouring properties main rear outlook would not be directed to the application property and faces east, with the proposed dwelling located to the north. The proposed dwelling would be located further to the east than 441 Thornaby Road and would therefore be most noticeable for this resident when within the rear garden area of 441 Thornaby Road. However, given the dwelling is single storey and being set off the boundary by approximately 2.3 metres it is not considered the siting and scale of the dwelling would create any significant adverse impacts with regards to outlook, overbearing or overshadowing. The existing boundary fence in place provides screening and it is not considered significant direct overlooking impacts would occur as a result. It is considered that given the existing relationship 441 Thornaby Road has with the site, providing a relatively open aspect, from the rear amenity space the siting of a single storey dwelling no demonstrable impacts would occur to the amenity of 441 Thornaby Road.
37. The properties of 439 and 437 Thornaby Road are located to the west of the location of 'Plot 2'. Neighbouring objections have suggested that the relationship would be in close proximity. noise concerns and loss of access at the rear of the properties. The respective dwellings would have a rear to side relationship and the Council's SPD guidance recommends a rear to side separation distance of 11 metres. The proposed rear to side separation distance would be approximately 16 metres, which would exceed the recommended guidance and taking account of the distance relationship, no significant issues are raised in respect to loss of privacy and amenity in this respect.
38. The relationship between 'Plot 2' and those further along Thornaby Road (north) are considered to be more oblique and taking account of the distance and relationship, no issues are raised in respect to loss of privacy and amenity. At the opposite side, the

proposed gable side elevation of 'Plot 2' would face towards 82 and 84 Sir Douglas Close. The rear to side distance would be in excess of 15 metres, which would be in excess of the 11 metre recommended separation distances and no concerns exist with respect to the impact on the residential amenity of the properties to the east.

39. Comments regarding noise, indeed there would be a degree of noise expected during the construction phase of the properties which can be conditioned to ensure residents do not endure long working hours and weekend working. In terms of noise associated with the residential properties this would not create any significant impacts beyond the existing residential area.

Highway safety

40. The application site would include the widening of the access off Thornaby Road, the relocation of the telegraph pole and the amendment of the on-street parking bay markings. These works would be carried out at the applicant's expense. The proposed access would allow for two cars to pass and would not impact upon the area of parking at 435 Thornaby Road. Subject to the applicant entering into a S278 agreement with the highway authority to amend the existing access arrangements, no highway safety objections are raised.

41. With regards to the associated carparking for the residential properties these are provided in accordance SPD3: Parking Provision for Developments 2011 with and in addition cycle storage provision has been provided which is acceptable.

42. As there is a public right of way (FT24) which will be re-routed as part of the works. The Rights of Way Officer raises no objections to the proposed works subject to the foot path remaining open and unobstructed to allow 24/7 use during the works. The applicant is advised to contact the Rights of Way Officer prior to works commencing. This will be added as an informative.

43. Residents also raise concerns regarding access to the rear areas of their properties only properties 433 and 435 Thornaby Road have the right to pass and repass over a section of the land with or without vehicles. 435 Thornaby Road own a section of the land to the rear of the development that remains unaffected. Additionally, the land to the rear at 437 and 439 Thornaby Road which is not owned by the applicant will remain unaffected.

Archaeology

44. The site forms part of the Thornaby Airfield. Whilst many of the buildings associated with the airfield have since been demolished, surviving remains and artefacts maybe present on the site. Tees Archaeology have recommended archaeological monitoring during the development which can be secured by a condition.

Ecology

45. Concerns have been made regarding the loss of wildlife on the site. The application has been accompanied by a survey which concludes there are no priority habitats within or immediately adjacent to the site boundary. The redevelopment site would as a result of the development lead to loss of nesting and foraging habitat for common birds and foraging habitat. The report concludes the development would be enhanced by means of hedgehog highways, bird and bat boxes which will be conditioned accordingly.

Nitrate Neutrality

46. The applicant has provided information with regards to nitrates and to mitigate impacts they have been allocated credits from Natural England's Strategic Mitigation scheme which would offset the impacts from the development. The development would therefore be acceptable and a Grampian condition is recommended to ensure the development does not commence until the credits have been fully secured.

Contamination

47. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water and land pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
48. The application has been accompanied by a Phase 1 Desk Top Study (Report Ref: DPD16001.1, 23D July 2016) that identifies the historical use and the potential for contaminants. The Council's Contaminated Land Officer raises no objections subject to a condition to ensure further site intrusive work is undertaken.

Residual issues:

49. Comments raised regarding devaluation of property are not a material planning consideration and will not be considered.

CONCLUSION

50. The application site lies within the wider conurbation and the defined limits to development. Additionally, the application site lies near local services with a regular bus service within the vicinity. It is therefore considered to be a sustainable location for residential development.
51. It is noted that previous proposals for dwellings in similar locations albeit two storey dwellinghouses has been refused and dismissed on appeal. The current proposals differ in that they are single storey and the purpose of the proposed design is to create an 'acoustic shadow'.
52. The layout of the development proposals also ensure satisfactory levels of amenity for neighbouring occupiers, adequate access and parking arrangements and there are no technical reasons to refuse the planning application.

Director of Finance, Development and Business Services
Contact Officer Jade Harbottle Telephone No 01642 528716

WARD AND WARD COUNCILLORS

Ward	Village (Pre May 2023)
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Environmental Implications:

As detailed within the 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

Supplementary Planning Documents

SPD1 – Sustainable Design Guide - Oct 2011

SPD3 – Parking Provision for Developments - Oct 2011