

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**10 January 2023**

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

**22/2559/REM**

**239 Oxbridge Lane, Stockton-on-Tees**

**Reserved matters application for the appearance, landscaping, layout and scale for the erection of 2no dwelling house with detached garages.**

**Expiry Date: 8 December 2023**

### **SUMMARY**

The Reserved Matters application seeks planning permission for the appearance, landscaping, layout and scale for the erection of 2no dwellinghouses with detached garages.

An outline application at site (Ref: 19/1873/OUT) had been approved on 15<sup>th</sup> January 2020. The outline application sought permission for all matters reserved for the erection of 2no dormer bungalows with associated garages and private access road.

As outline planning permission has been granted for 2no residential dwellings on the site, the principle of development has been accepted and therefore the main considerations in determining this application are in relation to the detail of the reserved matters.

The site layout and the scale of the dwellings are comparable to that which was stipulated within the outline permission. Although the dwelling's footprints have increased from the outline permission's indicative site plan, their footprint is considered to be comparable to the surrounding pairs of semi-detached dwellings located on Merville Avenue and Grosvenor Road and their heights in line with controlling planning conditions within 19/1873/OUT. In addition to this, given the generous proportions of the site and revisions made to the scheme through the planning process, the site is considered to be able to comfortably accommodate the proposed pairs of dwellings and associated amenity spaces, access routes, hard landscaping and detached garages.

Due to the generous size of the site in conjunction with the siting and scale of the dwellings, it is considered that amenity related issues for the surrounding neighbouring occupiers stemming from the built form of the dwellings would comply with guidelines within supplementary planning guidance and is considered to be acceptable.

Through the planning process additional information and revised plans have been received. A total of 9no letters of objection have been received and 1no general representation. The objections are principally raising concerns with respect to the impact on existing trees, the impact on character, amenity, highway safety, ecology and drainage related matters. The comments raised are addressed within the main body of the report.

No objections have been received from the technical consultees. However, a comment of non-support has been received by the Council's Landscaping Officer due to the loss of 2no trees on the site covered by Tree Protection Orders (TPOs). In response to the loss of these trees, the applicant has brought forward a high-quality planting scheme and it is considered that the proposed planting scheme would mitigate the loss of visual amenity that these TPO trees provide to the area.

Overall, it is considered that the proposed development is acceptable in terms of appearance, landscaping, layout and scale and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours. It is considered that the reserved matters are in general accordance with the National Planning Policy Framework and the Development Plan policies and therefore the recommendation is to approve the reserved matters application subject to the conditions set out in the report.

## **RECOMMENDATION**

**That planning application 22/2559/REM be approved subject to the following conditions and informative:**

### **01 Approved Plans**

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

| <b>Plan Reference Number</b>      | <b>Date Received</b> |
|-----------------------------------|----------------------|
| 22.033-SA-ZZ-SP-DR-A-90-00 REV P2 | 16 February 2023     |
| 22.033-CAL-PLOT1-ZZ-DR-A-20-00_P2 | 09 May 2023          |
| 22.033-CAL-ZZ-SP-DR-A-90-01_P1    | 11 September 2023    |
| 22.033 CAL-ZZ-SP-DR-A-90-02 P1    | 06 October 2023      |
| N1298-ONE-ZZ-XX-DR-L-0201         | 02 November 2023     |
| 22.033-CAL-XX-XX-DR-A-20-00       | 16 November 2023     |
| 22.033-CAL-XX-XX-DR-A-20-01       | 16 November 2023     |
| 22.033-CAL-PLOT2-ZZ-DR-A-20-00_P3 | 28 November 2023     |

Reason: To define the consent.

### **02 Reserved Matters**

Nothing in this permission other than relating to scale and appearance of the hereby approved detached dwelling and the detached garage, as detailed above shall be construed as discharging or varying the conditions attached to the previous permissions (19/1873/OUT), which remain in force and apply to this consent.

Reason: For the avoidance of doubt and to define the consent.

### **03 Permitted Development Rights – Extensions and Alterations**

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.

### **04 Hours of Construction**

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.

**05 Parking Spaces**

The parking spaces as shown on drawing ref drawing 22.033-CAL-ZZ-SP-DR-A-90-01\_P1, 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.

**06 Materials**

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.

**07 Hard Landscaping**

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, load bearing weights 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.

**08 Planting Scheme**

The proposed soft landscaping shall be in full accordance with the approved document N1298-ONE-ZZ-XX-DR-L-0201 submitted on 2 November 2023. 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.

**09 Removal of T1 Ash Tree and T3 Poplar Tree**

Prior to the commencement of the approved development and in full accordance with the Tree Survey and Arboricultural Impact Assessment conducted by We Care Tree Care Arboricultural Services submitted on 16 December 2022, the trees covered by a Tree Preservation Order and labelled T1 Ash Tree and T3 Poplar Tree shall be removed in their entirety. All works must be undertaken to a high professional standard in accord with arboricultural best practice and in line with BS3998: 2010 Tree Work Recommendations.

Reason: In the interests of the visual amenity.

**10 Tree Protection Plan**

The scheme for the protection of the remaining trees on site shall be carried out in accordance with the details within the Tree Survey and Arboricultural Impact Assessment conducted by We Care Tree Care Arboricultural Services submitted on 16 December 2022.

Reason: In the interests the health of the trees on site.

**11 Servicing, refuse and recycling;**

Notwithstanding the details submitted as part of the application and prior to the occupation of the development, details of the servicing arrangements, refuse and recycling facilities and on-going management shall be submitted to and approved in writing by the Local Planning Authority and be implemented in accordance with these agreed details.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.

**12 Nitrate Mitigation**

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.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

Informative: Working Practices

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

Informative: Northern Gas Networks

There may be apparatus in the area that may be at risk during construction works and NGN require the promoter of these works to contact NGN directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable.

Informative: Designing out Crime

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

Informative: Not in a Smoke Control Zone

Although the property is not within a smoke control area, we would informally request that the occupant complies with the following information in order to minimise the likelihood of complaints regarding smoke emissions:

- Burn authorised fuels- a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Install a DEFRA approved appliance; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

#### Informative: Cleveland Fire Brigade

The developer is encouraged to adopt the standards of the Fire Brigade's ADB Volume 1 13.1 into the development. Details can be found at the following link:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1124733/Approved\\_Document\\_B\\_fire\\_safety\\_volume\\_1\\_-\\_Dwellings\\_2019\\_edition\\_incorporating\\_2020\\_and\\_2022\\_amendments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124733/Approved_Document_B_fire_safety_volume_1_-_Dwellings_2019_edition_incorporating_2020_and_2022_amendments.pdf)

### **BACKGROUND**

1. A Tree Preservation Order 884 (00.8.5.884) is confirmed on the Poplar and Ash Tree (T1 and T3) to rear of 239 Oxbridge Lane.
2. An outline application with all matters reserved for the erection of 2 No. dormer bungalows with associated garages and private access road (Ref: 19/1873/OUT).

### **SITE AND SURROUNDINGS**

3. The application site, hereby referred to as the site, is a large section of land approximately 0.2ha in size which is associated with the semi-detached residential dwelling No.239 Oxbridge Lane.
4. To the east of the site are semi-detached residential dwellings sited on Grosvenor Road and their respective rear amenity spaces which back on to the site. To the north and west of the site are further semi-detached residential dwellings sited on Merville Avenue and their respective amenity spaces backing onto the site. A variety of boundary treatments are present to the north, east and west of the site including boundary fencing, hedges and built form, although it is acknowledged that some of these boundary treatments may have been removed in recent years.
5. The site is unique in that the general settlement pattern of the area consists of modest but well-proportioned amenity spaces to the rear of their associated residential dwellings. In comparison, the site is much larger at approximately 2000m<sup>2</sup> and shares a boundary with some 18no surrounding residential properties.
6. It is understood that in previous years the site was heavily landscaped, however, a large proportion of the trees have since been felled with only a few species remaining including 2no trees covered by a Tree Protection Order (TPO).

### **PROPOSAL**

7. Reserved Matters for the appearance, landscaping, layout and scale are sought for the erection of 2no dwellinghouses with associated detached garages.
8. The outline permission stipulated that the proposed dwellings would be dormer bungalows. Although not considered to be strictly a traditional bungalow with dormers, the dwellings are 1.5 storey dwellings which is comparable to that of a bungalow with dormers whereby there would be a first floor to the dwelling with reduced ceiling heights.
9. Plot 1 would be sited to the southern portion of the site occupying approximately 137m<sup>2</sup> of the site. It would have approximate dimensions of 15 metres in depth, 12 metres in width, 3 metres to the eaves and 6.4 metres in overall height. Its associated detached flat-roof garage would be sited to the south of the dwelling occupying approximately 66m<sup>2</sup> of the site and

would provide 3no vehicular parking spaces. Its dimensions would be approximately 10 metres in width, 6.7 metres in depth and 2.5 metres in height.

10. Plot 2 would be sited to the northern portion of the site occupying approximately 134m<sup>2</sup> of the site. It would have approximate dimensions of 13.5 metres in depth, 12.8 metres in width, 3.6 metres to the eaves and 6.5 metres in overall height. Its associated detached flat-roof garage would be sited to the south-west of the dwelling occupying approximately 44m<sup>2</sup> of the site and would provide 2no vehicular parking spaces. Its dimensions would be approximately 6.6 metres in width, 6.7 metres in depth and 2.5 metres in height.

## **CONSULTATIONS**

11. The following consultation responses have been received as set out below (in summary):-

Highways Transport & Design Manager - The Highways Transport and Design Manager cannot support the current proposals on landscape grounds due to the proposed loss of trees protected by a Tree Preservation Order. There are no highway objections to the scheme.

### *Highways Comments*

The layout showing on drawing number 22.033-SA-ZZ-SP-DR-A-90-01 REV 1 is acceptable and car parking has been provided in accordance with SPD3: Parking Provision for Developments 2011.

However, the fire brigade should also be consulted to confirm that the proposals meet their requirements.

### *Landscape & Visual Comments*

As noted previously, the current application proposes the removal of TPO protected trees T1 and T3 on the western boundary to facilitate the development. A site visit was undertaken in February 2023 with the Principal Tree and Woodland Officer to inspect the trees. The trees were assessed to be in reasonable condition, with no evidence of any disease or other future problems. The trees contribute to the character of the rear garden area, and therefore the removal of T1 and T3 cannot be supported, as noted at the time of the outline application for the site.

It is considered that the site layout could be modified to retain these protected trees, with any structures moved away from the root protection areas of these trees. The Highways Transport and Design Manager therefore cannot support the current proposals.

Environmental Health - I have no objection to the principle of this development, however, given the objection comments

from residence in the vicinity I would be recommending the following advisory conditions:

- Construction/ Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 – 18:00Hrs on weekdays, 09.00 – 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

- In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

Chief Fire Officer (Cleveland Fire Brigade) - Cleveland Fire Brigade offers the following representations regarding the development as proposed.

1. Dead-end access routes longer than 20m require turning facilities, as specified in ADB Vol1: 2019 Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1. It appears the turning circle is insufficient for a fire appliance.
2. The loadbearing capacity of the driveway appears to be insufficient. Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in ADB Vol 1 Section B5 Table 13.1.

It is noted that the minimum width of road between kerbs exceeds the amount specified in the ADB Vol1: 2019 Table 13.1, however this would have to be maintained at all times and free from obstruction.

Northern Gas Networks – No objections, however, there may be apparatus in the area and an informative has been implemented.  
SBC Tree & Woodland Officer

Natural England - No objections subject to appropriate mitigation being secured.

The following consultees were notified of the application, however, at the time of written no written representations were received:

Councillor Carol Clark  
Councillor Stephen Richardson  
Councillor Susan Scott  
Councillor Alex Griffiths  
Northumbrian Water  
National Grid  
Northern Powergrid  
SBC Flood Risk

## **PUBLICITY**

12. Publicity has been given to the planning application through neighbour notification letters. At the time of writing, there are a total of 10 written representations: 9no objections and 1no general representation.

### **Comments Summarised**

- Concerns regarding privacy
- Overlooking/separation distances
- Devaluation of property
- Consultation with emergency services
- Concerns relating to bungalow/dwelling and larger dwellings within outline permission
- Concerns about TPO trees and visual amenity lost
- Concerns regarding backland development/cramped
- Concerns relating to legal covenants of the land
- Concerns around precedent
- Concerns around financial stability of development/motivation of profit
- Concerns regarding character of the area
- Concerns regarding highway safety

- Concerns regarding waste storage/pests
- Concerns regarding surface water drainage/flood risk
- Concerns regarding noise
- Concerns regarding light pollution
- Concerns regarding dust
- Concerns regarding vibration
- Concerns regarding hours of intended use
- Concerns regarding security
- Concerns regarding parking
- Concerns regarding turning spaces
- Concerns around local plan compliance
- Concerns regarding right to a view
- Concerns regarding overshadowing
- Concerns relating to wildlife/ecology
- Concerns regarding construction traffic management
- Concerns regarding existing and future soft landscaping

### **PLANNING POLICY**

13. 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.
14. 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**

15. 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.
16. 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**



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

### **Policy SD1 - Presumption in favour of Sustainable Development**

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

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

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

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

### **Policy SD2 – Strategic Development Needs**

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

2. To meet the housing requirement of 10,150 new homes over the plan period a minimum of: a. 720 dwellings (net) will be delivered per annum from 2017/18 to 2021/22. b. 655 dwellings (net) will be delivered per annum from 2022/23 to 2031/32.

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

### **Policy SD3 - Housing Strategy**

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

2. The following are priorities for the Council:

- a. Delivering a range and type of housing appropriate to needs and addressing shortfalls in provision; this includes the provision of housing to meet the needs of the ageing population and those with specific needs.
- b. Providing accommodation that is affordable.
- c. Providing opportunities for custom, self-build and small and medium sized house builders.

3. The approach to housing distribution has been developed to promote development in the most sustainable way. This will be achieved through:

- a. Supporting the aspiration of delivering housing in the Regenerated River Tees Corridor (as identified on the Policies Map) in close proximity to Stockton Town Centre. Key regeneration sites which provide major opportunities for redevelopment include: Queens Park North, Victoria Estate, Tees Marshalling Yard and Land off Grangefield Road.
- b. Supporting residential development on sites within the conurbation as defined by the limits to development which comprises the main settlements of Stockton, Billingham, Thornaby, Ingleby Barwick, Eaglescliffe and Yarm.
- c. Creating a Sustainable Urban Extension to West Stockton.

- d. Promoting major new residential development at Wynyard leading to the area becoming a sustainable settlement containing general market housing and areas of executive housing in a high-quality environment.
- e. Supporting residential development in villages (as shown on the Policies Map) through the recognition of existing commitments and new build within the limits to development where the land is not allocated for another purpose.

### **Policy 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.
  - 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.

### **Policy SD8 – Sustainable Design Principles**

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
  - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
  - b. Landscape character of the area, including the contribution made by existing trees and landscaping;

- c. Need to protect and enhance ecological and green infrastructure networks and assets;
  - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
  - e. Privacy and amenity of all existing and future occupants of land and buildings;
  - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
  - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
  - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### **Policy H4 – Meeting Housing Needs**

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of appropriate sizes, types and tenures which reflects local needs and demand, having regard to the Strategic Housing Market Assessment, its successor documents or appropriate supporting documents.

#### **Policy T11 – Transport Infrastructure Delivering A Sustainable Transport Network**

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

#### **Policy T13 - Communications Infrastructure**

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

#### **Policy ENV 1 – 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.
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 CO<sub>2</sub> 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 CO<sub>2</sub> 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.

#### **Policy ENV4 - Reducing and Mitigating Flood Risk**

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
2. Development on land in Flood Zones 2 or 3 will only be permitted following:
  - a. The successful completion of the Sequential and Exception Tests (where required); and
  - b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
  - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
  - b. Foul and surface water flows are separated;
  - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
  - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
  - a. To an infiltration or soak away system; then,
  - b. To a watercourse open or closed; then,
  - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.
7. For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of

discharge from the development prior to redevelopment for that event. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

9. Sustainable Drainage Systems (SuDS) should be provided on major development (residential development comprising 10 dwellings or more and other equivalent commercial development) unless demonstrated to be inappropriate. The incorporation of SuDS should be integral to the design process and be integrated with green infrastructure. Where SuDS are provided, arrangements must be put in place for their whole life management and maintenance.

10. Through partnership working the Council will work to achieve the goals of the Stockton-on-Tees Local Flood Risk Management Strategy and the Northumbria Catchment Flood Management Plan. This will include the implementation of schemes to reduce the risk of flooding to existing properties and infrastructure. Proposals which seek to mitigate flooding, create natural flood plains or seek to enhance and/or expand flood plains in appropriate locations will be permitted.

11. To reduce the risk of flooding the Council is working in partnership with the Environment Agency to deliver a Flood Alleviation Scheme on Lustrum Beck.

### **Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity**

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

4. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations:

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

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

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

### **Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land**

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

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

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

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

### **Policy ENV7 – Ground, Air, Water, Noise and Light Pollution**

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

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

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

## **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**

18. The main planning considerations of this application are the principle of development, the impacts on the character of the surrounding area, the impact on the amenity of the surrounding residential occupiers, highway safety related matters, ecology, flood risk and other material planning considerations.

#### **Principle of Development**

19. As outline planning permission has been granted for 2no residential dwellings on the site (Ref: 19/1873/OUT), the principle of development has been accepted and therefore the main considerations in determining this application are the reserved matters which are considered below.

#### **Impact upon the Character of the Surrounding Area**

##### *Scale and Appearance*

20. The National Planning Policy Framework paragraph 131 requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

21. The adopted Local Plan encourages high standards of design with Local Planning Policy SD8 setting out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportion and materials to the main building.

22. The design of the 2no dwellinghouses are considered to be that of a modern appearance and scale. The surrounding dwellings to Grosvenor Road and Merville Avenue vary in design from two-storey, semi-detached, 1930s style dwellings to the north, east and west. Neighbouring properties to the south are more substantial and vary in height with the host property being a large, semi-detached dwelling, which is set back from the highway.

23. The maximum height of the proposed dwellings would be approximately 6.4 metres for Plot 1 and 6.5 metres for Plot 2, with their eaves measuring approximately 3.4 metres and 3.7 metres respectively. The dwellings sited to Merville Avenue and Grosvenor Road are comparable to one another in their scale and design. When using plans from previous applications for the surrounding neighbouring occupiers, the approximate average heights for these dwellings are 5.3 metres to the eaves and 8.3 metres in overall height. By comparison, the host dwelling measures approximately 6 metres to the eaves and 9 metres in overall height.

24. By comparing the heights of the proposed dwellings to those of the surrounding dwellings, there is a considerable difference between the heights of those surrounding dwellings and those of the proposed; with the proposed dwellings being much lower resembling that of a 1.5 storey dwelling. Although the proposed development does not strictly form a pair of dormer bungalows due to their design, the scale of a dormer bungalow can be compared to that of 1.5 storey dwelling and therefore the proposed design changes are accepted with respect to this.

25. Furthermore, condition No.11 of outline approval 19/1873/OUT states:

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

26. It can therefore be considered that the proposed dwellings are in accordance with the above planning condition and are considered to be subservient to those dwellinghouses which surround the site and the scale of the dwellings are acceptable with respect to this.

27. Comments have been made that the proposal would lead to overdevelopment, however given the size of the site and the dwellings this would not be the case. As set out above, the site measures approximately 2000m<sup>2</sup> and Plot 1 and Plot 2 would occupy approximately 137m<sup>2</sup> and 134m<sup>2</sup> of this site respectively. The total floor area of the site covered by the dwellings would equate to approximately 13.5% of the site. Such a percentage is not considered to result in over development of the site and is considered to respect the plot proportions of the wider area and ultimately its character with respect to this.

28. Furthermore, the size of the site is not distinctive to the area and would therefore not set a precedent for other backland development in the immediate area.

29. In addition to this, when considering a pair of semi-detached dwellings within a neighbouring street such as Grosvenor Road or Merville Avenue as a singular unit in terms of its built form, each of the proposed dwellings are a comparable in terms of their m<sup>2</sup> footprint.

30. By direct comparison, the surrounding dwellings are not that of a modern appearance by virtue of their scale and appearance. The NPPF, whilst promoting good design states that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

31. It is acknowledged that the proposed dwellings differ to those in the surrounding area by virtue of being a modern dwelling and their scale and appearance. However, the proposed dwellings are set back considerably from the host dwelling and main access from Oxbridge Lane by virtue of being a backland development. The proposed dwellings would be largely screened from public vantage points to all orientations by the surrounding dwellings and due to this, it is considered that the wider character of the area would be upheld as the development would be viewed within the wider context of the residential area.

32. A palette of suggested external finishing materials have been provided within the submitted Design and Access Statement, however, more details are required, and this has therefore been secured via planning condition.

33. 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.

#### *Layout and Landscaping*

34. Concerns have been raised with regards to landscaping and the removal of trees covered by a TPO. Whilst stipulated within the outline permission that the 2no TPO trees would be retained (Ash and Poplar), the applicant has submitted a detailed landscaping plan which covers the removal of the 2no TPO trees from the site.



35. The Council's Landscaping Officer has provided a comment on non-support due to the removal of TPO protected trees T1 and T3 on the western boundary to facilitate the development. The comments note that the trees appear to be in reasonable health with no evidence of future problems or disease.
36. When viewing the Ash and Poplar trees, both are taller than those of the surrounding two storey dwellings, particularly the poplar tree, and they are in very close proximity to the neighbouring dwellings. By virtue of their height, they can be observed in longer views from many of the surrounding residential properties nearby and undoubtedly contribute to the visual amenity of the area. However, it is considered that they may pose risk to residential properties in the future if not properly maintained or cared for due to their size.
37. It is acknowledged that the site was once heavily landscaped by mature trees and hedges which will have positively contributed to the visual amenity of the area. The majority of this landscaping has been removed from the site, with the only notable features being the remaining Poplar and Ash trees at the site. By comparison of the previous site condition to the existing site condition, there has been an apparent decline in the visual amenity of the site over the years.
38. However, unlike the overly tall and now isolated trees within the site, the proposed landscaping scheme would be appropriate to the increasingly urban residential setting. The replacement landscaping would serve to soften and screen the hard built environment and they are considered to make a contextually appropriate contribution to visual amenity.
39. It is therefore considered that, on balance, whilst the removal of the trees would be a short-term loss to visual amenity, a high-quality landscaping plan has been brought forward to offset this loss in the longer term and is considered to be more suited to the surrounding residential setting. It is therefore considered acceptable with respect to this.
40. In terms of the layout of the site, there remains an likeness with what had been stipulated within the agreed outline permission in terms of the siting of the dwellings, access roads, hardstanding and garages. A key amendment to the scheme from the outline permission is that both Plot 1 and Plot 2 both had a footprint of approximately 92m<sup>2</sup>. Therefore, Plot 1 (137m<sup>2</sup>) has increased its footprint approximately 67% whilst Plot 2 (134m<sup>2</sup>) has increased its footprint approximately 69%.
41. Whilst there has been an increase in footprint from outline stage, the previously approved site plan was indicative and any changes to the footprint of the dwellings would be considered at reserved matters stage. As set out above, the site can accommodate the proposed footprints of the dwellings without them appearing incongruous and is therefore considered to be acceptable.

Impact upon the Amenity of the Surrounding Neighbouring Properties and Future Occupiers of the Dwellings

42. Planning Policy SD8 and NPPF Paragraph 130 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings.
43. The Council's Householder SPD1(4.8) provides guidance on appropriate separation distances between residential properties with a minimum of 21 metres separation distance between the main habitable room windows and a separation distance of 11 metres where main habitable room windows will face windows of secondary rooms or blank elevations. Such a physical separation along with the scale and siting of the proposed dwelling would ensure that the amenity of the respective occupiers would be safeguarded with regards to privacy, light and not resulting in an overbearing presence.

44. The closest neighbouring dwellings to the proposed dwellings would be the residential properties to Merville Avenue, owing to their shorter rear amenity spaces and the dwellings on Grosvenor Road being approximately 50 metres away. Therefore, separation distances have been calculated principally to these dwellings due to this.
45. Due to the orientation of the proposed dwellings to the existing dwellings both Plot 1 and Plot 2 would have a side elevation facing the rear elevation of the dwellings to Merville Avenue. Revised plans were sought throughout the planning process to amend the siting of the proposed dwellings to mitigate resultant impacts on amenity for the neighbouring occupiers. Plot 1's side elevation would be approximately 14.5 metres from the rear elevation of the closest residential dwelling of Merville Avenue, whilst Plot 2's side elevation would be approximately 21 metres from the rear elevation of the closest residential dwelling on Merville Avenue.
46. Given the orientation, scale and design of the respective dwellings it is considered that they would not result in an adverse impact on the amenity of the respective occupiers due to their compliance with guidance in SPD1.
47. In terms of the amenity impact on the future occupiers of Plot 1 and Plot 2, their front elevations which face directly are separated by approximately 21 metres and is considered to be an acceptable separation distance. All bedrooms and living spaces also meet national space standards and their respective rear and side amenity spaces are to an acceptable standard for the size of the dwelling. It is not considered that the future occupiers of these dwellings would experience issues surrounding amenity.
48. Revised plans were sought to alter the shape of the garage roof to a flat roof and reduce both in height to 2.5 metres. It is considered that there is a fall-back position due to permitted development rights allowing for outbuildings which are incidental to the enjoyment of a dwellinghouse to be up to 2.5 metres in height if they are within 2 metres of the boundary. It is therefore considered that the proposed garages are acceptable.
49. It is acknowledged that the separation distances involved between the respective dwellings are only just above tolerance within the SPD guidelines and the proposed dwellings, if they were larger, or featured other built additions on the dwelling or on the site may have an impact on the amenity of surrounding neighbouring occupiers. It is therefore considered that the removal of permitted development rights is an appropriate form of safeguarding the amenity of the existing and future occupiers of the surrounding residential properties.
50. It is noted that there is concern that the proposed development would give rise to issues of noise, vibration, dust and disturbance. As set out above there is a condition proposed securing the construction hours and a construction management plan is still to be secured. Subject to the recommended condition it is not considered that such a relationship would result in an adverse impact. It is noted that Environmental Health have not raised any objection.
51. Comments received in respect to comings and goings from vehicles parked in proximity to the neighbouring garden and property are noted, although such occurrences are expected within a residential setting. The principle of a dwelling with associated access was approved under the previous outline consent. It is therefore not considered that the activity associated with the proposed dwellings and any harmful impacts to justify a refusal could be sustained.
52. For the reasons set out above, subject to the recommended conditions, the proposed development due to its scale and siting would not be considered detrimental to the adjacent

properties in terms of overbearing, loss of light or privacy. On balance, it is considered that the development will offer an appropriate degree of amenity for the occupiers of the development and the adjacent residential dwellings.

#### Highways Safety

53. Concerns have been raised regarding the impact on traffic generation, vehicular access, highway safety, however these matters were all considered at outline stage when the details for the access were agreed.
54. In summary, it is considered the implementation of the access as shown and the limited additional traffic that 2no dwellings would generate would not have an adverse impact on pedestrian and highway safety.
55. Within the site there would be a triple garage, a double garage and areas of hard standing, which provides adequate car parking to serve the dwellings and its occupants and complies with the guidance in SPD3 Parking Provision for Developments.
56. Cleveland Fire Brigade were consulted on the application and stipulated that dead-end access routes longer than 20m require turning facilities. In accordance with their comments, a turning circle of approximately 16.8m has been provided on the hardstanding of the site. Cleveland Fire Brigade were consulted on the amendment but to date, no response has been received. An informative has been implemented to that the developer adopts the site to the Fire Brigades Standards and final Details of hard landscaping have also been secured via planning condition relating to load bearing capacity.

#### Ecology

57. Comments received have suggested that the proposed development would result in a loss of habitat and cause harm to the ecology within the area. As part of the outline planning application ecology measures have been controlled via planning condition. As this application is a Reserved Matters application all the relevant ecological conditions imposed on application ref 19/1873/OUT are still applicable. No further controls are therefore considered necessary. With respect to any trees and hedges removed, replacement trees and landscaping would be re-provided, which would re-provide habitat in this area. Subject to the recommended conditions, the proposed development is considered to have necessary to ecology and no issues are raised.

#### Flood Risk

58. Residents have raised concerns with respect to existing drainage issues within the wider area and have also suggested that the removal of trees on site would remove a natural drainage solution. As part of the building regulations process suitable foul and surface water drainage will need to be provided. In addition to this, these measures have been controlled via planning condition at outline permission stage. No further controls are therefore considered necessary.

#### Nitrate Neutrality

59. 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.

### Other Matters

60. Concerns have been raised in respect to the method of construction of the proposed dwelling, again this is a matter for building regulations. Any resultant damage would be a civil issue and fall outside of the planning system.
61. Matters raised in respect to distance for refuse collection and access to water in the event of a fire are also matters to be dealt with through Building Regulations legislation, although such matters are considered not to raise any fundamental issues and are not reasons to warrant the refusal of the planning application.
62. Concerns have been raised with respect to security. There is no indication that the site would become a security risk, however, the applicant is encouraged to liaise with the Cleveland Police's Crime Prevention & Architectural Liaison and informative has been recommended.
63. Comments raised regarding devaluation of property, legal covenants and a right to a view are not a material planning consideration and will not be considered.

### **CONCLUSION**

64. The application site benefits from outline permission for a dwellinghouse. Overall, it is considered that the proposed development is acceptable in terms of appearance, landscaping, layout and scale and it is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours.
65. It is considered that the reserved matters are in general accordance with the National Planning Policy Framework and the Development Plan policies and therefore the recommendation is to approve the reserved matters application subject to the conditions set out in the report.

**Director of Finance, Development and Business Services**  
**Contact Officer Joe Port. Telephone No. 01642 524362**

### **WARD AND WARD COUNCILLORS**

|                        |                                      |
|------------------------|--------------------------------------|
| <b>WARD</b>            | <b>Fairfield</b>                     |
| <b>Ward Councillor</b> | <b>Councillor Alex Griffiths</b>     |
| <b>Ward Councillor</b> | <b>Councillor Stephen Richardson</b> |
| <b>Ward Councillor</b> | <b>Councillor Susan Scott</b>        |

### **IMPLICATIONS**

#### **Financial Implications:**

Not Applicable

**Environmental Implications:** Matters relating to visual impacts, including the retention of trees/landscaping and ecology have been considered in the report above.

#### **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

### **Supplementary Planning Documents**

SPD1 – Sustainable Design Guide  
SPD3 – Parking Provision for Developments

**Background Papers:**

National Planning Policy Framework  
Stockton on Tees Local Plan Adopted 2019