

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 19th April 2006

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

06/0357/ARC

PADDOCK TO THE REAR OF ST COLUMBAS AVENUE, BILLINGHAM

APPLICATION TO REMOVE CONDITION 1 OF PLANNING APPROVAL 92/1887/P

Expiry date– 3rd April 2006

SUMMARY

This is an application to remove condition 1 of planning approval 92/1887/P, which was for the erection of three stables, tack room and feed store at the above address. Condition 1 states “ The development, hereby approved, shall only be for the benefit and use by Mr and Mrs Potter and Family of 3 St Columbas Avenue, Billingham and by no other persons and on the cessation of the use of the development by these persons, the development of 3 stables and tack room shall be removed from the site and the land re-instated to its former condition”.

There have been 1 letter of objection and 6 letters of support for the application.

The Head of Integrated Transport and Environmental Policy has advised that the removal of condition 1 could lead to an intensification of use of the access, which would be detrimental to highway safety and the free flow of traffic. However, a condition preventing the use of the stables for commercial reasons would limit the use of the site and help to prevent an over intensification of use and the previous conditions and Section 106 Agreement relating to the access to the site will remain

RECOMMENDATION

Planning application 06/0357/ARC be Approved subject to the following conditions

01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Drawing Number(s) : SBC001

Reason: To define the consent.

02. The development of three stables, tack and feed rooms, to which this application relates, shall not be used for commercial purposes.

Reason: In the interests of the amenity of the occupants of neighbouring properties.

03. The vehicle access onto Wolviston Road shall remain closed off and shall not be re-opened unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

BACKGROUND

Site Description

The application site is a paddock area to the rear of St Columbas Avenue and adjacent to Wolviston Road, Billingham.

To the North of the application site are the rear gardens of a row of 5 bungalows along St Columbas Avenue and a golf course. To the East and South of the application site, lies Billingham Beck Valley Country Park.

Planning History

An original planning application for stables and a caravan, made in 1988, was refused and an appeal was subsequently dismissed. The reason given for this refusal was the location of the vehicle access to the property from Wolviston Road. It was stated that the increased use of this access would lead to a greater risk of accidents along a road that carries a high volume of traffic.

In 1992 Mr Potter submitted a planning application for three stables and tack and feed rooms on the site (92/1887/P). This application was considered and approved at planning committee. A planning condition and Section 106 agreement required that the vehicle access to Wolviston Road be closed and a new access was made from the end of St Columbas Avenue.

Proposal

Planning application 92/1887/P included condition 1, which stated “ The development, hereby approved, shall only be for the benefit and use by Mr and Mrs Potter and Family of 3 St Columbas Avenue, Billingham and by no other persons and on the cessation of the use of the development by these persons, the development of 3 stables and tack room shall be removed from the site and the land re-instated to its former condition”.

This application is to remove the above planning condition; all other conditions placed on 92/1887/P shall remain.

The Section 106 Agreement also included a condition limiting the use of the stables to Mr Potter. Should the application be approved, the 106 agreement could be amended to remove this condition.

CONSULTATIONS

Environmental Health Unit

Further to your memorandum, I have no objection to this planning application.

Head of Integrated Transport and Environmental Policy

The Conditions were imposed due to Highway Safety concerns and I am not aware of any significant material changes to the site, therefore, I object to the application as it may lead to an intensification of the use of a residential access via St Columbas Avenue, which would be detrimental to highway safety and the free flow of traffic.

Neighbour consultation

The Neighbour consultation period expired on the 1st March 2001, 1 objection letter and 6 letters of support have been received.

Objection

Mr J Bulmer - 1 St Columbas Avenue

Has concerns about the future use of the site due to the problems which arose in the past including the erection of dog kennels close to the rear of No.3 for breeding dogs, an old caravan where the stables are now positioned and the trading of horses. This resulted in numbers of horse wagons often parking adjacent to my property.

Plans were put in for stables on the site where they now stand. This application was rejected for reasons of not desirable, road safety, parking access, not suitable for the area.

Plans were submitted by Mr Potter to the Council, by the same agent. The application was granted with conditions, which had to be limited for use by the Potters. Access from Wolviston Road had to be blocked off permanently. No parking was to be allowed on Wolviston Road and Access was limited to the bottom of 5 St Columbas Avenue. This was for their daughter's horse not for any other purpose. If Mr Potter were to sell on they have to remove the stables, this is not the only condition all others still apply.

Mr Potter's daughter left No.3 when she married so the original use, in my opinion, ceases to apply. I know that Mr Potter has had the property valued for selling and realise that they would like to sell the property with the land and stables. This is a small semi-detached bungalow with no drive, no garage and parking for cars only in front of the house on St Columbas Avenue.

If the conditions were removed, my concern is that I may then get someone again which gives me more problems and the only safeguard I have are those conditions. I would like all the conditions to stand

This is an urban area not rural. I would love to see the field reinstated to its natural state complying with the natural view of the environment of the Billingham Beck Valley. I love horses but problems started to occur when the first one appeared. It is not a horse problem; it's their owner's problems and their agents trying to renege on agreements.

Letters of support

Mr and Mrs Basnett – 2 St Columbas Avenue

The only way to the paddock is past my property and there has never been a problem with traffic and I have lived here 20 years. Mr and Mrs Potter have turned this paddock and the whole area into a lovely place. People on walks stop and admire the work they have put in.

Mr Ramsdale – 16 Sandy Lane

Mr and Mrs Potter have enhanced the area greatly. It is not 4 or 5 horses stabled there it is more like 2 only. Mr and Mrs Potter and family take all the manure away on a regular basis and the stables are immaculate. I can understand Mr Bulmers concerns about new tenants but I am sure your planning department would attend any problems.

Peter Wallace – 82 Clifton Avenue

I am a frequent walker, love the outdoors and regularly take my two grand children to Billingham Beck Valley Area. I have always seen people at the stables and they have been courteous and allowed my grand children to feed the horses. The large garden at the rear of No.3 looks well maintained and cultivated. The stables are not an eyesore and only the tops can be seen from Wolviston Road and then only if you are making a serious attempt to look over the fence and railings. The field where the horses are is a small part of an environmental area; the grass is cut and collected, which leaves room for voles and mice to roam, which brings in the owls and birds of prey. The stables contribute to a semi rural area amongst a predominant urban backdrop; something in this day and age should be encouraged in the urban scrawl.

I feel that if an objection is upheld, then the area will become a dumping ground for everyone (the field was a fly tip area prior to being used as a pasture).

Mr Earnshaw – 13 Sandy Lane

Mr Potter has made tremendous improvements to his home and the land adjoining and, as you are aware, all those improvements have been completed in accordance with the local planning regulation. The land has been transformed into an area, which is clearly owned by someone who takes pride. This includes the stables and the trees planted around them.

I am well aware of the previous to this development as I used to be the police commander for the area. He has ensured the land is not a gathering place for the local jobs. I strongly believe if the stables were to be removed the land would not look like it was owned by anyone and would revert to its previous situation where the local job element would use it.

Miss Sockett – 57 Station Road

I have lived at my address for some 19 years and, being a dog walker, walk on a daily basis past the paddock in question. It seems farcical to me that, because Mr Potters daughter no longer resides with her parents, that some future owner would be prevented from pursuing the same interest. Since Mr Potter has had this land I have not seen the

poachers with guns who regularly plagued that land and made me feel unsafe walking in that area. Nor do I see groups of youths drinking in that field.

If the stables were to be removed what use would the land be put to?

As far as the other conditions imposed in the application, to the best of my knowledge they have all been adhered to.

I see from Mr Bulmers letter that mention is made to parking. Parking has always been limited in St Columbas Avenue so why is this now a problem? Even if the stables were to be removed this would not prevent multiple parking by anyone. No amount of conditions on the paddock would prevent Mr Bulmer from having a new neighbour who may cause problems. Personally I would like to see a condition imposed so that the paddock remains as land and stables for horses.

Mrs Henry

These horses give a great deal of pleasure to many people. If they went we would be left with at least a barren field, which would be an ideal place for local jobs to congregate and another field for them to set fire to. Mr Potter keeps an eye on the beck and bottoms and we are very grateful.

PLANNING POLICY CONSIDERATIONS

Policies GP1 of the adopted Stockton on Tees Local Plan is relevant to this application.

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

MATERIAL PLANNING CONSIDERATIONS

The application site is adjacent to Wolviston Road, which is a busy main road through Billingham. However, due to the difference in ground levels between the application site and the road, the stables are barely visible. Therefore, the main consideration of this application is the impact upon the residential properties along St Columbas Avenue.

One objection has been received from Mr Bulmer at 1 St Columbas Avenue. The main reasons for the objection relates to problems caused by previous neighbours, who carried out unauthorised development, concerns over the access to the site and that the other conditions should remain.

The erection of further stables on the site or the use of the stables for commercial projects would require planning permission. Any unauthorised development carried out by future owners of the site could be controlled by planning legislation and a condition preventing the use of the site for commercial reasons. This application relates solely to the removal of condition 1, the other conditions and Section 106 Agreement relating to the access points will still remain.

Six letters of support have been received in relation to this application. It was stated that the site is well looked after and that the removal of the stables would make the area more attractive to local youths and lead to problems with anti social behaviour.

The Head of Integrated Transport and Environmental Policy has stated that the conditions were placed for highway safety reasons and the removal of condition 1 could lead to an intensification of use of the access, which would be detrimental to highway safety and the free flow of traffic. However, the original decision notice states that condition 1 was placed to define the consent. This access has been used for approximately 13 years and was considered to be appropriate when the original application was approved. A condition preventing the use of the stables for commercial reasons would limit the use of the site and help to prevent an over intensification of use and the previous conditions and Section 106 Agreement relating to the access to the site will remain.

The stables were originally approved in 1993 and have operated without problem since that date. It is not considered that the removal of the condition restricted the use of the stables to Mr Potter and his family will lead to an over intensification of use of the site as any further development on the site would be controlled by planning legislation. The existing access and conditions relating to the closure of access points onto Wolviston Road will remain.

CONCLUSIONS AND RECOMMENDATION

For the reasons detailed previously in the report it is considered that the proposed variation of condition will not have a detrimental impact upon the residential amenity of the immediately adjacent properties.

Therefore the application is recommended for approval subject to the conditions stated above.

Director of Development & Neighbourhood Services

Contact Officer: Rebecca Wren - Telephone No. 01642 526065

Financial Implications

None

Environmental Implications

None

Community Safety Implications

None

HUMAN RIGHTS IMPLICATIONS

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

Background Papers:

Stockton Borough Council Local Plan
Planning application 92/1887/P

Ward Billingham West

Ward Councillor Councillors Mrs Mary Womphrey and Michael Womphrey