

DELEGATED

AGENDA NO .

**PLANNING COMMITTEE
21st June 2006**

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

**06/1211/ARC
DARLINGTON LANE, STOCKTON ON TEES
APPLICATION TO VARY CONDITION NO. 9 OF PLANNING APPROVAL
04/2220/REV
EXPIRY DATE 10th July 2006**

Summary:

The application site has a previous history with outline planning consent and a subsequent reserved matters application being approved for the erection of 108no. dwellings with associated landscaping and means of access.

The application site is situated to the north of Darlington Lane Stockton, a modern residential development lies immediately to the east of the site, further residential properties lies to the south adjacent to a landscaping buffer with an area of green open space to the north. Planning consent is sought for the removal of condition no.9 of planning application no. 04/2220/REV that refers to the occupation of the new dwellings being restricted until highway improvements at the Mile House junction have been carried out.

17 letters of objection have been received in relation to the proposed development primarily relating to an increase in traffic and highway safety, these concerns have been addressed in this report.

Recommendations:

RECOMMENDED that condition 9 of application 06/1211/ARC be varied to read;

Prior to the completion of the development, improvement works to the Mile House signal controlled junction on Durham Road consisting of re-phasing of the signal cycle, providing formal 2 lane entry and allowing dedicated right turn lanes and a protected right hand turn from Darlington Lane shall be completed to the satisfaction of the Local Planning Authority.

Reason: To achieve a satisfactory form of development, in the interests of highway safety and the free flow of traffic.

Policies GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan were considered relevant to this decision.

History

1. The application site has a previous history with outline planning consent being granted in July 2004 for residential development on the site, a subsequent

application was approved in November 2005 under a reserved matters application for the erection of 108no. dwellings with associated landscaping and means of access.

The Proposal

2. The application site is situated to the north of Darlington Lane Stockton, a modern residential development lies immediately to the east of the site, further residential properties lies to the south adjacent to a landscaping buffer with an area of green open space to the north.
3. Planning consent is sought for the removal of condition no.9 of planning application no. 04/2220/REV which states;

“Occupation of the dwellings hereby approved shall not take place until improvement works to the Mile House signal controlled junction on Durham Road consisting of re-phasing of the signal cycle, providing formal 2 lane entry and allowing dedicated right turn lanes and a protected right hand turn from Darlington Lane have been provided to the satisfaction of the Local Planning Authority.

Reason: To achieve a satisfactory form of development, in the interests of highway safety and the free flow of traffic.”

4. Information has been submitted as part of the application, which states that the removal of condition 9 is sought due to delays over the improvement works to be carried out at the Durham Road/Darlington Lane junction adjacent to the Mile House Public Inn.

Consultations

The following responses have been received from departments and bodies consulted by the Local Planning Authority

Engineers And Transportation

I have no objection to the removal of condition no. 9 of the planning approval. Improvements to the Mile house junction, which were in part funded by the developer, are programmed to begin in the financial year 2006/07. Due to delays in the construction of the main access into the site, thereby delaying the sale of the dwellings, it was agreed that it would be unreasonable to object to the request.

5. The Local residents and occupiers have been individually notified of the application. The latest neighbour consultation period expired on the 15th May 2006. 17 letters of objection has been received to the proposed development.

Objections are raised in relation to the scheme include;

- Mile house is a treacherous junction and additional traffic would make it worse.
- The improvement works are essential and removal of the condition would mean that the Local Authority would have no means of enforcing the improvements
- The condition should not be removed/amended and occupancy should be delayed due to existing highway safety problems

- Junction already a serious bottleneck and will worsen if an increase in residents.
- Removal of the condition would be unwise and against the interests of highway safety and create congestion in the area, the improvements should be completed prior to condition being lifted

Planning Policy Considerations

6. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) 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 Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision;

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.

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment, which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;

- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Planning Policy Guidance No.3 – Housing is also considered to be relevant to this decision.

Material Planning Considerations

7. As this application relates solely to condition no.9 of application no. 04/2220/REV the main planning considerations of this application are the impacts upon highway safety.

Planning Conditions:

8. Government guidance planning conditions is laid out in circular 11/95. This circular outlines the aims of planning conditions and details five tests in which all planning conditions must meet. A planning condition ***must*** therefore be deemed to be necessary, relevant to planning and the proposed development is reasonable, precise and enforceable.

Access and highway safety:

9. Many of the objectors have commented that they are concerned that the removal of the planning condition will cause further increases in traffic, congestion and be detrimental to highway safety in the area and particularly at the Mile House Junction.
10. However, the Head of Integrated Transport and Environmental Policy (HITEP) have commented that they have no objection to the removal of condition no.9 as work has been programmed to start in the financial year 2006/07 and due to delays in the construction of the main access into the site, delaying the sale of the dwellings, it would be unreasonable to object to the request.
11. In light of the comments received by HITEP it is considered that it is reasonable to allow for the previously approved development of 108no. dwellings to be sold and occupied prior to the completion of the highway improvements. It is however, considered that it would be inappropriate to remove the condition completely and therefore it is recommended that condition no.9 be altered to accommodate these requirements.

Conclusion.

12. In light of the Head of Integrated Transport and Environmental Policy department's comments and the delays in the work to the junction being varied out, it is considered reasonable to allow that planning condition no.9 is varied to allow occupation of the dwellings to occur prior to the highway improvements being carried out and to ensure that the necessary works are completed prior to the scheme being finalised as a whole.

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Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

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-on-Tees Adopted Local Plan (1997)

04/2220/OUT

05/3079/REM

Ward and Ward Councillors

Bishopsgarth And Elm Tree Ward

Councillors Mrs S. Fletcher and J M Roberts