

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 21 June 2006

REPORT OF THE DIRECTOR OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

**06/1076/FUL
VILLAGE 5, BROOMWOOD, INGLEBY BARWICK
SUBSTITUTION AND REPOSITIONING OF HOUSE TYPES AND APARTMENTS
FOR RESIDENTIAL DEVELOPMENT OF 418 NO. DWELLING UNITS,
RENUMBERING OF PLOT NUMBERS AND NEW ELECTRICITY SUB STATIONS.
EXPIRY 24 JULY 2006**

SUMMARY

Reserved matter planning permission was granted to Persimmon Homes in October 2005 for the erection of some 418 dwellings comprising 104 flats/140 sheltered apartments and 172 terraced, semi and detached houses together with associated means of access and landscaping at Broomwood, Village 5, Ingleby Barwick (application 05/0381/REM). The applicant is now seeking to amend the approved layout through the substitution of house types and the repositioning of a few of the dwellings consequent upon the change of house types. The new plan also shows the provision of 3 small electricity substations. At the same time the applicant has taken the opportunity to renumber the plots.

The changes proposed to the approved layout are very minor and would, before the recent Sage decision, have been agreed by letter as a minor amendment to the approved development. The proposed substitution of house types affects approximately 60 out of the 400 plus dwellings and largely replaces the same type with one of a different design.

There is no objection to the changes but any approval should replicate, as appropriate, the conditions attached to the previous planning permission, including that the existing hedges located along the eastern and southern boundary of the development are retained and not removed, trimmed, lopped or topped without the written consent of the local Planning Authority

RECOMMENDATIONS

It is recommended that the application be approved subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of two years from the date of this permission or before the expiration of three years from the date of approval of the outline application whichever is the later.

Reason: By virtue of the provision of Section 92 of the Town and Country Planning Act 1990 (as amended).

02. 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; BW-001 REV A; SGD-01 REV A; SGD-02; AM-WD1 REV B; HF-WD1 REV B; HG-WD1 REV M; HY-WD01 REV L; LY06-WD01;MR -WD01; NL-WD1 REV J; SI-WD01 REV H; SL06-WD01;UL-WD1 REV K; WM-WD1 REV C; DL-WD1 REV E;HM-WD1 REV D; LN-WD1 REV D; HK-WD01; KW-WD1 REV D; .

Reason: To define the consent.

03. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be implemented in accordance with a phased programme to be agreed with the Local Planning Authority before the development authorised by this permission is commenced 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 others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

04. Soft Landscape works shall include planting plans and written specifications (including cultivation and other operations associated with plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

05. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity.

06. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by

the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished floor levels for dwelling houses and road levels. Thereafter the development shall be completed in accordance with approved 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 residents.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no vehicular access shall be created other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate garaging and parking spaces are made available.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) all boundary means of enclosure shall be in accordance with details hereby approved. Any future proposals to amend these details shall be made the subject of a formal application to the Local Planning Authority.

Reason: To reserve the rights of the Local Planning Authority with regard to these matters.

12. Development works on site shall not occur outside the hours of 8:00am - 6:00pm weekdays and 8:00am - 1:00pm on a Saturday and there shall be no works carried out on Sundays and Public Holidays.

Reason: In the interests of the amenity of nearby residents.

13. The existing hedges located along the eastern and southern boundary of the development hereby approved shall be retained and shall not be removed, trimmed, lopped or topped without the written consent of the local Planning Authority.

Reason: In the interests of the amenity of the area

14. Notwithstanding the submitted plan No BW-001 REV A, before the dwellings hereby approved are occupied, a revised scheme for the provision of

parking for each residential unit in accordance with the Council's Design Guide & Specification shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the revised plan unless otherwise agreed in writing.

Reason: To ensure each residential unit has sufficient in-curtilage parking appropriate to its number of bedrooms.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan policies GP1, HO1f and HO11. set out below. This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Jean Ward on direct line 526069.

BACKGROUND

1. Reserved matter planning permission was granted to Persimmon Homes in October 2005 for the erection of some 418 dwellings comprising 104 flats/140 sheltered apartments and 172 terraced, semi and detached houses together with associated means of access and landscaping on undeveloped land at Broomwood, Village 5, Ingleby Barwick (application 05/0381/REM). The applicant is now seeking to amend the approved layout. The primary change to the layout approved last October is a substitution of some of the approved house types. The applicant wishes to substitute different house types for some 65 units out of the 418 dwellings
2. The change of house types is usually for commercial reasons, with the applicant seeking to replace the same type with one of a different design that is more popular. That appears to be case in this development as there is no increase in numbers and the amendments do not alter the mix of dwelling types.
3. As a consequence of the changes to the house types some very minor adjustments to the layout are required for which approval is also sought. The new plan also shows the provision of 3 small electricity substations. At the same time the applicant has taken the opportunity to renumber the plots.

CONSULTATIONS

Publicity

4. A considerable number of local residents have been individually notified of the application. The application has also been advertised on site and in the local press. Only one representation has been received, by email, not objecting to the application but asking that development be delayed until the skylark has completed its breeding season.

Ward Councillors

5. Councillor Andrew Larkin has commented direct to the Head of Planning as follows:

"I have received drawings and details of the above proposal whilst I understand this proposal is for substitution and repositioning I am more interested in the approval to build these dwellings in the first place. Obviously I am familiar with the history of IB and the

debacle of planning permission given over the years for more houses however, I want to register the fact that I object in the building of the dwellings in the first place.

I would therefore be grateful if you could give me the full details of the initial agreement of these dwellings to be built. In particular I would like to know who agreed to the 106 agreement with Persimmon Homes and the subsequent financial contribution (£7M) made by Persimmon Homes for the Stockton South link road in trade-off for the building of dwellings. Was this a Government Minister or was it this SBC_ I would also be grateful if a Legal view could be sought as to a proposal put to Persimmon to withdraw or reduce the number of dwellings to be built which IB 'now' clearly can't sustain_

My view is now we are many years on from when this arrangement was made that Ingleby Barwick is now (due to other developments in that time) unable to sustain any further onslaught of building more houses.

I welcome your assistance and detailed response accordingly”

Parish Council

6. No response

Landscape Officer

7. Has no objection to the scheme but requires more details on hard and soft landscaping and details of the two areas of public open space.

Engineers and Transportation

8. Comments that “the substitution of house types has resulted in a number of 4&5 bed roomed dwellings without sufficient parking provision, in accordance with the Councils Design Guide & Specification, for example plot nos 462,572,494,525,497 &500 are amongst those with substandard parking provision. However, subject to a condition requiring the applicant to amend the parking provision to the satisfaction of the Local Planning Authority, I have no adverse comments on this application.”

PLANNING POLICY CONSIDERATIONS

National Planning Policy

9. Section 54a of the Town and Country Planning Act 1990 states that all planning applications have to be determined in accordance with the Development Plan(s) for the area unless material considerations indicate otherwise. The development plan for the purposes of the application comprises the Stockton Borough Local Plan 1997.
10. Policy GP 1 requires proposals for all development to be examined in relation to policies in the structure plan and a number of criteria. The criteria Include:
 - The external appearance of the development and its relationship with the surrounding area
 - The effect on the amenities of the occupiers of nearby properties
 - The provision of satisfactory access and parking arrangements.
 - Need for a high standard of landscaping
 - Effect upon wildlife habitats
 - Effect on public rights of way network

11. Policy HO1f of the local plan identifies Ingleby Barwick for new housing development and policy HO11 requires new housing to be designed and laid out to meet a number of design criteria.

MATERIAL PLANNING CONSIDERATIONS

12. The development of this site and its layout including housing mix was examined in some detail when the previous application was considered and was only approved after protracted discussions and a number of amendments to the original scheme. With this new application no significant changes are made and it remains almost identical to the scheme approved last October. Consequently there is no fundamental planning objection to the scheme. Nevertheless, the issues that have been raised in response to the publicity and consultation process need to be addressed.
13. With regard the landscaping concerns these can be addressed by the imposition of appropriate planning conditions replicating those on the previous permission.
14. The Head of Integrated Transport and Environmental Policy concerns over parking can be secured by planning condition and the wording of this condition has been agreed.
15. The matter of delaying development until the end of the bird breeding season is noted. However, it should be recognised that the developer already has permission to carry out what is basically the same development as now proposed and work on the site has already commenced with the provision of drainage and other infrastructure works. Nevertheless, he is also subject to the statutory requirement not to disturb protected species during the breeding season.
16. The Councillor's objection to housing being built on the site is also noted but as with the wildlife issue it has to be recognised that detailed permission already exists for housing on this site. With regard to the sustainability argument, that would need to be addressed in respect of new developments coming forward and is not a matter for the current application which seeks primarily to substitute a number of approved house types and secure only very minor amendments to the approved layout.

CONCLUSIONS

17. This application seeks only very minor and modest changes to the approved plan. The same controls over the development as imposed previously including the retention of the boundary hedgerows (including any trimming, lopping or topping) and provision of detailed landscaping plans can and should be attached to any planning approval. In respect of the hedgerow protection measures, it is noted that the developer has removed a short section adjacent to Warbler Close to facilitate the provision of a drainage connection, without first securing formal Council approval. Discussions on that matter are continuing but the developer has agreed to early re-planting and the provision a screen fence whilst the planting becomes re-established.
18. In summary, whilst recognising the concerns of the Ward Councillor, the proposed alterations now proposed to the approved layout are considered satisfactory and approval is recommended.

Director of Development and Neighbourhood Services

Contact Officer: Peter Whaley
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Financial Implications: None

Environmental Implications: See report

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

Community Safety implications: None

Background Papers: Application files 05/0381/REM & 06/1076/FUL

Ward(s) and Ward Councillors:

Ward	Ingleby Barwick East
	Councillors A Larkin; D Harrington; K Faulks