

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 12 July 2006

REPORT OF THE DIRECTOR OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES

**APPLICATION UNDER SECTION 73 TO VARY CONDITION NO. 2 OF PLANNING APPROVAL 04/2435/FUL (PHASE 1) TO ALLOW AMENDMENTS TO APPROVED LAYOUT PLANS FOR RESIDENTIAL DEVELOPMENT COMPRISING 255 NO. RESIDENTIAL UNITS.
MANDALE ESTATE, THORNABY, STOCKTON-ON-TEES**

APPLICATION NO; 06/1194/VARY

EXPIRY 7th August 2006

SUMMARY

Outline planning permission to redevelop former Council owned land in Thornaby known as the Mandale estate for new housing was granted in March 2004 (application No 04/0213/OUT). This involved the demolition of some 578 houses and replacing them with approximately 600 dwellings of a mixed type and tenure. Approval of reserved matters for the first phase of development was granted in October 2004 (application No 04/2435/FUL). This proposed some 256 dwellings comprising a mix of bungalows, detached/semi/terraced houses and three storey apartments. This first phase is located at the northern end of the site south of Lanehouse Road.

A further application has now been submitted under Section 73 of the Town and Country Planning Act 1990 (No 06/1194/VARY) to allow the development of the land without complying with the approved plans (condition 2) which have been amended in respect of changes to the approved layout. The change includes the reduction of the number of dwellings by one to 255.

A similar S 73 application for the Phase 1A housing site relating to former playing land west of Mitchell Avenue is also to be considered by this Committee (application 06/1284/VARY).

The site is under construction and a number of houses have already been constructed. Most of the houses are now empty and some have been demolished. One objection to the planning application has been received from a remaining resident on the site and one more as a result of the applicant serving notice on the remaining property owners...

The changes proposed the approved layout are not very significant with the same road layout retained. The main changes are changes to garaging and the size of some of the house plots.

There is no objection to the changes but any approval should replicate, as appropriate, the conditions attached to the previous planning permission.

RECOMMENDATIONS

It is recommended that subject to the views of the Head of Integrated Transport and Environmental Policy, the application be approved subject to the following conditions:

- 1. The development hereby approved shall be carried out in accordance with the following approved plans or as otherwise may be subsequently agreed in writing with the Local Planning Authority:
Drawing numbers: 312/09 rev 1; 312/21 rev F; 312/60 rev D; 312/61 rev D; 312/62 rev D; 312/63 rev D; 312/64 rev D; PH01EE; MP01D
Reason: To define the consent***
- 2. Notwithstanding the submitted landscaping scheme shown on Drawing No 312/07rev B, detailed specifications for the following shall be submitted for approval prior to implementation:***
 - Full planting plans***
 - Tree planting details including positions of pits, statutory services and construction techniques***
 - The grass-seed mix and rate of application.***
- 3. The trees indicated to remain shall be retained and not felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees of such a size and species as may be agreed with the Local Planning Authority
Reason: R038***
- 4. Details of the proposed environmental art indicated on the submitted drawings shall be submitted and approved in writing by the local planning authority prior to being installed.
Reason: R007***
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) the buildings hereby approved shall not be extended or altered in any way without the prior written consent of the local planning authority.
Reason: R016***
- 6. 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 that adequate garaging and parking spaces are made available***
- 7. Development works on site shall not occur outside the hours of 8.00 a.m. – 6.00 p.m. weekdays, and 8.00 a.m. and 1.00 p.m. on a Saturday, and there shall be no works carried out on Sundays.***

Reason: R068

- 8. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways**

Reason: To prevent pollution of the water environment

- 9. 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 LPA. Roof water shall not pass through the interceptor.**

Reason: To prevent pollution of the water environment.

The following policies were relevant in this decision:

Stockton on Tees Local Plan policy GP 1, HO11

Planning Policy Guidance Note No 3

BACKGROUND

1. Outline planning permission to redevelop former Council owned land in Thornaby known as the Mandale estate for new housing was granted in March 2004 (application No 04/0213/OUT). This involved the demolition of some 578 houses and replacing them with approximately 600 dwellings of a mixed type and tenure. Approval of reserved matters for the first phase of development was granted in October 2004 (application No 04/2435/FUL). This proposed some 256 dwellings comprising a mix of bungalows, detached/semi/terraced houses and three storey apartments. This first phase is located at the northern end of the site south of Lanehouse Road.
2. A further application has now been submitted under Section 73 of the Town and Country Planning Act 1990 (No 06/1284/VARY) to allow the development of the land without complying with the approved plans (condition 2) which have been amended in respect of changes to the approved layout with. The change includes the reduction of the number of dwellings by one to 255.
3. The change reflects continuing alterations to the housing layout to improve the development and make it more attractive to prospect house purchasers and tenants. Plot sizes are changed and alterations made to parking and garaging arrangements.

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 two representations have been received, by two of the few remaining residents. One is in response to the planning application neighbour notification letter and one in is response to being served notice as a property owner by the applicant.
5. Mr M Danks of 6 Pickering Road states his "opposition to the proposed construction or development by Barratt Newcastle and Haslam Homes. Within the boundaries of my land".

6. Mr W Barratt of 22 Malton Close states that he has a right to stay in his property and would only move if offered like for like.

Landscape Officer

7. Has no objection in principle but states the original conditions should be re-imposed.

Head of Integrated Transport and Environmental Policy

8. Comments that "The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I would comment as follows:

- The parking arrangements for the following plots do not meet the requirements stated within the Councils Design Guide and Specification
- Plot 7 (3 bedroom) - another car parking space necessary
- Plot 8 (3 bedroom) - another car parking space necessary
- Plot 14 (3 bedroom) - another car parking space necessary
- Plot 15 (3 bedroom) - another car parking space necessary
- Plots 91 / 92 (3 bedroom) - another car parking space necessary for each plot
- Plots 123 / 124 (4 bedroom) - another 2 car parking spaces necessary for each plot
- Plots 131, 132, 133 and 134 have their garages and associated driveway facilities situated some distance from their properties and to the rear. Subsequently, this may result in on-street parking outside the front of the said plots adversely affecting traffic flow."

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 HO 11 requires all new residential development to be designed and laid out to a high quality standard with open space and a satisfactory degree of privacy and amenity for both the new dwellings and the occupiers of nearby properties.

12. The Tees Valley Structure Plan does not contain any policies applicable directly to the application site. In general terms however the Structure Plan is based on a strategy which seeks to ensure that most new development takes place within or on the edge of the main urban areas together with the regeneration of rundown, urban areas.
13. Planning Policy Guidance Note 3 "Housing" advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed.

MATERIAL PLANNING CONSIDERATIONS

14. The development of this site and its layout including housing mix was examined in some detail when the previous application was considered. With this new application no significant changes are made and it remains very similar to the scheme approved in October 2004. 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.
15. With regard the two objections made by local residents; these relate to the principle of the development not the details. Total redevelopment of the site for new housing has already been approved with the previous permissions. Acquisition of the individual properties is being dealt with either by agreement or when necessary compulsory purchase. The Public Inquiry in respect of the Compulsory Purchase Order was held last month and the results are awaited.
16. Landscaping concerns these can be addressed by the imposition of appropriate planning conditions replicating those on the previous permission.
17. The Head of Integrated Transport and Environmental Policy concerns have been passed to the applicant and a response received. The final views of the Engineer are awaited; any further changes necessary can be dealt with by means of an appropriate planning condition.

CONCLUSIONS

18. This application seeks only very minor and modest changes to the approved plan. The same controls over the development as imposed previously can and should be attached to any planning approval.
19. In summary, whilst recognising the concerns of the two remaining residents, 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
Telephone No. and Email Address: 526061 & Peter.Whaley@stockton.gov.uk

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 04/0213/OUT; 04/2435/FUL, 06/1284/VARY & 06/1194/VARY

Ward(s) and Ward Councillors:

Ward Mandale & Victoria Councillors Mrs Norton, Mrs Trainer & Walmsley