

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 04/2434/FUL (PHASE 1) TO ALLOW AMENDMENTS TO APPROVED LAYOUT PLANS FOR RESIDENTIAL DEVELOPMENT COMPRISING 152 NO. RESIDENTIAL UNITS AND ASSOCIATED LANDSCAPING. MANDALE ESTATE, THORNABY, STOCKTON-ON-TEES

APPLICATION NO; 06/1284/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. It also included the provision of a linear park. 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.

However, the site excluded the former playing land west of Mitchell Avenue.

A separate application was submitted to develop that area for some 153 dwellings with the application also including details of the proposed linear park which includes two new playing fields in part mitigation for the loss of the former playing field. This formed Phase 1A of the Mandale redevelopment scheme. It was approved in October 2004. Development is well advanced on the site.

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 and house types. The change includes the reduction of the number of dwellings by one to 152.

A similar S 73 application for the Phase 1 housing site relating is also to be considered by this Committee (application 06/1194/VARY).

One objection to the planning application has been received from a local resident, who has also objected to the other S 73 application, which more directly affects his property.

The changes proposed the approved layout are not very significant with the same road layout retained. The main alterations 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: 312/51D, 312/52D, 312/53D, 312/55D, 312 10 Rev K; BWD PS/04; HWD 927 A; HWD 836 A; BWD G/04B; HWD 763 A; BWD 05 A; MP01D; HWD 828 (SP2)REV A; BWD G /05B; HWD 11011 REV B; BWD EKS/01; BWD ES/65A; 312/22 REV F; NWD A/01 K; BWD WC/06A; WCN/02A; BWD WCN/03A; BWD G/01B; BWD D/01A; BWD D/04B; BWD W/01B; BWD WCN/01A; BWD N/05B; NWD 2/2; NWD D/01M; NWD B/01K; NWD 1/1; BWD PS/01A; BWD P/01B; BWD P/04B; BWD P/05C; BWD/WC/SP/01; HWD 1164; BWD EKS/05; HWD 828 REV C; HWD 806; HWD 836 (SP1) REV A; HWD 665; NWD 3/1; NWD C/01L; BWD F R/04A; BWD R/05A; BWD ES/05A; 312/54A; BWD WC/01B; BWD D/05B; BWD W/05A; BWD PS/04A; PH 03Y***

Reason: To define the consent

- 02. Notwithstanding the submitted and approved plans final details for the design and layout of the linear park shall be agreed in writing with the Local Planning Authority before construction of the park commences.***

Reason: To enable the Local Planning Authority to retain control over the development.

- 03. Unless otherwise agreed in writing, the landscaping on the site shall be as agreed for planning permission 04/2434/FUL and shall be implemented in accordance with those approved details.***

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

- 04. In respect of the linear park, detailed specifications for the following shall be submitted for approval prior to implementation:***

Full planting plans which shall follow the design principles set out in the Southern Green Design Statement accompanying permission 04/2434/FUL

Planting specification

Ground levels and mounding

Hard surface treatment including materials, cycleway design, road crossing points, curtilage treatment, any walls and fences, street furniture.

Tree planting details including positions of pits, statutory services and construction techniques

The grass-seed mix and rate of application.

Maintenance specification

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

- 05. *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 - In the interest of amenity and the maintenance of landscaping features on the site.

- 06. *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: To enable the Local Planning Authority to retain control over the development.

- 07. *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: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area.

- 08. *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.

- 09. *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 occupants of neighbouring premises.

- 10. *Prior to the commencement of any works on site, a settlement facility for removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.***

Reason: To prevent pollution of the water environment.

- 11. *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.

- 12. *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.

- 13 *The design and implementation of the playing fields shall be in accordance with the details previously approved to discharge conditions 21 and 22 of permission 04/2434/FUL.***

Reason: To ensure the satisfactory provision and use of the playing pitches in the interests in securing adequate replacement facilities for the benefit of the local community.

***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. At the same time as granting planning permission for Phase 1 Committee also approved an application relating to a 3.58 hectare site forming what is described as Phase 1A of the Mandale redevelopment scheme for Thornaby. The site had been previously used for playing fields but had become disused. The application sought approval for new housing (some 153 dwellings) together with details of the proposed linear park for which outline permission granted last March as part of the approval for the overall Mandale scheme (application No 04/0213/OUT).
3. The development proposed a mixed type of housing is proposed including a mix of bungalows, detached/semi/terraced houses including an element of three storey houses. A mixed tenure is also proposed including some social housing (40 houses) to be constructed on behalf of Nomad Housing Association. The development of the site is well advanced.
4. 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 varied as development progressed. The change includes changes of house type designs and the reduction of the number of dwellings by one to 152.

5. The change reflects continuing alterations to the housing layout to improve the development and house types to make it more attractive to prospect house purchasers and tenants. Plot sizes are also changed and alterations made to parking and garaging arrangements.

CONSULTATIONS

Publicity

6. 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 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".

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 are awaited.

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 objection made by a local resident; this development does not affect his property. It is noted that the same objection was made to the companion application 06/1194/VARY, which does affect his property and the concern addressed in the report on that application.
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 are not expected to be fundamental and can if necessary be dealt with either by minor changes to the submitted layout or by means of a 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 resident, the proposed alterations now proposed to the approved layout are considered satisfactory and approval is recommended.

Director of Development and Neighbourhood Services

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

Ward(s) and Ward Councillors:

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