

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
23rd August 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/2273/REV

44 - 48 HIGH STREET, NORTON, STOCKTON-ON-TEES
REVISED APPLICATION FOR THE ERECTION OF 3 STOREY BUILDING
COMPRISING 9 NO. APARTMENTS TOGETHER WITH ASSOCIATED
COURTYARD GARDENS AND CAR PARKING (DEMOLITION OF EXISTING 2/3
STOREY OFFICE BUILDING)

EXPIRY DATE: 11th SEPTEMBER 2006

Summary:

The application site is located centrally within Norton High Street and Norton conservation area. A gated access track and No.50 High Street lies to the north of the site while a small terrace of cottages can be found to the south. The property is of a 1960's design and is currently vacant, it has previously been used as offices although the site was given planning approval in December 2000 (00/1602/P) for the conversion to 9 no. apartments and in 2005 (05/0815/FUL) for the demolition and rebuild.

This application differs in that it removes the two wings and replaces them with a central extension, the design of the front elevations of the building remain largely the same although the dormers in the proposed building adjacent to No.50 High Street, have been removed and the eaves height increased.

Due to an administrative error the neighbour consultation letters were not sent out until the 7th August 2006, due to the anticipated level of objection and the expiry date of the application before the next planning committee this application is brought before this planning committee for determination in order to meet the government's 8-week deadline.

Recommendations:

RECOMMENDED that application 06/2273/REV be delegated to the Head of Planning for approval subject to receiving no adverse comments from the outstanding statutory consultees which if received would be considered by the Head of Planning, Chair and Vice Chair.

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): - 200:001 rev 1, 200:02 rev 1, 200:003 rev 1, 200:004 rev 1

Reason: To define the consent.

02. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. A description of the steps and works to be taken and carried out under this consent shall be submitted to the Local Planning Authority before any work of demolition as detailed in application 05/0996/CON and construction of the hereby approved scheme until the said Authority has signified in writing it's approval to the proposed steps and works. Such a scheme shall involve the commencement of redevelopment of the site within 3 months of the demolition of the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the preservation of the visual amenities of the area.

04. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development.

05. Before any building for which permission is hereby granted is occupied, the sewage disposal works required shall be completed in accordance with the plans submitted with the application for the planning permission, to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory means of sewage disposal.

06. 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 carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner 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.

07. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

08. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details

Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.

09. Before the permitted dwellings are occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68db(A)L10 (18 hours) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise. Such a scheme shall be implemented in accordance with these agreed details.

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

10. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason: To avoid excessive noise and disturbance to the occupiers of nearby premises.

11. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has implemented a phased programme of archaeological works in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their provision in situ.

Reason: The site is of archaeological interest.

12. Notwithstanding any description full details of the required 6No. covered secure cycle parking spaces shall be submitted to and agreed in writing with the Local Planning Authority, such agreed details shall be provide on site before the building hereby approved is occupied.

Reason; To ensure proper provision of cycle facilities.

Policies GP1, HO3, H011, EN24 and EN25 of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No. 3; Housing were considered relevant to this decision.

History

1. In November 2000 (00/1602/P) an application was put forward to the planning committee for the change of use of the existing building from an office building to 9no. apartments.
2. A further planning application (05/0815/FUL) was approved in October 2005 by members of the planning committee for the demolition of the existing building and replacement of a new build development.
3. This current application seeks to revise the previous approval by removing the two wings and replacing them with a central extension, the design of the front elevations of the building remain largely the same although the dormers in the proposed building adjacent to No.50 High Street, have been removed and the eaves height increased.

The Proposal

4. The application site is located centrally within Norton High Street and Norton conservation area. A gated access track lies to the north of the site while a small terrace of cottages can be found to the south. This access track belong to No. 50 High Street to the north and also provides access to No.50A to the rear of the site. The existing property is of a 1960's design and is currently vacant.
5. This application seeks the erection of a new three-storey building in place of the existing building. The proposed development would measure approximately 23m (long) x 16m (wide) in a T-shaped format and would measure a maximum height of 11 metres providing accommodation for 9no. apartments.
6. The external appearance from the High Street has of the been created so that it gives the appearance of two separate units and provides an vertical emphasis similar to that found throughout Norton High Street. This has been done by breaking up the roofline of the building and using differing detailing on the two units.

Consultations

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

Environmental Health Unit

I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

- Noise disturbance between living accommodation
- Construction Noise

Tees Archaeology requires that a planning condition be imposed on the development to allow a phased programme of archaeological works to take place following the demolition of the existing buildings but prior to construction, due to the possibility that Medieval and potentially earlier remains lie beneath the buildings at 44-48 High Street.

Northern Gas Networks have no objections to the proposed development but requires the promoter of the works to contact them to discuss their requirements

8. The Local residents and occupiers have been individually notified of the application and a site notice has been placed adjacent to the site. The neighbour consultation period expires on the 28th August 2006.

During the previous application the following objections were raised to the proposed development;

- Three storey building not in keeping with the character and design
- Development would worsen existing car parking problems
- Over development of the site
- Overbearing and oppressive
- Permission should not be granted for a modern building within a conservation area
- Potential loss of daylight to neighbouring properties
- Impact on amenity of neighbouring properties

Planning Policy Considerations

9. Section 16(2) of the Town and Country Listed Buildings and Conservation Areas Act 1990 states that the Local Planning Authority are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. All planning applications have to be determined in accordance with the Development Plan for the area, which is the Cleveland Structure Plan, the consultation draft Tees Valley Structure Plan and the Stockton on Tees Local Plan.

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.

Policy EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Policy EN25

The demolition of buildings and other structures which require consent for demolition within conservation areas will not be permitted unless:

- (i) It can be shown that the loss is not detrimental to the character or appearance of the conservation area; or
- (ii) The structural condition renders it unsafe; or
- (iii) The structure is beyond reasonable economic repair.

Conditions will normally be imposed to secure the satisfactory redevelopment of the site.

Policy EN28

Development which is likely to detract from the setting of a listed building will not be permitted.

Planning Policy Guidance Note 3: Housing and Planning Policy Guidance 15: Planning and the historic environment are also considered to be relevant to this decision.

Material Planning Considerations

10. The main planning considerations of this application are the impacts on the character of the conservation area, amenity of neighbouring occupiers and access and highway safety.

Principle of development.

11. The application site sits centrally within the Norton Conservation Area within the limits to development and lies adjacent to a listed building, therefore the application is subject to planning policies GP1, HO3, HO11, EN24, EN25 and EN28 and the Council's Supplementary Planning Guidance on Flatted Development.
12. Previously concerns were raised with regards to new development within a conservation area. The definition of a conservation area under the Civic Amenities Act of 1969 refers to conservation areas as;

"Areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

The role of the conservation area is therefore not to restrict development but to ensure that development is in keeping with the character of the area. It is considered that the proposed new building does have the vertical emphasis found within the Conservation Area as well as elements of detailing found within the locality and it is considered that the new building would be in keeping with the area and result in removing an unsympathetic building and would provide a more positive contribution to the conservation area.

13. As a previous permission has been granted for the change of use from office block to residential apartments in 2000, and also for the redevelopment of the site in 2005 the principle of residential development on the site has already been established as being acceptable. The site also lies within the limits to development and is in accordance with policy HO3 of the adopted Stockton on Tees Local Plan and PPG3; Housing which supports the use of previously developed land.
14. The application site also fully meets the criteria laid out in the Council's Supplementary Planning Guidance No. 4 in that the site lies within the limits to development, lies on previously developed land, within 500m metres of a bus stop and lies within the Norton Local Centre. It is therefore considered by the Local Planning Authority that the site is a sustainable location and as previously determined in 2000 and 2005 the location is suitable for a flatted/high density development.

Impact on the character of the conservation area.

15. The current building offers little to the character and visual appearance of Norton Conservation Area. The redevelopment of the site under the previous planning application (05/0815/FUL) established that the replacement of the existing building with a more traditional design was acceptable.
16. The proposed development seeks the demolition of the existing building 2/3-storey building with the replacement of a new 3-storey building. The

applicant's agent has been in discussion with the LPA's Historic Building officer prior to the application being submitted in order to achieve a suitable form of development in keeping with the Norton Conservation Area.

17. The external appearance of the proposed building has been created so that it gives the appearance of two separate units and provides a vertical emphasis similar to that found throughout Norton High Street and largely follows the previous approved elevation. This has been done by breaking up the roofline of the building and using differing materials and detailing on the two units. Overall the visual appearance of the proposed building is still judged to be in keeping with the character and style of Norton Conservation area.
18. During the previous application concerns were raised with regards to the height of the proposed development and the impact on the visual appearance on Norton High Street. It is judged to be a feature of Norton High Street that there are a range of building heights and styles; this includes some three storey buildings and those with loft conversion and dormer windows.
19. It is argued that the proposed development would offer considerably more to the character of the conservation area than the existing building, the design has also incorporated a stepping up effect in order to bridge the height difference between the cottages and No. 50 High Street and it is considered that the development would not dominate Norton High Street. Therefore, in the opinion of the Local Planning Authority it is not considered that the proposed development would be detrimental to the character of the conservation area.

Impact on the setting of a listed building

20. As No.50 High Street, the adjacent property to the site is a Grade II listed building policy EN28 applies. It is however, considered that the proposed development due to its sympathetic design will be an improvement on the current situation and will not therefore be detrimental to the setting on the grade II listed building.

Impact on the amenity.

21. Previously were raised from the owners of the neighbouring properties with regards to the impact on these properties due to the increase in height over the wings at the rear of the property. The wings have now been removed in favour of a central extension, which projects out from the rear less than that of the proposed wings. It is therefore considered that this will have less of an impact on the neighbouring properties than that which was previously granted approval.
22. On the northern western elevation, adjacent to No.50 High Street the proposed development will contain no windows. Therefore the privacy of these residents will be protected. Similarly No. 50A High Street only has small bedroom windows on the first floor, it would therefore be extremely difficult to look into this property and it is the opinion of the Local Planning Authority that the resident of this property will not suffer from a significant loss of privacy.
23. At present the windows in the eastern wing of the office building already overlook the adjacent cottages. The proposed revision would result in a small extension at the rear and a decrease in the number of windows overlooking onto these properties it is not considered that the existing situation would be

worsened, particularly given the existing consent for residential development on the site.

24. The proposed development falls within the 45-degree rule for adjacent property No.50 High Street and it is not considered that the development would result in a significant loss of daylight or be sufficiently overbearing on the residents of this property.
25. With regards to a potential loss of daylight at No.50A High Street the property has several small windows and internally there is very little light that enters the building. Given the increase in height of the building and the positioning of windows and orientation of the sun the potential impacts on this property are not considered to result in a significant enough loss of daylight to warrant a refusal of the scheme.
26. It is accepted that the cottages to the south of the site, particularly No. 42 High Street may suffer from an increased loss of daylight from the evening onwards, however, this situation already exists to a certain extent with the decrease in the rear projection it is considered that this proposal is an improvement on the relationship which would exist under the current consent (ref 05/0815/FUL).
27. Within the proposed building the internal layout has been designed so that there are no issues of overlooking between the proposed flats, as neighbouring or opposite windows either form part of that particular flat or face towards an internal corridor, therefore there are no issues of overlooking or loss of privacy for the future residents of the property.
28. The proposed development also includes a series of internal courtyard garden to provide private amenity space for the future residents of the building. The proposal is therefore considered to be in accordance with policies HO11 and SPG no.4 on flatted developments.

Impact of Traffic and Highway safety

29. The application site is located centrally within Norton High Street and has no means of access internally into the site. There is an existing service road outside the site that is often used by patrons and residents to park their vehicles.
30. The Head of Integrated Transport and Environmental Policy have as yet not provided any comment on this application. However, under application 05/0815/FUL the Head of Integrated Transport and Environmental Policy commented that due to the existing consent for conservation of the unit to 9no. flats and by insisting on the provision of car parking would jeopardise what appears to be a much improved scheme they had no objection to the proposals.
31. It is again expected that concerns will be raised by the local residents with regards to the issues of existing parking problems along Norton High Street. Whilst these concerns are appreciated the site has already been given planning consent for a 9no. apartments without any parking under application 05/0815/FUL. During the application for conversion to residential units (00/1602/P) the issue regarding parking was discussed. At the time the Engineering and Transportation department commented that the office block would have required 21no. spaces and the flats 15no. spaces, therefore no

objection was raised as the proposal would result in fewer issues of highway safety and therefore no parking provision was required.

32. It is accepted that the traffic situation has most likely changed due to increasing car ownership but the theory behind the original decision remains albeit with a scheme much more in keeping in the visual appearance and character of the conservation area.

Conclusion

33. It is accepted that the proposed development does have some shortfalls with regards to the level of car parking provision, however a previous consent exists for the erection of 9no. apartments, with no parking provision. This new application offers a building that is more sympathetic to the amenity of the neighbouring properties due to the reduced rear projection. On balance it is therefore considered that given the previous consent and the improvements in the potential impacts on the neighbouring properties amenity that this application should be approved subject to the conditions indicated above.

Corporate Director of Development & Neighbourhood Services
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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)

PPG 3 and PPG15

Planning Application 00/1602/P and 05/0815/FUL

Ward and Ward Councillors

Norton North Ward

Ward Councillors Frankland and Nelson