

DELEGATED

AGENDA NO .

PLANNING COMMITTEE
23rd August 2006

REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.

06/2122/FUL
6 MARQUIS GROVE, NORTON, STOCKTON-ON-TEES
PROPOSED DETACHED DWELLING
EXPIRY DATE: 25TH AUGUST 2006

Summary:

The application site has been subject to a previous application (05/1585/OUT) in July 2005 and the proposal was considered to be acceptable and outline planning consent was granted.

The application site is located within the curtilage of a large detached property situated at the end of Marquis Grove, Norton. Planning permission is sought for the erection of 1 no. detached dwelling with integral garage.

7 letters of objection have so far been received in relation to the proposed development; these concerns have been addressed in the material planning considerations of this report.

Recommendations:

RECOMMENDED that application 06/2122/FUL be approved subject to the following conditions:

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): - SBC1 and drwg 001 and 002 rev A

Reason: To define the consent.

02. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

03. 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.

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. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by, and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment.

06. No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sunday's or Bank Holiday's.

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

07. 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 interests of amenity and the maintenance of landscaping features on the site.

08. Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include hand digging only where roots are encountered, details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

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

09. No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.

Reason: To preserve the said trees in the interests of the amenities of the area.

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 been subject to a previous application in July 2005 (05/1585/OUT) and sought outline planning consent for the siting and means of access for the erection of 1no. dormer bungalow. The layout and arrangement of the plot was considered to be acceptable and outline planning consent was granted.

The Proposal

2. The application site is located within the curtilage of a large detached property situated at the end of Marquis Grove, Norton. The property is surrounded to the south by No.5 Marquis Grove and to the northeast by No. 7 Marquis Grove. Further residential properties and a garage block are located to the north off Lynmouth Road.
3. Planning consent is sought for the erection of 1 no. detached dwelling with integral garage. Since the original submission the applicants have revised the siting of the proposed dwelling by moving it further off the boundary due to several concerns raised by the neighbouring properties.
4. The proposed dwelling will measure approximately 18m x 13m at its widest (including the sunroom and integral garage) and will reach a maximum height of approximately 7.5 metres. The dwelling will provide family accommodation and includes a total of 4 bedrooms.
5. Vehicular access to the proposed dwelling is via the existing access that serves the host property No.6 Marquis Grove.

Consultations

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

Local Ward Councillor - Dick Cains

At the risk of fettering my discretion if the application comes to the Planning Committee I have to say that I cannot support the application. I believe that there is insufficient amenity space provided for a dwelling of the size envisaged.

Something with a smaller footprint may be more acceptable.

Head of Integrated Transport and Environmental Policy

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 comment as follows: -

The proposed development is a 4-bedroom property and as such should have space for 3 number vehicles.

A turning area must be introduced in order that vehicles can leave the premises in a forward gear.

The access to the site reduces down to a width of 3.8 metres which does not adhere to the Councils Design Guide therefore this is unacceptable

I have no knowledge of flooding at this site and the applicant is advised to make there own enquiries.

Environmental Health Unit

Further to your memorandum regarding the above, 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.

- Possible land contamination
- Construction Noise

Northern Gas Networks

No objections

Landscape Officer

I refer to your email received on the 3rd august 2006, and comment as follows:

The dwelling is rather tight on the site and its size should be in proportion to other surrounding houses.

The existing trees and hedges within the site and on the site boundary should be retained to help soften the view of any approved dwelling. The proposed dwelling is particularly close to trees on the western boundary facing the gardens of 10 and 12 Countisbury Road and there is no doubt these trees would be affected by the building works and they would in turn cause damage to the building foundations. The mature willow tree should also be retained within the garden along with the conifer hedge on the northern boundary.

To successfully accommodate a dwelling on this site and not have a detrimental impact on the amenity of the area all the existing vegetation mentioned must be retained and protected and as such it might be possible to site a smaller dwelling on the site away from the trees on the western boundary while still keeping the maximum distance that is possible from the willow tree and conifer hedge in the north section of the garden. The foundations of any new property must be designed to accommodate the root spread of any of the trees in the garden. All trees on the site should be protected during any construction works the minimum requirements of B.S.5837 2005 Trees in Relation to construction and include the following minimum standards:

Changes in levels near the branch spread of the trees should be avoided. Where tree roots are encountered, only hand digging will be allowed and these are likely to be encountered within the branch spread of the trees at the very edge of the parking bays.

Compaction to the root spread of the tree should be avoided and a protective fence should be erected around the branch spread of the trees.

No storage of materials will be permitted within the branch spread of the trees.

I trust you find this in order. However should you have any queries please do not hesitate to contact me.

NEDL

No objections but refer the developer to the Health and Safety Executive's publications on working with and in and around electricity

6. The Local residents and occupiers have been individually notified of the application. The original neighbour consultation period expired on the 25th July 2006. Consultation on the revised layout expires on the 15th August 2006. 7 letters of objection has been received in relation to the original scheme. These objections are detailed below (in summary)
 - ❑ Outline approval was granted for a dormer bungalow, this is a two-storey property.
 - ❑ Not in keeping with properties on Marquis Grove
 - ❑ Increase in size since the outline and the footprint is excessive for the plot.
 - ❑ The height has increased by approximately 1 metre since the outline application
 - ❑ The property is too close to the boundary with No.'s 10 and 12 Countisbury Road and it is hard to be seen how the property can be constructed without trespass.
 - ❑ The property encroaches upon the canopy of the existing willow tree and the protective fence could not be properly erected.
 - ❑ The dimensions on the site plan appear to be wrong as the existing garage is shown as 8.2m and the proposed shows the garage as being 5m long.
 - ❑ The development by virtue of its size, height and location would have a detrimental overbearing impact and loss of amenity and privacy of the neighbouring properties
 - ❑ Loss of views
 - ❑ Impact on trees
 - ❑ Vehicular access
 - ❑ Issues over making good of existing garage.

A letter has also been received from the applicant in relation to issues raised by the objectors.

It is argued that the original footprint was for a rectangular house 6.5m high by 7.57m deep and 15.1m wide and a separate double garage 6.5m x 6m. The new layout is for an L-shaped house measuring 7.4m high by 9.7m at its deepest down to 7.9m and 12.7m wide, attached will be a double garage 6.5m x 6m.

There seems to be a high level of confusion as to the new house being much bigger and of a larger volume. By joining the garage to the house we will be able to utilise more space upstairs alongside this all we have done is make the new house deeper as opposed to wider with a view to realising more surrounding space around the house.

Planning Policy Considerations

7. 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 3: Housing is considered relevant to this decision.

Material Planning Considerations

8. The main planning considerations of this application are the impacts on the visual amenities of the locality, access and highway safety and the amenity of neighbouring occupiers.

Principle of Development;

9. The application site lies within the defined limits to development as indicated on the Council's 1997 adopted Local Plan proposals map. The site is also classed as previously developed land as outlined in Planning Policy Guidance No.3 as defined below;

"Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures".

10. The principle of residential development on the site is therefore considered to be acceptable and has previously been agreed under the outline planning consent previously granted and is subject to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

Impact on the character of the area.

11. The application site is set to the north of the existing dwelling no.6 Marquis Grove and is largely hidden from view of the street scene in which there is a range of property sizes and styles due to previous approvals at No. 8 Marquis Grove. It is considered that the design of the dwelling is acceptable and is in keeping with its surroundings and would not detract from the visual amenities of the locality in accordance with policies GP1, HO3 and HO11.
12. Several objectors have raised the issue over the increase in height of the dwelling, since the outline application it is acknowledged that the height of the proposed development is 1 metre higher than the limit imposed via planning condition. However, this condition was imposed to restrict the height of a dormer bungalow under any potential reserved matters application. This application is to be judged on its own merits and in the context of the street scene and character of the area as a whole it is considered that a small increase in height of 1 metre would not be sufficiently detrimental to the visual amenities of the area to warrant or justify a refusal of the application.

Impact on residential amenity

13. A single storey building on the rear of No.'s 10 and 12 Lynmouth Road is located approximately 20 metres from the rear of the proposed development. Given that this is marginally less than the recommended 21 metre rear-to-rear distance and is a single storey building and the distance from the two-storey element is 26 metres it is considered that the proposed development would not have a detrimental impact on the privacy or amenity of these residents.

14. The proposed dwelling will be situated an adequate distance from the remaining neighbouring properties, in accordance with the Council's guidelines and it is considered that the development will therefore not have a detrimental impact on the amenity or privacy of these residents.
15. Concerns have been raised in relation to the proximity of the development to the boundaries of No. 10 and 12 Countisbury Road. The applicant has subsequently moved the development approximately 0.5m further off the boundary giving a separation of approximately 1m from the boundary to the garage and 2.3m to the main dwelling. The eaves height of the garage will be 3.5m and 5m in relation to the main dwelling. The siting of the dwelling largely follows that of the outline consent differing only in that the garage is now proposed to be linked to the main dwelling.
16. The proposals would include a large rear amenity area and it is considered that this would provide sufficient amenity area for a family property of this size and that both adequate informal and formal amenity space and is in accordance with Policy H011 of the adopted Stockton on Tees Local Plan.
17. As the proposed development is judged to meet the required distances from the neighbouring properties and has sufficient amenity space and occupies only approximately one third of the plot it is not considered that the proposal does not represent an over-development of the site.
18. Issues raised in relation to party walls, foundations and other structural issues are a civil issues and cannot be considered as material to this decision.

Impact of Traffic and Highway safety

19. Concerns have been raised by the Head of Integrated Transport and Environmental Policy in relation to the narrow width of the access revised plans have been submitted showing the removal of the decked area to increase the width of the drive. No additional comments have so far been received although the access arrangements remain as per the outline planning consent granted.

Other issues

20. Objectors have raised concerns over the impact of the development on the existing trees in the area. However, the Willow tree is not covered by a tree preservation order, only via planning condition under the outline planning application. The applicants have also submitted information under the condition of the outline planning application to prune back the existing trees within their ownership in order to protect the long-term health of the tree.
21. Objections have also been raised in relation to the dimensions of the site plan being incorrect. However, this is due to the fact that part of the existing garage is to be demolished to make way for the new double garage.
22. Concerns have also been made in relation to a loss of view; whilst these concerns are appreciated the loss of view is not a material planning consideration.

Conclusion

23. The proposed development is considered to be acceptable in planning terms and it is considered that the development accords with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and is subsequently recommended for approval.

Corporate Director of Development & Neighbourhood Services
Contact Officer: Simon Grundy
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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)
Planning Policy Guidance 3: Housing
Planning Application 05/1585/OUT

Ward and Ward Councillors

Norton West Ward
Councillors Mrs P. A. Cains and R Cains