

DELEGATED

AGENDA NO .

PLANNING COMMITTEE  
23<sup>rd</sup> August 2006

REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.

**06/2248/VARY**

**THORNABY METHODIST CHURCH, STANSTEAD WAY, THORNABY  
APPLICATION TO VARY CONDITION NO. 2 OF OUTLINE PLANNING  
APPROVAL 02/1034/P TO ALLOW EXTENSION OF TIME FOR A PERIOD OF 2  
YEARS I.E. UNTIL 14TH JULY 2008 FOR THE SUBMISSION OF RESERVED  
MATTERS.**

**EXPIRY DATE: 8<sup>th</sup> SEPTEMBER 2006**

**Summary:**

A previous application (02/1034/P) for outline planning consent, which sought only the principle for residential development on the site was refused by the Planning Committee and subsequently allowed on appeal by the Planning Inspectorate.

The application site is currently an area of 'open space', which lies to the north of Thornaby Methodist Church on Stanstead Way. Planning consent is sought under a section 73 of the planning act to vary condition no.2 of application 02/1034/P to allow an extension of time for the submission of reserved matters for a further 2 years (until 14th July 2008).

The main planning considerations of this application is whether there has been any material change in circumstances since outline planning approval was granted on appeal by the Planning Inspectorate in July 2003.

**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): - SBC001***

***Reason: To define the consent.***

***02. Approval of details of the siting, design and external appearance of the building(s), the means of access and the landscaping of the site, shall be in accordance with the details of a scheme to be submitted to and approved by the Local Planning Authority before development commences.***

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

***03. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiry of two years from the date of this permission.***

***Reason: By Virtue of the provisions of section 92 of the Town and Country Planning Act 1990.***

***04. 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.***

***05. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.***

***Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.***

***06. No building on any part of the development hereby permitted shall exceed two storeys in height.***

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

***07. The existing trees on the site shall be retained unless otherwise approved in writing by the Local Planning Authority. The plans and particulars submitted in accordance with condition 3 shall include details of the specification and position of the fencing and of any other measures to be taken for the protection of the retained trees from damage before or during the course of development.***

***Reason: In the interests of visual amenity and the maintenance of the existing landscaping features.***

***08. 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.***

***09. 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.**

**10. 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.**

**11. 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.**

Policies GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan were considered relevant to this decision.

### **History**

1. A previous application 02/1034/P for outline planning consent which sought only the principle for residential development on the site was recommended for approval and refused by members of the planning committee for the following reason;

*"In the opinion of the Local Planning Authority the proposal would lead to a loss of important amenity space, and the development would be premature until the review of the Stockton on Tees Local Plan has assessed the importance of the site".*

The application was subsequently allowed on appeal by the Planning Inspectorate.

### **The Proposal**

2. The application site is currently an area of 'open space', which lies to the north of Thornaby Methodist Church on Stanstead Way. Residential properties lie to the east and west of the site with a smaller area of open space to the north with further housing beyond.
3. Planning consent is sought under a section 73 application to vary condition no.2 of application 02/1034/P to allow an extension of time for the submission of reserved matters for a further 2 years (until 14th July 2008).

### **Consultations**

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

#### **Head of Integrated Transport and Environmental Policy**

I have no adverse comments to make, subject to receipt of details of the proposed access points and parking provision.

### **Landscape Officer**

I refer to your memo dated the 17h July 2006, and comment as follows:

We have no objection to this extension but the previous comments made in 2002 by this section remain - that is the existing trees must be retained within any development.

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

### **Environmental Health Unit**

Further to your memorandum regarding the above, I have no objection to this application.

### **Neighbour Consultation**

5. The Local residents and occupiers have been individually notified of the application. The original neighbour consultation period expired on the 7<sup>th</sup> August 2006. 6 letters of objection have been received these objections are detailed below (in summary)
  - ❑ Building on that particular piece of land is inappropriate and will cause danger from extra traffic.
  - ❑ The development would also result in the loss of open space and loss of trees and shrubs from the area.
  - ❑ Result in loss of privacy and daylight
  - ❑ Loss of an open aspect
  - ❑ There are few open spaces left
  - ❑ Noise and disturbance
  - ❑ Impact on property values

### **Planning Policy Considerations**

6. 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**

7. The main planning consideration of this application is whether there has been any material change in circumstance since the approval of the outline planning consent under application (021034/P) by the Planning Inspectorate in July 2003

**Principle of Development;**

8. During the assessment of the appeal the planning inspectorate concluded that the site constitutes as previously developed land as it lies within the curtilage of the church and would constitute towards achieving the governments target of housing on brownfield land. It was also considered that the development of the site would not result in an unacceptable loss of open space and would not damage the character or appearance of the area.
9. Given that the principle of development on the site has previously been established during the successful planning appeal and as there has been no material change in either national or local planning policies since this time the

principle of residential development on the site is still considered to be acceptable.

**Impact on the character of the area and amenity of neighbouring properties.**

10. As considered under the previous outline application by the planning inspectorate a residential development on the site could easily be accommodated within the site without having a detrimental impact on the character of the area or the privacy/amenity of the neighbouring properties, it is considered that this still remains the case and a refusal of the extension of time would not be justified on this basis.

**Impact of Traffic and Highway safety**

11. The Head of Integrated Transport and Environmental Policy have no adverse comments regarding the application; it is therefore considered that there are no significant issues of Highway Safety in relation to the proposed extension of time.

**Other issues**

12. Concerns have been raised by the objectors in relation to the impact on the trees and landscaping features on the site. The Landscape Officer commented that they have no objections to the extension of time, however it is requested that the existing trees on the site are retained as part of the development, this can be addressed via a planning condition.

13. Concerns have also been raised in relation to a loss of property value from the proposed development. Impact on property values is however, not a material planning consideration.

**Conclusion**

14. Given the above it is considered that there has not been a material change in circumstance since the decision to grant outline planning consent, it is therefore considered that it is reasonable to allow an extension of time for reserved matters for two further years is and the development remains in accordance 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**  
**01642 528550**

**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 02/1034/P

**Ward and Ward Councillors**  
Stainsby Hill  
Councillors D.Brown, J.Lynch