

DELEGATED

AGENDA NO

**PLANNING COMMITTEE
25th October 2006**

**REPORT OF CORPORATE DIRECTOR
OF DEVELOPMENT AND
NEIGHBOURHOOD SERVICES.**

06/2522/FUL

**Land at east end of Lunedale Road, Billingham
Revised application for the erection of 5 supported living single storey dwellings and 6 elderly persons single storey dwellings and associated carports and landscaping.**

Expiry date: 22nd November 2006

Summary:

The application site lies at the eastern end of Lunedale Road, Billingham, and previously used as a garage site for residents of Lunedale Road. A public right of way runs through the site linking Lunedale Road to Stokesley Crescent and the playing field to the south, whilst a railway runs from east to west along the northern boundary of the site.

The application site was subject to a previous planning application earlier in 2006 (06/1244/FUL) for the same scheme. This application was refused following an objection from the Health and Safety Executive on the grounds that the development would introduce a large number of persons in close proximity to a major hazard installation, which is an unacceptable health and safety risk.

Planning permission is now sought for the erection of 5 supported living single storey dwellings and 6 elderly persons single storey dwellings and associated carports and landscaping. The submission includes a risk management procedure that includes health and safety aspects such as the regular review and testing of emergency evacuation plans, the individual assessment of each tenant and access to a mini bus to remove the seven tenants with learning disabilities from the premises within minutes and to an appropriate contingency location.

Given the risk procedures that are in place, the HSE have removed their objection to the proposed development and no longer advice against the granting of planning permission.

In light of this, in that the submission has addressed the previous reason for refusal, it is considered that the proposal accords with adopted local plan policy and recommended that planning permission be granted.

An application of this scale and nature would normally be determined under delegated powers however; it is presented here at the request of Local Ward Members.

RECOMMENDATION

It is recommended that the decision in respect of planning application 06/2522/FUL be delegated to the Head of Planning for approval subject to resolution of the outstanding highway safety issues, the completion of a unilateral undertaking in accordance with the Heads of Terms and subject to the planning conditions as outlined below.

In the event of there still being outstanding matters on 22nd November 2006 that the application be refused.

Conditions:

To accord with the submitted plans

Time limits

Materials

Noise protection from Railway

Contaminated Land

Hours of working

Drainage

Foul drainage

Tree protection measures

Landscaping

Means of enclosure

Any other conditions as necessary and relevant

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below:

Stockton on Tees Local Plan policies GP1, HO3, HO11, REC 11 and EN38

And Planning Policy Guidance No.3: Housing

Heads of Terms

Commuted lump sum of £14,000 towards the enhancement and improvement of nearby open space provision.

BACKGROUND

1. The application site was subject to a previous planning application earlier in 2006 (ref no. 06/1244/FUL). Planning consent was sought for the erection of 5 no. supported living single storey dwelling houses and 6 no. elderly single storey dwelling houses (2 of which are wheelchair standard) and associated carports and landscaping.
2. This application was refused following an objection from the Health and Safety Executive for the following reason:

“The redevelopment of the site for residential purposes would introduce a large number of persons in close proximity to a major hazard installation, which is an unacceptable health and safety risk to contrary to the Tees Valley Structure Plan policy ENV27 and Stockton on Tees Local Plan policy EN38”.

THE PROPOSAL

3. The application site lies at the eastern end of Lunedale Road, Billingham. The site was previously used as a site for garaging for the residents of Lunedale Road but has fallen into disrepair with many of the garages being removed, although some foundations still remain in place.
4. A footpath runs through the site linking Lunedale Road to Stokesley Crescent and the playing field to the south. An existing railway runs from east to west along the northern boundary of the site. The residential properties of Lunedale Road lie to the east of the site and consist mainly of post-war pre-fabricated bungalows, whilst the two-storey semi-detached residential properties of Stokesley Crescent lie to the south.
5. Planning permission is again sought for the erection of 5 supported living single storey dwellings and 6 elderly persons single storey dwellings and associated carports and landscaping.
6. The supported living accommodation is for people with learning difficulties who can live independently with support. A designated staffing team will provide supervision and support for these residents and would not cater for residents which have severe physical disabilities that nursing care is required.
7. The elderly persons element would provide accommodation to respond to local housing needs. Letting would be to either singles or couples over 55 who could live independently on the site, with priority given to those in housing need.
8. Vehicular access to the proposed development is via Lunedale Road.

PUBLICITY

9. The application has been advertised on site, in the local press and neighbours notified individually. The neighbour consultation period expired on the 27th September 2006. No letters of representation have been received to the proposed development.

CONSULTATIONS

10. The following consultees were notified and any comments made are set out below.

Sport England

11. Having examined the application details and aerial photographs of the site it is evident that the application site does not fall within the definition of playing field set out in the 1996 Statutory Instrument No.1817. On this basis the application has been considered as a non-statutory consultation and Sport England has no objections to the proposals.

Landscape Officer

12. The site is presently an area of public open space, consisting of maintained grass, occasional trees and footpaths. There is a mature hedge along the south boundary, which provides an effective visual screen of the site from properties along Stokesley Crescent. There are also a number of good specimen trees along the boundary (sycamores), which are of high amenity value and should be retained and protected during the period of construction works.

The northern boundary is open with very little screening of the adjacent railway line. Either a continuation of the existing thorn hedge should be planted along this boundary or an evergreen shrub screen, in order to reduce the visual impact of the railway line.

The existing properties along Lunedale Road lie adjacent to the western boundary. Property no.83 on the north side of the road is orientated north/south and has more restricted views in to the site than property no.100 on the south side. This property is orientated east/west and as a result, the frontage of the dwelling faces into the site. The proposed site layout is such that this property has views down the length of the new access road into the site. A screen planting buffer should be included between no.100 Lunedale Road and the new road in order to protect their privacy.

In respect of the general amenity areas, please note that the council will not accept responsibility for the maintenance of any planting and grass areas within the entire site. This includes the strip of land to the south of the new access road. A high quality planting scheme is expected for the site and in particular alongside the access road.

As the Council will not accept responsibility of this site, the applicant will need to establish how the planting and grass area will be maintained in the future (in perpetuity) should the scheme be granted consent. Therefore written evidence of how this is to be achieved needs to be submitted alongside an appropriate management plan.

Contribution towards off-site recreation

A contribution is required towards active off-site recreation for the adjacent open space. The commuted lump sum is calculated as follows;

Apply rate of £3,500 per 0.1 hectare

Site area of 0.4 hectares = £14,000

(Those works comprise environmental improvements to the open space immediately to the west of the application site to create a planting buffer zone between the houses and the open space, on the open space side of the path.)

All the trees and hedges to be retained and must be protected during the construction period strictly in accordance with B.S.5837 Trees in relation to construction 2005.

In addition, full landscape details should be provided to the following minimum standard;

- A. A detailed landscape plan for hard construction indicating materials and construction methods.
- B. Full boundary treatment details
- C. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations and sizes, planting methods, maintenance and management.
- D. Full details of tree protection measures should be submitted for approval and should be erected, to the satisfaction of the Council, prior to works commencing on site. Details should include the type and type of fencing and also confirm the precise alignment on the Site Plan.

Overall I have no objection to the application. However, if consent is granted, full details of the tree protection measures should be submitted for approval and should be erected, to the satisfaction of the Council, prior to any works commencing on site.

Environmental Health Unit

13. Further to your memorandum regarding the above, I have no objection in principle to the development, I do have concerns regarding the following environmental issues and would recommend conditions on the following issues should the development be approved.
- Noise disturbance from the adjacent railway
 - Possible land contamination
 - Construction noise

Ramblers Association

14. Diversion of Footpath 19 is required for the application to proceed. Whilst we have no objection in principle to a TCPA 90 s257 order to effect the diversion, the description of the path changes is somewhat lacking in detail. Our substantive view will depend on the details contained in the schedule of any order to give effect to the changes.

If the Council are minded to approve the application we ask that the developer's attention be drawn to the DoE circular 2/93 Annex D "Public rights of way and development" and that the existing path must be kept open until an alternative has been created by order and certified by the council to have been brought into a condition fit for use by the public.

Health and Safety Executive

15. The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance (CD) of major hazard installations, complexes and pipelines. This consultation, which is for such a development and also within at least one CD, has been considered using the details provided by you and HSE's assessment methodology. Only the installations/complexes and pipelines you advised us of with the consultation have been considered. Consequently, HSE does not advice, on safety grounds, against the granting of planning permission in this case.

Head of Integrated Transport and Environmental Policy

16. The development will need to comply with the Design Guide and Specification (Residential & Industrial Estates Development). To that end the following matters are among those requiring attention: -
- Road category 4(b) requires widening to 5.5m on the 10m-centre line radius
 - The 'key' type turning head within the development is substandard in dimension and would require a 1.8m footpath around the periphery. Currently, the access road would not be adoptable. The applicant needs to refer to Councils Design Guide and Specification, section 5 (Carriageways –Geometry and Construction Standards), which is accessible on the Councils web site.
 - The parking provision for this type of accommodation is acceptable.
 - The applicant will need to enter into a Highways Act Section 38 agreement for the highway and footpaths which are to become highway maintainable at the public expense.
 - The route of the public right of way no 19 Billingham requires a diversion under the Town & Country Planning Act 1990 section 247.
The Council has no specific information regarding any flooding of this site. The applicant is advised to make local inquiries.

Further comments have been received from Head of Integrated Transport and Environmental Policy, forwarded to the applicant, and are set out below:-

- The parking bays on the entrance to the proposed site are poorly sited, as a vehicle leaving these spaces will have poor visibility of vehicles approaching from further within the site. Similarly, vehicles leaving the site will have limited forward visibility, therefore restricting their view of vehicles manoeuvring from the said spaces. The spaces in question should be relocated.

Network Rail

17. No objections in principle but request that the following points are taken into account when determining the application;

- *Surface and Foul water discharge
- *Operation of mechanical plant
- *Excavations/earthworks
- *Boundary treatments
- *Method statements
- *Construction works/maintenance
- *Landscaping
- *Lighting

NEDL

18. No objections but refer the developer to the Health and Safety Executives publications on working in and around electricity.

Northern Gas Networks

19. No objections.

PLANNING POLICY CONSIDERATIONS

20. 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).
21. The following planning policies are considered to be relevant to the consideration of this application:

Adopted Stockton-on-Tees Local Plan

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 REC1

Development which would result in the permanent loss of playing space will not be permitted unless:

- (i.) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii.) Alternative provision of equivalent community benefit is made available, or
- (iii.) The land is not required to satisfy known local needs.

Policy EN 38:

Residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

The following planning policy document is considered to be relevant to this decision:

Planning Policy Guidance No.3: Housing (PPG3)

MATERIAL PLANNING CONSIDERATIONS

- 22. The main planning considerations in respect of this proposal are the impacts on the character of the area, loss of outdoor playing space, amenity of the occupants of neighbouring properties, access and highway safety and public safety.

Principle of Development

- 23. The application site within the limits to development and part of the site can be classed as previously developed land due to the previous garage development. The principle of residential development is therefore considered to be acceptable subject to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.
- 24. The site also falls within an outdoor playing space designation and the Health and Safety Executives consultation zones and is therefore subject to policies REC1 and EN38 of the adopted Local Plan

Impact on the Character of the Area

- 25. Within the immediate locality there is a mix of bungalows and two-storey dwellings. As the proposed development would provide further single storey residential properties and will not appear out of character with the properties on Lunedale Road. The scheme as a whole is considered to be visually acceptable within the street scene and accords with policies GP1, HO3 and HO11 of the adopted Local Plan.

Loss of Outdoor Playing Space

26. The application site falls within an area of land classed as outdoor playing space and is subject to policy REC1. Policy REC1 states that development which results in the permanent loss of playing space will not be permitted unless sports and recreation facilities can be retained through redevelopment of a small part of the site, alternative provision of equivalent benefit is made available or the land is not required to satisfy local needs.
27. The site forms part of a larger area of outdoor playing space that measures approximately 3 hectares. The proposed development will therefore occupy approximately 13% of the available space at the site. Sport England have commented that they have no objections to the proposed development as the application site does not fall within the definition of playing field set out in the 1996 Statutory Instrument.
28. Given that the site was previously used for garage accommodation, it is considered that the majority of this part of the site is unsuitable as an outdoor play space and that through a commuted lump sum the larger remaining area to the east and south east of the site could be enhanced, thereby complying with policy REC1 of the adopted Stockton on Tees Local Plan.

Impact on Amenity

29. It is considered that proposed development is situated sufficiently distant from the two existing adjacent properties on Lunedale Road (No.'s 83 and 100) not to cause a significant loss of privacy or amenity to these residents, sufficient to justify a refusal of the application.
30. Given the type of development proposed, it is considered that there is sufficient private amenity space for the future residents of the development and the scheme is in accordance with the provisions of policy HO11 of the adopted Local Plan.
31. The proposed development, in terms of the internal arrangements/relationships of the site, is judged to be acceptable and satisfies the Council's minimum distances with the exception of the two supported living accommodation units that directly face one another across the internal courtyard area and are approximately 16 metres apart. However, given the type of accommodation and landscaping area between the two properties it is considered that a relaxation of the 21 metres would be acceptable in this instance. Overall, it is judged that the internal relationship of the accommodation types proposed is acceptable, and it is considered that there will not be detrimental to the amenity or privacy on the future residents of the properties.

Access and Highway Safety Considerations

32. The Head of Integrated Transport and Environmental Policy has raised some minor issues in relation to the proposed development and overall access/parking arrangements and should easily be able to be resolved by the revisions to the access and parking layouts.

33. As these issues are yet to be fully resolved it is recommended that the application be delegated to the Head of Planning for approval subject to the Head of Integrated Transport and Environmental Policy being satisfied with any revisions submitted.

Public Safety

34. The site lies within the Health and Safety Executive's (HSE) Outer Consultation Zone and is therefore subject to policy EN38 of the adopted Stockton on Tees Local Plan. This policy states that residential development will only be supported where there is no significant threat to the people involved. Equally Policy ENV27 of the Tees Valley Structure Plan also states that developments involving large numbers of people will not be permitted near hazardous installations and that other developments will be permitted if after consultations with the relevant agencies the level of risk is considered acceptable.
35. The previous application was recommended for refusal on health and safety grounds following an objection from the HSE due to the sensitivity of person(s) involved in the proposed scheme.
36. The applicants have subsequently been in discussions with the HSE prior to the submission of this revised application and supporting information outlines risk management procedures that include health and safety aspects such as the regular review and testing of emergency evacuation plans, the individual assessment of each tenant and access to a mini bus to remove the seven tenants with learning disabilities from the premises within minutes and to an appropriate contingency location.
37. Given the risk procedures that would be in place, the HSE have removed their objection to the proposed development and no longer advice against the granting of planning permission. The proposed development is therefore judged to be in accordance with policy EN38 of the adopted Stockton on Tees Local Plan and Policy ENV27 of the Tees Valley Structure Plan.

CONCLUSION AND RECOMMENDATION

38. In conclusion the proposed development is considered to be visually acceptable and would not be detrimental to the amenity of the neighbouring properties. Previous concerns over the impact on public safety have been resolved, thereby overcoming the previous reason for refusal of application 06/1244/FUL.
39. Whilst there may be outstanding highway safety issues in relation to the scheme, it is considered that it is likely that these can be resolved and consequently Members are requested to delegate determination of the application to the Head of Planning with a recommendation for approval subject to conditions outlined above and completion of a unilateral undertaking in respect of a commuted lump sum.

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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 Local Plan
Planning Policy Guidance 3 - Housing
Planning Application 06/1244/FUL

Ward	Billingham South Ward
Ward Councillor	Councillor Mrs J. O' Donnell Councillor M Smith