

**DELEGATED**

**AGENDA NO**

**REPORT TO PLANNING  
COMMITTEE**

**DATE: 25<sup>TH</sup> October 2006**

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

**06/2578/VARY**

**Land off Queen Elizabeth Way, Bowesfield, Stockton on Tees  
Application under section 73 to vary condition no. 2 of planning approval  
05/0947/REM to allow the rotation of the I Pad apartment block**

**Expiry date: 20th November 2006**

**Summary**

On 7<sup>th</sup> December 2005, planning permission was granted (planning application reference number 05/0947/REM) for 93 dwellings at Bowesfield Park. The scheme comprised a variety of house types including two apartment blocks known as 'I Pad Buildings'. Approval is now sought for a 'variation' to that scheme to rotate the I Pad building located in the south west corner of the site through 90 degrees so that the lounge/dining and bedrooms face generally south east and north west (Queen Elizabeth Way and the River Tees) rather than as approved, north east and south west. Although works to that building are yet to commence, the remainder of the site is now under construction.

The approved site layout including the position of bin stores, the footpath link to the QE Way and bus stop, access and parking arrangements are unaffected by this proposal.

The planning application has been publicised by means of individual letters, site and press notice. No representations have arisen from that process or objections from consultees.

As the principle of development has been established, the main planning considerations therefore relate to visual impact, any impact on the amenity of the occupants of neighbouring properties, access and highway safety and access considerations, Community Forest and flooding.

Whilst the side elevation of the I Pad building is less interesting than the front and rear elevations, given the location of the building at the southern end of the site, partially screened from internal roads by dwellings on intervening plots, it is not considered that a view of the plainer gable would have an unacceptable impact on the streetscene. The impact of the physical bulk of the building in wider views remains unchanged.

The rotated building would present a 3 storey side elevation containing windows serving kitchens and side balconies to the gable of the nearest dwellings at Plot 81 some 25 metres, and Plot 78 at 31 metres distant. Those distances are considered sufficient to maintain privacy and avoid overbearance.

Given this and that matters relating to highway safety and access considerations, and the implications for the Community Forest and flooding have been found to be acceptable, it is considered that the proposal accords with policies GP1, HO3, HO11, TR15 and EN11 of the Adopted Stockton on Tees Local Plan.

### **RECOMMENDATION**

***It is recommended that application number 06/2578/VARY be approved subject to the following conditions.***

***1. 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):-  
P05:3486:01 Revision N  
P05:3486:05 – 10  
P05:3486:11***

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

***2. This approval relates solely to this application for housing and does not in any way discharge the conditions contained in planning approval 01/0600/P, dated 6th May 2003 which conditions apply to this consent.***

***Reason: For the avoidance of doubt***

***3. 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.***

***4. Notwithstanding the details of the means of enclosure submitted, full details of fencing, walls and other means of enclosure shall be submitted for consideration and agreement in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented in full.***

***Reason: To ensure a consistency of design throughout Bowesfield Park, in the interests of visual amenity.***

***5. 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 and include a maintenance schedule for such a period to be agreed and to be operative from the completion of the landscaping scheme hereby approved. 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.***

***6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels, finished floor levels for dwellinghouses and road levels. Thereafter the development shall be completed in accordance with the approved details.***

***Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future residents.***

***7. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.***

***Reason: To achieve a satisfactory form of development.***

***8. Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority and retained thereafter for the life of the development hereby permitted.***

***Reason: To protect the occupants of the dwellings from road traffic noise, in the interests of residential amenity.***

***9. Before the commencement of the development hereby permitted, a scheme for the protection of the proposed dwellings from noise from the adjacent units shall be submitted to and approved in writing by the Local Planning Authority. All works, which form a part of such a scheme, shall be completed before any of the permitted dwellings are occupied and retained thereafter for the life of the development hereby permitted. Within such a scheme, some boundaries may require acoustic fencing and mounding, the height and acoustic quality of which should be justified in relation to potential noise source from the immediately adjacent units. Where appropriate, provision should be made for acoustic double-glazing and mechanical ventilation to first floor bedrooms.***

***Reason: To protect the occupants of the dwellings from noise from the adjacent units, in the interests of residential amenity.***

***10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the building(s) hereby approved shall not be extended or altered in any way without the prior written approval 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.***

***11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or other Order revoking and re-enacting that Order), no buildings or structures for the accommodation of motor vehicles shall be erected other than those of the type and in positions expressly authorised by this permission, without the prior written approval 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.***

***12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval 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.***

**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, EN11 and TR15**

## **BACKGROUND**

1. The Bowesfield site is a former clay extraction site and agricultural land west of the River Tees. Outline planning permission was granted on 6 May 2003 for a mixed-use development including offices, e-commerce centre, call centres, motor dealership, hotel, health club, housing, nature conservation area, amenity area, sailing centre with associate landscaping and roads. The planning permission was conditional, subject to a Masterplan and Design Guide and a Section 106 agreement.
2. Planning permissions granted subsequently relate to initial road construction, earthworks, reserved matters relating to extensions to approved roads, relocation of approved electricity sub station and construction of a water pumping station, substation and two motor dealerships. This year, two residential developments have been approved for Barratts and David Barlow Homes on adjacent sites. Planning permission has also been granted for commercial development on Plot B, and two applications received but yet undetermined for office units on Plots K and L.

## **THE SITE AND SURROUNDINGS**

3. The current application site forms part of a wider residential development and is an apartment block (I Pad Building) approved under application reference number 05/0947/REM on 7th December 2005.

4. Generally, the site is bordered to the south and east by open land and beyond, the River Tees. To the west is the road Queen Elizabeth Way. To the north is the remainder of the residential development approved under planning permission reference 05/0947/REM.

## **THE PROPOSAL**

5. Approval is sought for a 'variation' to that scheme to rotate the I Pad Building located in the south west corner of the site through 90 degrees so that the lounge/dining and bedrooms face generally south east and north west (Queen Elizabeth Way and the River Tees) rather than as approved, north east and south west.

## **PUBLICITY**

6. The planning application has been publicised by means of individual letters, site and press notice. No representations have been received.

## **CONSULTATIONS**

### Head of Integrated Transport and Environmental Policy

7. No adverse comments to make in respect of the proposal.

### Landscape Officer

8. Comments that the proposed rotation of the I Pad Building is acceptable in landscape and visual terms.

### Environmental Health Unit

9. Has no objection to the application.

### Environment Agency

10. Comments that providing that the proposal do not result in any development 5 metres AOD then there are no objections from a flood risk point of view.

### CE Electric UK

11. Has no objections to the proposal and has forwarded mains records for the area

### Northern Gas Networks

12. Makes no comments but includes mains records for the site.

13. No response has been received from the following:

- Councillors
- Thornaby Town Council
- Northumbrian Water

- The Ramblers Association

## PLANNING POLICY CONSIDERATIONS

14. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act requires that an application for planning permission shall be determined in accordance with Plan, unless material considerations indicate otherwise.
15. In this case, the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the adopted Stockton on Tees Local Plan (STLP).

STLP Policy GP1 requires all proposals for development to be assessed not only against Structure Plan policy, but also against a number of criteria which include concerns about the external appearance of the development, effect on the amenities of neighbouring occupiers, access and parking arrangements, need for a high standard of landscaping and its relationship with the surrounding area.

Policy HO3 of the Adopted Stockton on Tees Local Plan states that 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.

STLP Policy HO11 states that new residential development should be designed and laid out to provide a high quality of built environment in keeping with its surroundings, incorporate open space, provide a satisfactory degree of privacy and amenity, for new dwellings and existing occupiers of neighbouring properties, pay regard to existing features and ground levels, provide adequate access, parking and servicing, and incorporate features to assist in crime prevention.

Adopted Stockton on Tees Local Plan Policy TR15 states that the design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

Adopted Stockton on Tees Local Plan Policy EN11 states that the planting of trees, of locally appropriate species, will be encouraged within the area indicated on the proposals map as community forest. In considering applications for planning permission in the community forest area, the Local Planning Authority will give weight to the degree to which the applicant has demonstrated that full account has been taken of existing trees on site,

together with an appraisal of the possibilities of creating new woodland or undertaking additional tree planting. In the light of the appraisal the Local Planning Authority will require a landscaping scheme to be agreed which makes a contribution to the community forest.

## **MATERIAL PLANNING CONSIDERATIONS**

16. The main considerations in respect of the proposed development relate to planning policy implications, impact on the amenity of the residents of adjacent and proposed dwellings, and occupiers of adjacent properties, impact on the streetscene and visual amenity, access and highway safety considerations.

### Land Use Planning Policy Issues

17. The site has an extant planning permission for housing and accords with adopted Masterplan for the site. There have been no material changes in the circumstances relating to the previous decision and there are no new wider fundamental policy implications arising from the details of the 'variation' of the parent planning permission. The main planning considerations are therefore matters relating to individual impacts as set out below.

### Residential Amenity and Adjoining Uses

18. The proposed layout has been assessed in relation to the approved adjacent residential development. The rotated building would present a 3 storey side elevation containing windows serving kitchens and side balconies to the gable of the nearest dwellings at Plot 81 some 25 metres, and Plot 78 at 31 metres distant. Those distances are considered sufficient to maintain privacy and avoid overbearance.
19. Neighbouring commercial uses to the west and beyond the QE Way are sufficiently distant to avoid any mutually adverse impacts. As necessary, noise impacts on the dwellings arising from traffic on the QE Way will be mitigated by measures to be agreed subsequently and controlled by condition.
20. It is considered that the proposed development, taking account of separation distances and the nature and disposition of the neighbouring properties, accords with the Council's adopted standards and Adopted Stockton on Tees Local Plan policies GP1, HO3 and HO11 and is therefore acceptable.

### Visual Impact and Streetscene

21. The impact of housing on this site, and the bulk of the I Pad Building in wider views have been previously accepted, and therefore the consideration here is whether the rotated building would alter the impact to such an extent as to warrant refusal of planning permission.
22. The proposed rotation serves to alter the position of the existing approved elevations and not the location of the building within the site. A change in the detail of the building would not have a materially impact upon the wider external views of the building itself and those set against the wider development.

23. In nearer views, the rotated building would present the side elevation of the I Pad Building, which is less interesting than the front and rear elevations, to internal views. However, given the location of the building at the southern end of the site, partially screened by dwellings on neighbouring plots, it is not considered that a view of the plainer gable would have an unacceptable impact on the streetscene. It is considered therefore that the proposed development accords with Adopted Stockton on Tees Local Plan policies GP1, HO3 and HO11 and is acceptable.

#### Access and Highway Safety

24. Access to the application site remains via an existing internal road and parking is unaffected by the rotated building. The remainder of the site layout including the position of bin stores, the footpath link to the QE Way and bus stop, access and parking arrangements are unaffected. The Head of Integrated Transport and Environmental Policy has no adverse comments to make in respect of the proposal. It is therefore considered that the proposed development accords with Adopted Stockton on Tees Local Plan policies GP1, HO3, HO11 and TR15 and is acceptable.

#### Residual Matters

25. Flood Risk. The comment from the Environment Agency in respect of flooding is noted. The site is above the level of 5 metres AOD.
26. Community Forest. The site is within the area of the Community Forest, where policy EN11 of the adopted Stockton on Tees Local Plan seeks to encourage tree planting and requires assessment of submitted schemes in this respect. The development has no impact on any landscaped or areas for planting and therefore would not compromise the minor contribution this site could make to the Community Forest or undermine the intent of Policy EN11.

### **CONCLUSION AND RECOMMENDATION**

27. In light of the above, it is considered that the proposed 'variation' accords with adopted planning policy and guidance, and it is therefore recommended that planning permission be granted subject to amended list of approved documents but subject to the remaining conditions as attached to planning permission 05/0947/REM, as relevant and as set out above.

**Director of Development and Neighbourhood Services**  
**Contact Officer: Jane Hall– Telephone 01642 528556**  
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#### **Financial Implications**

None

#### **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**

Adopted Stockton-on-Tees Local Plan (June 1997)  
Planning Applications 01/0600/P and 05/0947/REM

**Ward** Parkfield and Oxbridge

**Ward Councillors** Councillor C. Coombs

Councillor R Rix