

DELEGATED

AGENDA NO .

PLANNING COMMITTEE

Date 10th JANUARY 2006

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

06/3064/FUL

Norwood car sales, Alma Street, Stockton on Tees

**Revised application for residential development of 43 no. Two bedroom flats
and associated car parking, cycle store and bin store**

Expiry date: 5th February 2007

Summary:

The application site is currently the former Norwood Car Sales site. The application site is an irregular shaped plot located on the corner of Bishopton Lane and Allison Street, which has a large arched frontage on the southeastern elevation towards these two main roads. Within the immediate area is a mix of commercial properties some with residential use above.

A similar previous application (05/2605/OUT) was approved by the Planning Committee subject to a section 106 agreement for outline planning consent for the erection of 36no. apartments, where only the landscaping was left as a reserved matter.

Planning permission is now sought for the erection of 43 no. two bedroom flats with associated car parking, cycle store and bin store. The design of the development remains largely the same retaining the curved frontage which follows the existing pavement line.

Recommendations:

The determination of planning application 06/3064/FUL to be delegated to the Head of Planning and Environment for approval subject to no adverse comments from statutory consultees the completion of a section 106 agreement in accordance with the Heads of Terms below and 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, 0642/03, 0642/04, 0642/05, 0642/06, 0642/07 and, 0642/08.

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. 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.

04. 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.

05. 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.

06. 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.

07. 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.

08. 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.

09. Notwithstanding the submitted information provided in this application, detailed sectional drawings showing the construction materials to be used and structure of the building in the front and side elevations of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with these details.

Reason: To ensure a satisfactory form of development

10. Details of all external lighting of the buildings and car-parking areas shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area.

11. A detailed scheme for artwork within the proposed development shall be submitted to and approved in writing with the Local Planning Authority, prior to the occupation of the proposed development. Such a scheme shall be implemented in accordance with these agreed details before occupation of the proposed dwellings.

Reason: In the interest of the visual amenities.

12. Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg incidental buildings and street furniture).

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

13. 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 occupied. 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.

14. Notwithstanding any information contained within this application full details of the covered cycle storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.

Reason: To ensure a satisfactory form of development.

15. Notwithstanding any information contained within this application full details of the Bin storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.

Reason: To ensure a satisfactory form of development.

16. Notwithstanding the submitted information provided in this application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority

Reason: To define the consent

Heads of Terms

£7,000 towards the environmental improvement of existing public open space at Queens Park

Contribution towards off-site highway enhancements to include extension of waiting hours, tactile paving and dropped kerbs (confirmation of approximate figure awaited)

Policy GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No.3: Housing are considered to be relevant to this decision.

Background:

1. In December 2003 a planning application was submitted and approved for the erection of a new car showroom with 8 no. flats above. This application (03/3007/FUL) detailed a new three storey building in the north-west corner of the site with the showroom occupying the ground floor and the eight one bedroom apartments occupying the first and second floors.
2. A further application (05/2605/OUT) was approved by the Planning Committee subject to a section 106 agreement for outline planning consent for the erection of 36no. apartments, where only the landscaping was left as a reserved matter.

The Proposal:

3. The application site is an irregular shaped plot located on the corner of Bishopton Lane and Allison Street that has a large arched frontage on the south-eastern elevation towards these two main roads, while the Alma Centre lies to the north of the site. Within the immediate area is a mix of commercial properties some with residential uses above.

4. A black palisade fence currently provides security to the car sales area. The site lies on the fringe of the town centre although part of the southern end of the site lies within the defined Stockton Town Centres as detailed in the Local Plan Alteration No. 1 proposals map.
5. Planning permission is now sought for the erection of 43 no. two bedroom flats with associated car parking, cycle store and bin store. The design of the development remains largely the same retaining the curved frontage which follows the existing pavement line.
6. The development proposed is to be a mix of a four to seven storeys which will have a maximum height of 19 metres with the main bulk located towards the centre of the site. The car parking for the development is to be located at ground floor.
7. Access to the premises remains via the existing access off Alma Street and the development includes the provision of 48 car parking spaces in addition to covered bins and cycle storage.

Consultations

8. The following Consultees were notified and any comments they made are below

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.

- Noise disturbance between living accommodation
- Noise disturbance from adjacent road traffic
- Possible land contamination
- Construction Noise

Head of Transportation 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 parking for this development is inadequate, therefore the applicant should apply for a Departure from Standard form in order to justify the reduced parking provision.

A continuous footway should be provided along the east side of Alma Street.

All junctions along Alma Street and Hume Street should be correctly marked.

The additional apartments will generate additional traffic Allison Street / Hume Street should operate effectively with additional traffic.

On street parking on Alma Street may effect the proposed development, therefore waiting restrictions on Alma Street should be extended to alleviate this. This should be fully funded by the developer, (approx cost 1500).

Footway links to the Town Centre should be improved by the installation of tactile paving and dropped kerbs at the new site access. This should be fully funded by the developer.

Northumbrian Water Limited

The application should contact Northumbrian Water to discuss their requirements in relation to a connection to the water supply. The buildings may also lie in close proximity to a water main/public sewer and new buildings, structures, tree planting or alteration of the land will not be allowed within the necessary easement strips.

New discharges of foul and surface water must be on separate systems. The sewerage system to which the development will discharge has reached its capacity and may not be able to accept the anticipated flows, the applicant should contact Northumbrian Water to discuss implications.

Landscape Officer

The treatment along the frontage with Allison Street is crucial. The site is in a gateway location and the detail design of the appearance of the front elevation of the building along with the front boundary treatment requires careful consideration.

Front Boundary

The importance of the appearance of the front boundary treatment was highlighted in my previous comments in respect of the previous outline application. The proposed use of a conventional 600mm high wall with 1200mm high railings as indicated within the Proposed Site Plan drawing (drg no 0642/02) are not acceptable in this instance.

The present finish of the ground floor (Forticrete block with glass block windows) repeats itself along the entire elevation, resulting in a monotonous and uninspiring appearance. With this in mind, the front boundary treatment is an important element in providing visual appeal along the frontage of the site. I suggest that the detail could reflect the proposed roofline, incorporating a variation in level and angle to provide greater visual appeal. Materials used in the front elevation of the building should also be considered, including the roof garden and balcony balustrading.

An effective vertical greening solution should be incorporated into the design of the front boundary, utilising a proprietary product, such as Green Screen (www.mobilane.co.uk). These panels are supplied fully established with plant foliage and could be interrupted with a differing treatment at regular intervals along the frontage.

There appears to be approximately 1.5m between the building and the public footpath, which is of an insufficient width to successfully establish and grow trees of any meaningful ultimate size. Whilst the green screens would provide a green softening of the building at a lower level, the recesses along the elevation of the building provides good opportunities to plant some significant fastigiate tree species. Root barriers will be required where tree planting is located within 4.0m of the public highway.

Roof Gardens

The inclusion of roof gardens within the development would benefit the softening of the mass of the building and the proposed roofline lends itself to such a treatment.

The inclusion of art features at these key points at the ends of the building and within the roof gardens should be considered.

Public Open Space Provision

The scheme will require a commuted lump sum in respect of open space provision. I recommend that a commuted lump sum be established that will contribute towards active recreation within the nearby area of the application site. This lump sum will be calculated in line with current open space policy and is based on the following contribution of £3,500.00 per 0.1 hectare of developable area.

Contribution of £3,500.00 per 0.1 hectare.

Site area = 0.2 hectares

Commuted lump sum required = **£7,000.00**

I recommend that should consent be granted, conditions should be placed on:

- Roof garden details
- Front boundary details
- Illumination information
- Environmental artwork details
- Full soft landscaping details including a detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
- Full hard landscaping details

Overall, I have no objection to the application, however the above information is required

NEDL

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

9. The application has been advertised on site and in the Local Press as well as individual letters being sent to neighbouring residents. The neighbour consultation period expired on the 11th December 2006. 4 letters of objection have been received to the proposed development. Objections/concerns are raised on the following issues (in summary)

An increase in traffic

Loss of view towards the main road

Impacts in accessing existing properties.

Concerns are also raised in relation to rubbish and vermin

The building is out of scale with surroundings

Loss of privacy/daylight to caretakers dwelling

Location of the bin store

Issues of land ownership

Little room for emergency services

Planning Policy Considerations

10. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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).
11. The following planning policies are considered to be relevant to the consideration of this application:

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.

Planning Policy Guidance No.3 & Planning Policy Statement 3 – Housing are also considered to be relevant to this decision.

Material Planning Considerations

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

Principle of development.

13. The application site lies within the limits to development, therefore the application is subject to Local Plan policies GP1, HO3, HO11 and the Council's Supplementary Planning Guidance on Flatted Development.

14. Both Planning Policy Guidance No. 3 and the recently produced Planning Policy Statement 3 outline that priority to re-using previously developed land within urban areas and create more sustainable patterns of development near to public transport and local services. The site also meets the criteria for high density development as outlined in the Council's Supplementary Planning Guidance for high density/flatted developments (SPG no.4) and is only approximately 250 metres from Stockton High Street, therefore the site is considered to be suitable and sustainable enough for accommodating a large scale flatted development

15. Given the above and the previous approval the principle of residential development on the site is still considered to be acceptable.

Impact on the character of the area.

16. Within the immediate locality there are a range of building styles and sizes. The design largely follows the outcome of discussions with the Local Planning Authorities Urban Design officer prior to the submission of the outline planning application that was previously approved where a similar design/scale/massing was considered to be acceptable. It is considered that the proposal maintains a strong corner treatment, utilising the existing curved nature of the site.

17. Whilst the scale and massing may differ from those properties in the immediate locality it is considered to be acceptable for a town centre location and in not significantly out of character will the surrounding units due to the vertical emphasis of the development and would act as a local landmark and feature building. The important of high quality materials would however, be essential to achieving a successful design and could be a

18. It is accepted that part of the proposed development lies adjacent to the conservation area, however, there is a school of thought in building conservation circles that new buildings and extensions should reflect that period of time so that modern interventions can easily be recognised. It is understood that this contemporary design will differ from the more traditional and historical buildings in the locality, but it is not considered that the development would have a detrimental impact on this area of the nearby conservation area so as to justify a reason for refusal.

19. Given the above it is considered that the proposed development is visually acceptable and would not be in direct conflict with local plan policies GP1, HO3 and HO11.

Impact on residential amenity.

20. The proposed development will be situated an adequate distance from the majority of the neighbouring properties which surround the proposed development and it is considered that there will not be any significant loss of privacy or amenity to these residents. However, the residents of the caretakers building (to the north of the centre of the site) will be approximately 19 metres from the northeastern part of the building. Although this is less than the recommended distance of 21 metres it is a similar situation to that previously approved under application. Given the previous consent (05/2605/OUT) and the fact that the windows looking towards the caretakers dwelling are kitchen windows it is not considered that there would be a significant enough impact on these residents to warrant a reason for refusal of the application.
21. Concerns have been raised in relation to the impact of the proposed development on the amenity and privacy of the proposed development on the neighbouring caretakers dwelling. It is accepted that there may be some loss of daylight to the neighbouring property during certain times of the day and years, however, given that the majority of the proposed development is located more than 21 metres from this dwelling it is considered that any potential loss of daylight would not be significant enough to warrant a refusal of the application.
22. Since the approval of the previous the proposed decked area at first floor level has been removed. Although the revised scheme has resulted in removal of one amenity area, the balconies and contribution towards environmental improvements to existing open space provision will provide enough informal amenity area to accord with policy HO11 of the adopted Stockton on Tees Local Plan.
23. Concerns have also been raised in relation to the location of the proposed bin and cycle store. Whilst this may be located adjacent to the caretakers dwelling this unit is located at the ground floor where there are no windows in the adjacent property. The proposed unit would also be covered and secure and it is considered that there should not be any significant issues of noise and disturbance or issues with odour to significantly effect the amenity of the neighbouring property.
24. It is accepted that if the application were to be approved that there could potentially be some issues with noise and disturbance during construction, however, this would only be a temporary issue and the hours of construction could be restricted via a planning condition to protect residential amenity, and would therefore not warrant a reason for refusal.

Impact of Traffic and Highway safety

25. The Head of Integrated Transport and Environmental Policy has commented that the parking provision for the development is inadequate and a departure from standard form needs to be submitted in justify a relaxation it is therefore considered that the development should be delegated to the Head of Planning and Environment (HOPE) for approval subject to no adverse

comments being received from the Head of integrated Transport and Environmental Policy following submission of the departure from standard form.

26. Objections have received in relation to the implications of the proposed development in relation to on street parking in the area. These issues will be fully assessed by the Head of Transportation and Environmental Policy such as a relaxation in the parking standards and subject to the resolution of these issues, there will not be any significant issues of access and highway safety to justify a refusal of the application.

Other issues

27. Objections have also been raised over a potential loss of view, whilst the development may mean that the view of Bishopton Lane and Allison Street may be lost from some properties this is not a material planning consideration.
28. Concerns over land ownership have also been checked against the Council's online asset system and accords with the redline boundary suggesting that the site fully within the applicants ownership.

Conclusion.

29. In conclusion it is considered that the proposed development is visually acceptable, would not have a detrimental impact on the privacy or amenity of the neighbouring properties or highway safety. The development is viewed to be 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

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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

Regional Spatial Strategy

Tees Valley Structure Plan

Planning Policy Guidance No. 3: Housing

Planning Policy Statement 3: Housing

Ward and Ward Councillors

Stockton Town Centre Ward

Councillors D. W. Coleman and Councillor P. Kirton