

DELEGATED

AGENDA NO. 4

REPORT TO PLANNING COMMITTEE

DATE: 21 February 2007

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

Application 06/3693/FUL

**Residential development of 3 no. three storey blocks of six apartment and 12 no detached dwellinghouses and associated means of access
Belasis Avenue/Chiltons Avenue, Billingham**

Expiry: 8th March 2007

UPDATE REPORT

Members need to be updated on thee issues highlighted in the main report.

1. Commencement of development.

As Members will note a member of the public had drawn attention to the fact that work had started on the site in advance of planning permission being granted. Following investigation by your Enforcement Officers it has been ascertained that preliminary site clearance works had commenced, but with the intervention of officers this work has ceased, and the applicant has stated it will not re-commence until all the necessary planning approvals are in place.

2. Objection from Northumbrian Water

Following further discussions between the applicant and Northumbrian Water over sewerage provision, agreement has been reached and the objection withdrawn including the requirement that there should be no occupation of the dwellings until the diversion works at the Billingham Sewage Treatment Works had been completed. Consequently there is no longer a requirement for a condition to be imposed on any planning permission granted restricting occupation of the dwellings until these off-site sewerage works have been completed.

3. Section 106 Agreement

The Council's Principal Solicitor is of the opinion that a new Section 106 Agreement is required for this application to protect the obligations. She notes that it appears ownership has changed already and confirmation is needed as to who will now be responsible for payments.

It is noted that an application has been submitted for a new clubhouse and conversion of the old clubhouse to new changing facilities. The Club had agreed as signatories to the previous Section 106 agreement that £50,000 would be set aside from the sale of the

land for housing to fund the works. However, that application (06/3835/FUL) has not yet been determined.

In the circumstances, it is considered that any approval should again be subject to a revised Section 106 agreement or any other mechanism that will ensure the agreement for financial contributions is maintained in relation to the new application including potentially accepting that the existing agreement remains in force. Otherwise, the objection from Sport England will remain in place and if the Council was minded to approve the application notwithstanding this objection, the matter would have to be referred to Government Office in accordance with the Town and Country Planning (Playing Fields) (England) Direction 1998.

In the light of the above matters the recommendation to Committee needs to be amended.

RECOMMENDATION

It is recommended that subject to a new Section 106 Agreement or other legal mechanisms including accepting that the existing agreement remains extant, the application be approved subject to conditions covering the following matters:

- ***Development carried out in accordance with the approved plans***
- ***Tree and hedgerow retention and protection measures***
- ***Implementation of new tree and shrub planting***
- ***Provision of 7 No secure cycle parking bays.***
- ***Land remediation***
- ***Sound insulation in apartment blocks***
- ***Mitigation measures to protect wildlife to including controls over timing of any site clearance works***
- ***Limits on hours of construction***
- ***Means of enclosure***
- ***Facing materials***
- ***Surface water drainage rates to be regulated***
- ***Site drainage***
- ***and any other relevant matters***

Heads of terms for any Section 106 Agreement

1. ***Developer to pay £16,554.50 towards the upgrade of tennis facilities at Billingham Campus***
2. ***Billingham Synthonia Cricket Club to set aside £50,000 from the sale of the land to the developer for the conversion of and refurbishment of its clubhouse to provide changing facilities to Sport England's specification***
3. ***Funds to be paid within 3 months of obtaining detailed planning permission.***

The application site constitutes previously developed land and is an unallocated site in the adopted local plan, located within the defined urban limits the development of which does not conflict with planning policy. The site already has planning permission for an almost identical development to that now proposed.

The development is not considered to give rise to significant highway concerns notwithstanding the previous concerns of local residents. The new blocks will not adversely affect the residential amenities of existing residents given their distance away. Existing trees and hedgerow around the site the site will be affected but not to an unacceptable degree and conditions can be imposed requiring the remaining trees and hedgerows to be properly managed and maintained.

The loss of recreational facilities is limited to disused facilities and is to be compensated for.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

**Stockton on Tees Local Plan policies GP 1, HO 3, HO11, EN38
Tees Valley Structure Plan policies ENV16, H1A, H2A, SUS2, T25.
Regional Policy Guidance 1
Planning Policy Statement 1 and Guidance Notes No 1, 3, and 13**

Director of Neighbourhood Services and Development

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Financial Implications:

None

Environmental Implications:

See report

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications

None

Background Papers:

Application files: 03/0176/P, 05/0624/REV and 06/3509/FUL

Ward and Ward Councillors:

Billingham South:

Councillor M Smith
Councillor J O'Donnell