

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

14th March 2007

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

07/0226/OUT

**Land at former Community Centre, Adjacent to Lennox Crescent
Billingham
Revised Outline application for two-storey apartment building comprising
4no. apartments and associated parking.**

Expiry date: 4th April 2007

Summary

The application site is a vacant plot of land located within a residential area of Billingham. The site was formerly occupied by a single storey community centre. Outline planning permission is sought for the erection of a two-storey building, which will provide 4no. two bedroom apartments, including associated parking to the rear and other ancillary development.

The application is a revision to application 06/3791/OUT, which sought outline permission for the erection of one block of development housing 6 apartments. This previous scheme was withdrawn to address concerns raised by officers with respect to the scale of the building and its impacts on the surrounding area.

Letters of objection have been received from 15 neighbouring households in respect to the proposed development. The main objections relate to highway safety, loss of open space, impact on the street scene and over development of the site. In addition to the letters of objection, the applicant is an employee of Stockton Borough Council and therefore the application needs to be determined by the Planning Committee.

The proposed development is considered to achieve adequate spacing between existing properties, which prevents significant undue loss of privacy and amenity. In addition it is considered that the proposed layout of the site replicates the characteristics of the locality. Based on the comments of the Head of Technical Services, the access and parking provision of the site is considered acceptable and will not lead to a loss of highway safety subject to the imposed conditions.

In view of the above, it is considered that the proposed development accords with the relevant adopted Local Plan policies and guidance, and it is recommended that planning permission be granted subject to the conditions identified below.

RECOMMENDATION

It is recommended that planning application 07/0226/OUT be approved subject to the following conditions:

**01. The development hereby approved shall be carried out in accordance with the following approved plans: unless otherwise agreed in writing by the Local Planning Authority
Drawing Numbers:-
SBC001, SBC002, SK02, SK01, SK03**

02. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

03. During construction of the scheme hereby approved there shall be no working on site outside the hours of 8.00a.m. - 6.00p.m. weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or bank holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.

04. No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

Reason: To ensure the proper restoration of the site.

05. No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site.

06. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To take into account the impact of the development on the surrounding development.

07. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping. Such a scheme shall detail the following: -

- a) Hard and soft landscaping including all boundary treatments,**
 - b) Soil depths, plant and tree species, numbers, densities, locations, and sizes, planting methods, maintenance and management.**
 - c) Areas of level change,**
 - d) Precise locations of protective fencing,**
 - e) Areas of material storage within the site, and**
 - f) Excavations required for service runs.**
- g) the surface finish materials of the car park and other hard surfaced areas**

The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in order to adequately protect the landscape features of the site.

08. 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.

Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.

09. Notwithstanding details hereby submitted, prior to occupation of any dwellings on the site hereby approved an unobstructed visibility splay of 2.4m x 14m shall be provided at the entrance to the site in accordance with a scheme to be submitted to and

approved in writing by the Local Planning Authority. The approved and implemented visibility splay shall be maintained in perpetuity.

Reason: In order to ensure the development adequately provides for its intended use in accordance with Policy HO11 of the Stockton on Tees Local Plan.

- 10. *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.

- 11. *Notwithstanding the details hereby approved, prior to occupation a scheme detailing the provision of a footpath, highway marking and other additional works shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented before the approved dwellings are brought into use.***

Reason: In the interests of Highway Safety

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be in keeping with the property and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties and there are no other material considerations which indicate a decision should be otherwise. Policies GP1, HO3, HO11, TR9 of the adopted Stockton-on-Tees Local Plan

BACKGROUND

1. The site is owned by the Councils Housing Department (Tristar Homes), the applicant has signed certificate 'B' stating that the land is not within their ownership and has served notice on the relevant department through the Article 6 notice.
2. The proposal is a revision to application 06/3791/OUT, which sought outline permission for the erection of one block of 6 apartments. The applicant withdrew the scheme to try and address concerns raised by objectors and consults. The main difference between the schemes is the reduction in mass of the building, reduction in the number of units from six to four and the reduction in the level of parking provided.
3. The applicant seeks outline approval for the development of the site, specifically for the Access, Landscaping and Layout with matters

regarding the appearance and scale of the proposal to remain reserved and agreed in a subsequent application.

THE PROPOSAL

4. The application proposes a residential development comprising of 4no. apartments in a single block of development. The proposed footprint of the block will measure 5m in width and 16.4m in length. No elevation details have been included, however the applicant has stated that the maximum height of the building will be 10m.
5. The layout provides a 6-space car park, with an area of communal garden to both the front and rear. A public footpath is also proposed to be installed around entire perimeter of the site.
6. A minimum distance of 4.8m will be maintained from the side boundary of the site, to the block of development, similarly there will be a distance of 11m from the highway Cotswold Crescent and 21m from the rear of the site to the building.
7. The access to the development will be taken from the north of the site adjacent a junction on Lennox Crescent leading from Braid Crescent. An enclosure for a bin store is identified to the west of the site 5.4 m from the highway Lennox Crescent.

PUBLICITY

8. Neighbouring residents have been notified individually, the consultation period expired on the 2nd March 2007. Letters of objection have been received from 17 neighbouring households; the objections have been raised from the following addresses.
1, 2, 5, 6, 7, 9, 10, 12 Lennox Crescent,
92, 120, 128, 132, 136, 138, 162 Cotswold Crescent,
29 Braid Crescent
79 Lundale Road
In addition a 44-signature petition and 2 anonymous letters of objection have been submitted.
9. Objections are summarised to issues below and are addressed within the main report: -
 - Danger to children playing and walking to school caused by cars
 - The site should be left as open space or green land
 - Over development
 - Impact on street scene
 - Affect house prices and sales of houses
 - Area used as a play area
 - Flats will be rented out to unsavoury characters
 - The community centre should be rebuilt
 - Already problems of manoeuvrability ability around the site
 - No need for affordable housing in the area
 - The site will attract youths to congregate

Loss of view from properties
Increase in noise pollution
Little open space in Billingham already
Loss of light

Consultations

Cllr B Woodhouse

10. With regard to this application my objections on behalf of the residents remain unchanged as outlined in my previous objection. The fact that there is a reduction in numbers does not in my opinion alter the problems, which may occur as outlined by the objectors and myself as I still believe that this area should be designated public open space.

(Summarised)

I would also like to draw the council's attention to the following ruling :- A local resident applied to register a 9 acre area of land as a town green. The law lords ruled that the land could be classified as a village green as the on the grounds that the local people had used it for recreation for 20 years or more.

Head of Technical Services

11. 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: -
A clear visibility splay of 2.4 x 14metres needs to be achieved from the new access.
Car parking for the proposed development is acceptable.
Give way lines should be implemented on both the new access and on Lennox Crescent opposite funded at the developer's expense.
An alternative surface finish should be provided within the car park in order to distinguish it from the surface on Lennox Crescent.
I have no knowledge of flooding to this site and the applicant is advised to make there own enquiries.
The substitution of house types may affect the agreed house naming and numbering. There is a statutory requirement that the applicant contacts Highway Network Management on number 01642 526717 to discuss the relevant details.
Access, kerb details and the footway need to be constructed in accordance with SBC Design Guide and Specification. Therefore the applicant needs to enter into a Section 38 Agreement.

Environmental Health Unit

12. Revised outline application for two storey apartment building
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

Due to the probability of noise complaints resulting from the intensified use of these residential premises, the building shall be provided with sound insulation, prior to being used, to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedroom in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

- Possible land contamination

C407 Environmental Risk Assessment Phase 1a+b

No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

Reason: To ensure the proper restoration of the site.

ENVIRONMENTAL RISK ASSESSMENT PHASE 2

If it is likely that contamination is present, no development shall commence until a Phase 2 site investigation scheme to involve risk estimation has been carried out. The developer must design and implement intrusive investigations to provide sufficient information on potential contamination.

Reason: To ensure the proper restoration of the site.

- **Construction Noise**

I am concerned about the short-term environmental impact on the surrounding dwellings during construction, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site.

Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

I will recommend working hours on site to be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday working.

Landscape Officer

13. I refer to your letter received on the 9/2/07, and comment as follows:

This is a better layout than the one in application 06/3791/OUT and provides suitable garden space for both front and rear gardens so that if the engineers were happy with the traffic arrangement it would be possible to build this layout successfully.

We would request a landscape scheme showing the detail of the planting areas indicated on the plan and any areas of fencing and hard surfacing.

- 14. **Northern Electric**
No objections
- 15. **Northumbrian Water**
No Response Received
- 16. **Northern Gas Networks**
No Objections

PLANNING POLICY CONSIDERATIONS

- 17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, the relevant Development Plans are the Regional Spatial Strategy (RSS), Adopted Tees Valley Structure Plan (TVSP) and the Adopted Stockton on Tees Local Plan (STLP).
The relevant development plan in this case is the 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 TR9

New developments for housing, employment, shopping or community facilities should be located and designed to enable the provision and convenient use of public transport services.

SITE AND SURROUNDINGS

- 18. The site is located in a residential area of central Billingham at the junction of Lennox and Cotswold Crescent and approximately 0.107ha in area. The site is generally flat in nature and is on the same level as neighbouring properties.
- 19. The site is bounded by highway on all sides and is effectively an island of land. Although being separated by the encompassing highway, residential properties lie beyond this to the North, East and West. To the South, the distributor road Cotswold Crescent is present.
- 20. Currently minimal landscaping is present, as the entire surface is grassed over. Previously a community centre was present however this was demolished in 2004.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

- 21. The site is located within the defined limits of development, which as a result of previous buildings on the site is classified as being brown field land. As such the proposed development needs to be considered mainly against policies GP1, HO3, HO11 and TR9 of the Local Plan.
- 22. Planning Policy Statement 3 outlines the priority to re-use previously developed land within urban areas and create more sustainable patterns of development near to public transport and local services. The site is located within 500m of a designated Local Neighbourhood Centre (Station Road Billingham) which affords the site with a degree of

sustainability whilst ensures that the proposed development meets with this element of Supplementary Planning Guidance for flatted developments (SPG 4).

23. Given the above it is considered that the principle of flatted development acceptable.

Character and appearance of the area

24. Properties within the locality are characterised by terraced and semi detached dwellings, with hipped or pitched roofs at an approximate height of 8-9m. All properties lining the streets are also generally set back 8m from the highway which forms a defined building line running down Cotswold Crescent. Although the external appearance and scale of the development are reserved matters the applicant has indicated that the development will have a pitched roof at a maximum height of 10m.
25. It is considered that proposed layout of the site reflects the design characteristics of the area as the single block will replicate that of semi detached properties within the locality. In addition it is considered that the development could be implemented without being an incongruous feature, specifically with regard to its overall height. The openness of the site and surrounding area is also reflected in the layout of the site as grassed areas and amenity space are provided to the front and the building line of Cotswold Crescent is maintained.
26. Areas of landscaping have been indicated to the side elevations of the apartment block and to the side of the communal garden area and car park. However no specific details have been submitted, therefore a condition is recommended to ensure the detail of planting and areas of hard and soft landscaping are submitted.

Impact on privacy and amenity of neighbouring residents

27. No details of the external appearance have been submitted, however an indicative floor plan has been provided. Based on this, it is considered that a development of this nature could be undertaken without creating direct views into to neighbouring properties. All potential views will be from obtuse angles or will be from a sufficient distance, meeting separation guidelines set out in supplementary planning guidance note 2. It is therefore it is considered that the proposal could be carried out without creating a loss of privacy for neighbouring residents.
28. The proposed building will be located a minimum distance of 16.2m away from the neighbouring property of no.2 Lennox Crescent. However the main bulk of the development is off set from immediately in front of the property, where a garden and parking area are proposed.
29. The proposed layout is characterised within the locality, for example between the rear of no.2 Lennox Crescent and the rear of no.5 Cotswold Crescent where the rear revelation of both properties are at 90 degrees to each other.
30. Given the orientation of the site and the proposed development, significant over shadowing is not expected to occur. After mocking up

the development in 3D modelling software it is estimated that significant shadows will not be cast over no.2 and 4 Lennox Crescent. However slight shadowing will be evident from approximately 2.30pm, only in the in winter months. This situation is considered acceptable given that majority of the day and year sunlight will not be blocked.

31. It is considered that the erection of the dwellings in the proposed location will not significantly increase noise levels experienced by neighbouring residents given the relatively high-density surrounding developments and adjacent highway layout. As part of the consultation process the Environmental Health Unit has been consulted. No specific objections have been raised in regard to the application however conditions limiting working hours have been recommended, which will be attached to any subsequent approval
32. For the reasons listed above it is considered that the proposed development will not significantly impact on the privacy or amenity of neighbouring residents.

Amenity and privacy of future residents

33. As stated above it is considered that the impact on the privacy of neighbouring residents will be minimal and therefore the privacy of future residents is also considered to be satisfactory.
34. It is considered that the site provides sufficient amenity space for future residents, as communal garden areas will be present to the front and rear of the development. The development occupies 20% of the site; therefore 80% of the site remains open for hard and soft landscaping and car parking, which is considered acceptable in amenity provision terms.

Highway Safety

35. As identified in Supplementary Planning Document 3 – Parking provision for new development, 1.5 spaces are required to be provided per apartment. Therefore by providing 6 spaces for 4 apartments the development meets these requirements of the SPD 3.
36. The Head of Technical Services requires that in order to maintain highway safety a clear visibility splay of 2.4m x 14m is achieved from the new access and that give way lines should be implemented on both the new access and on Lennox Crescent, In addition a distinction should be made in the surfacing of the car park in order to distinguish it from the surface on Lennox Crescent.
37. The proposed access can achieve visibility splay requirements, a condition will therefore be attached to any subsequent approval to ensure that the visibility splay is maintained and not enclosed by fencing or vegetation. Recommended conditions will also ensure that a distinction between the car park and the surface on Lennox crescent will be established.

38. The creation of give way lines at the entrance of the site and on Lennox crescent will be done under separate Highways legislation (a Section 38 Agreement)
39. It is appreciated that access and manoeuvrability is partially restrained around Lennox Crescent, however it is considered that the proposed development will not add to this by ensuring that adequate car parking is available within the site and by respecting existing site boundaries.

Loss of open space

40. Policy HO3 of the Stockton-on-Tees Local Plan and National Planning Policy Guidance 17 states that permission for residential development should not be granted if it results in the loss of a site which is used for recreational purposes.
41. As stated, the site was previously occupied by a community centre, this was demolished in 2004-2005 and the site has remained undeveloped since then. It is recognised that some form of informal recreational activity has been undertaken on the site since the community centre was demolished, however, the site has never formally been designated as being open space.
42. In the recent open space audit the site was not identified as a recreational site whilst there is a large amount of designated, sports facilities, natural green spaces and green corridor amenity space within easy walking distance (130m).
43. The site is bound by highway on all sides and has no enclosures or landscaping features and therefore the safety of the site for recreational purposes is in question.
44. On balance due to the limited size of the site its layout and the availability of recreational ground and open space within easy walking distance the loss of the site is considered acceptable.
45. Objection has been raised with regard to the loss of open space, stating a case where land was deemed by the courts to be open space as it had been used for 20 years as such. It is considered that this case is not relevant to this proposal in view of the limited amount of time having passed between the loss of the buildings and the consideration of this application and given the scale of the site.

Other issues

46. Objections raised over the loss in value of properties and loss of views are not material planning conditions as defined by case law and therefore should not be taken into consideration in the determination of this application
47. Other objections raised relate to the nature of persons occupying the premises, however, this is not something which can be controlled in the determination of this application.

Conclusion

48. The proposed development has been considered against the policies and documents identified above. It is considered that the scheme accords with these policies as the proposal would be in keeping with the character of the area, should not lead to a significant loss of privacy or amenity for neighbouring residents whilst should not unduly compromise highway safety. In addition it is considered that the site is not a formal recreational area. In view of the above it is recommended that the application be approved subject to conditions.

Corporate Director of Development and Neighbourhood Services

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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

Adopted Stockton-on-Tees Adopted Local Plan (June 1997)
06/3791/OUT

Ward	Billingham Central
Ward Councillors	Councillor N Teasdale Councillor B Woodhouse