

DELEGATED

AGENDA NO
PLANNING COMMITTEE

19 September 2007

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

07/2214/REV

54 Bassleton Lane, Thornaby, Stockton-on-Tees

Retrospective application for erection of 2 no. dormer bungalows with integral garages and associated means of access

Expiry Date 17 September 2007

SUMMARY

Retrospective planning permission is sought for the erection of two dormer bungalows. Previous outline and detailed planning permission has been granted for the erection of two properties although the development, which has taken place on site, is not strictly in accordance with the approved plans of the detailed approval. As such, this application seeks to regularise the development, which has taken place on site.

The changes to the proposed development are particularly marginal, the main ones being the two buildings being in a slightly different positions on site which results in them being closer to the boundaries with the adjoining properties, inclusion of one additional bedroom per unit and additional roof lights.

In view of there being an existing permission on the site for the erection of two properties, the main considerations of this application relate to the differences between the previously approved scheme and this scheme as against the consideration of the principle of the development.

A total of 19 letters of objection have been received in respect to the application and the main objections relate to additional traffic, the overall impact on the area, highway safety, insufficient parking being provided and the impact on adjoining properties and the surrounding environment.

Based on the limited changes to the scheme, which was approved under application reference 06/3072/FUL it is considered that the development would not unduly affect the privacy or amenity of adjoining residents or the surrounding environment.

RECOMMENDATION

Planning application 07/2214/REV be Approved subject to the following conditions: -

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

| <i>Plan Reference Number</i> | <i>Date on Plan</i> |
|------------------------------|---------------------|
| <i>SBC0001</i> | <i>23 July 2007</i> |
| <i>190/1</i> | <i>23 July 2007</i> |
| <i>1 OF 2</i> | <i>23 July 2007</i> |

Reason: To define the consent.

- 02. The development shall be carried out in accordance with an approved scheme of landscaping to be submitted to and approved in writing by the Local planning Authority. The approved details shall detail the following: -**
- a) Hard and soft landscaping,**
 - b) Soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.**
 - c) Excavations required for service runs.**
 - d) Locations for protective fencing**

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.

- 03. Notwithstanding details hereby approved the precise details of the design and construction methods and materials of the access road serving the two properties shall be submitted to and approved in writing by the Local Planning Authority prior to being implemented on site. No property shall be occupied until the access road has been constructed in accordance with the approved details.**

Reason: In order to ensure adequate access is achieved in accordance with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 04. Prior to the dwellings hereby approved being occupied, a scheme of screen fencing shall be erected along boundaries of the site in accordance with a scheme of fencing to be submitted to and agreed in writing with the Local Planning Authority. The approved fencing shall remain in place in perpetuity unless agreed otherwise in writing by the Local Planning Authority.**

Reason: In the interests of privacy and to comply with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 05. Notwithstanding details hereby approved or those already implemented on site a comprehensive detailed scheme of surface water drainage shall be submitted to the Local Planning Authority within a 3 month period from the date of this permission. The scheme shall detail the following:**
- a) The precise location of surface water drainage runs, and**
 - b) The location, size and depth of the soak aways**
 - c) The construction detail of the soak aways**

The surface water drainage on the site shall be implemented in accordance with the agreed scheme of drainage within a 6-month period of this permission being granted.

Reason: In order to prevent undue flooding impacts on the adjoining properties, in accordance with the requirements of Policy GP1 of the Stockton on Tees Local Plan.

- 06. Notwithstanding details hereby submitted the windows within the side elevation of the properties which serve bedroom 2 as indicated on the approved plans shall be**

glazed with Type 4 obscure glazing and shall remain obscurely glazed to this level in perpetuity unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of privacy in accordance with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 07. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

INFORMATIVE

The retrospective proposal would not unduly compromise the privacy or amenity associated with adjoining properties or the wider area above those impacts associated with the earlier approval under application reference 06/3072/FUL. As such, it is considered that the proposal accords with Policies GP1 and HO11 of the Stockton on Tees Local Plan and there are no material considerations which indicate that the application should be determined otherwise.

BACKGROUND

1. Application reference 05/1557/OUT - Outline planning permission granted for the erection of 2 no. dwelling houses and associated means of access.
2. Application reference 06/2436/FUL - Application submitted and withdrawn for the construction of an access road and the erection of 5no. dwellings.
3. Application reference 06/3072/FUL - Approval granted for the erection of 2 no. dormer bungalows with integral garages and associated means of access.
4. Development was commenced under the 06/3072/FUL approval although what has been built on site varies from the approved details. In view of the Local Planning Authority being unable to consider minor amendments to the scheme, this application has been submitted to regularise what has been built on site.

PROPOSAL

5. Retrospective planning permission is sought for the erection of 2 no. dormer bungalows within the rear garden area of No. 54 Bassleton Lane. The precise details of the proposal are detailed within the report although this submission seeks permission for 2no. four bed units of accommodation as against the previously approved 2no. three bed units of accommodation.

CONSULTATIONS

The following Consultations were notified and any comments received are set out below: -

Councillors

6. Cllr M Eddy objects on grounds that the original approval has not been adhered to and this is merely an attempt to put matters right

Environmental Health Unit

7. I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions be imposed relating to *construction noise*

Northumbrian Water Limited

8. No objections

Northern Gas Networks

9. No Objections

Urban Design

Urban Design – Built Environment

10. No objection

Urban Design – Engineers

11. The length of the private drive is well in excess of the standard stipulated within the SBC Design Guide (25metres). It is however noted that the scheme has been approved with previous applications relating to the site. Each 4 bedroom property will require 3 incurtilage car parking spaces to comply with SBC Parking Provision for New Developments as detailed in 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006'.

Urban Design - Landscape

12. The site is located within the rear garden of 54 Bassleton Lane. The main feature within the garden is the Lombardy Poplar tree, which is protected under the Tree Preservation Order. Other trees within the site are not worthy of retention and I would not object to their removal.
13. The Site Plan drawing indicates the general arrangement of the 2 dormer bungalows and also the proposed access road into the site. I have expressed my concerns regarding the proximity of excavation works and paved surfaces adjacent to the TPO tree (Lombardy Poplar) with reference to the previous application for this site.
14. Whilst no construction method has been indicated on the drawing for the access road, there is a requirement to use a no-dig method of construction. This would allow the root system of the tree to be retained undamaged whilst building up the level of the new road, thus avoiding any harmful excavation works. The material used in the no-dig method should allow the passage of water and air to the ground below.
15. All trees within the site and adjacent to the site should be fully protected in accordance with BS 5837: 2005 Trees in relation to Construction. Details of the proposed planting and tree protection are required, along with hard landscaping proposals and service runs.
16. To conclude, I have no objection in principle to the application, however the above detailed information is required for approval, prior to works commencing on site.

PUBLICITY

17. A total of 19 letters of objection have been received from the following addresses, Four winds, Four Gables, The Hawthorns, 1, 27, 29, 33, 37, 47, 52 Bassleton Lane, 3 Chancery Rise, 26 White House Road.
18. Objections are summarised as follows: -
The highway through Thornaby green was not designed to take such volumes of traffic and has no footways.
Likely to increased road traffic accidents
The traffic is spoiling the seclusion and character of the area.
Impact on human and physical environment.
No need for additional housing
Decrease in charm of area
Insufficient parking
The buildings appear to be higher than the 6.5m permitted.
The buildings are closer to the boundary than they are supposed to be.
The development is causing flooding of the adjoining site.
Rubbish and debris is having a detrimental impact on adjoining properties and wildlife.
The buildings are large, in close proximity to the boundaries and not in keeping with the existing surrounding properties.
Impact on wildlife using garden areas
The dwellings have been made from three to four bedrooms which means more traffic and more risk to pedestrian safety
Additional windows have been provided within the side elevations of the properties which were restricted on the earlier application, thereby impacting on adjoining properties.
Other rooms within the property are also larger
The public pavement is in an appalling state
The developer should be made to adhere to the original plans
The applicant should be made to demolish the bungalows and build single storey dwellings in association with the outline approval.

PLANNING POLICY

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

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)*.

The following planning policies are considered to be relevant to the consideration of this application: -

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 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.

SITE AND SURROUNDINGS

- 19. The application site is located within a row of ten detached bungalows each set within particularly large plots. The bungalows front the highway and have large gardens to both the front and rear, which gives the area a spacious open character. Other immediately adjacent areas of Bassleton Lane have a more modern and compact layout and design.
- 20. There is a belt of mature trees on the adjoining land to the rear of the site and relatively low height established hedgerows running along the sides of the plot. There is a Poplar tree adjacent to the access road and within the application site, which is afforded statutory protection under a Tree Preservation Order.
- 21. There is a recent development of large detached houses to the south of the site, which are accessed from Chancery Rise via Bassleton Lane.

MATERIAL PLANNING CONSIDERATIONS

- 22. Approval has been granted for the provision of 2 no. detached dormer bungalows on the site under application reference 06/3072/FUL. This proposal would serve to marginally revise this previously approved scheme and as such, it is considered that the principle of development of this nature on the site has already been established. The main considerations for this proposal therefore relate to the scale and nature of the changes from the previously approved scheme and their impacts on the surroundings.
- 23. Differences between existing approval and this proposal.

| Application Detail | Current application | Previously approved |
|--------------------------------------|---------------------|---------------------|
| Distance from rear boundary (Plot 1) | 19.4 m | 20 m |
| Distance from rear boundary (plot 2) | 24.4 m | 24 m |
| Distance from side boundary (plot 1) | 1.3 m | 1.8 m |
| Distance from side boundary (plot 2) | 1.4 m | 1.8 m |

| | | |
|--|--|-----|
| Distance between buildings of plots 1 and plot 2 | 2.8 m | 2 m |
| Distance from rear of 54 Bassleton Lane (Plot 1) | 78 m | 77m |
| No of bedrooms per unit | 4 | 3 |
| Width of units | 12.85 max | |
| Depth of units | 11.015m | |
| Eaves and Ridge Heights | Same across both applications | |
| Additional Roof lights | Two additional ones on as built scheme, which serve a landing and dressing room. | |
| Projecting gable to front of properties | Increased by 0.5m in width on the as built scheme | |

Impact on neighbouring properties and adjoining land

24. In view of the adjoining properties being in excess of 65m away from the dwellings as built, there remains to be in excess of 1m from the side elevations of properties to the adjoining boundaries and the dwellings having a relatively limited roof height and adequate provision being made for parking and amenity, it is considered that there would be no significant additional impacts of the proposed development over the previously approved scheme.
25. In view of there being approximately 20m from the properties to the boundary to the rear it is considered that the development would not unduly affect the trees beyond the rear of the site whilst remains to provide adequate outdoor amenity for future occupiers.

Other matters

26. Many of the objections raised in relation to the application relate to the principle of development on the site which has already been established through previous outline and detailed consents. Other objections relate to additional bedrooms being provided resulting in additional occupants, vehicles, insufficient parking and risk to highway safety as well as there being additional windows within the side elevations of the properties which were restricted on the earlier application.
27. The increase of the additional bedroom in each of the two properties is not considered to be a significant issue in terms of additional traffic whilst there is adequate parking to the front of each property to achieve the 3 no. spaces indicated necessary by the Head of technical Services.
28. The application has the same number of windows within the two side elevations immediately adjacent to the neighbouring properties boundaries as the earlier approved scheme.
29. In view of the development being almost complete it is not considered that a condition is required in connection with construction hours on site as recommended by the councils Environmental Health Officer.
30. Objection has been raised in respect to flooding of the adjoining garden, which has recently taken place. The objector considers this flooding to be as a result of the development as built. A scheme of surface water drainage had previously been approved for the development, which located soak aways within the rear corners of each garden. However, this proposal shows drainage running in different locations to the previously approved scheme of drainage with no final place of discharge indicated. As such, a condition has been recommended to achieve an adequate scheme of surface water drainage.

31. Objections have been received which link this development with another development in Hambleton District and indicate that the development in Hambleton was not undertaken in accordance with the approved plans. It is stressed that this application has to be considered on its own merits and the decision of another Authority on a different site for a different development bears little or no relevance to this case. Furthermore, the history of an applicant, agent or developer, whether it be in respect to this application or any other has no relevance to whether or not a proposed development is acceptable in planning terms.

CONCLUSION

32. The retrospective proposal would not unduly compromise the privacy or amenity associated with adjoining properties or the wider area above those impacts associated with the earlier approval under application reference 06/3072/FUL. As such, it is considered that the proposal accords with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

Human Rights Implications

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

Financial Implications

None

Environmental Implications

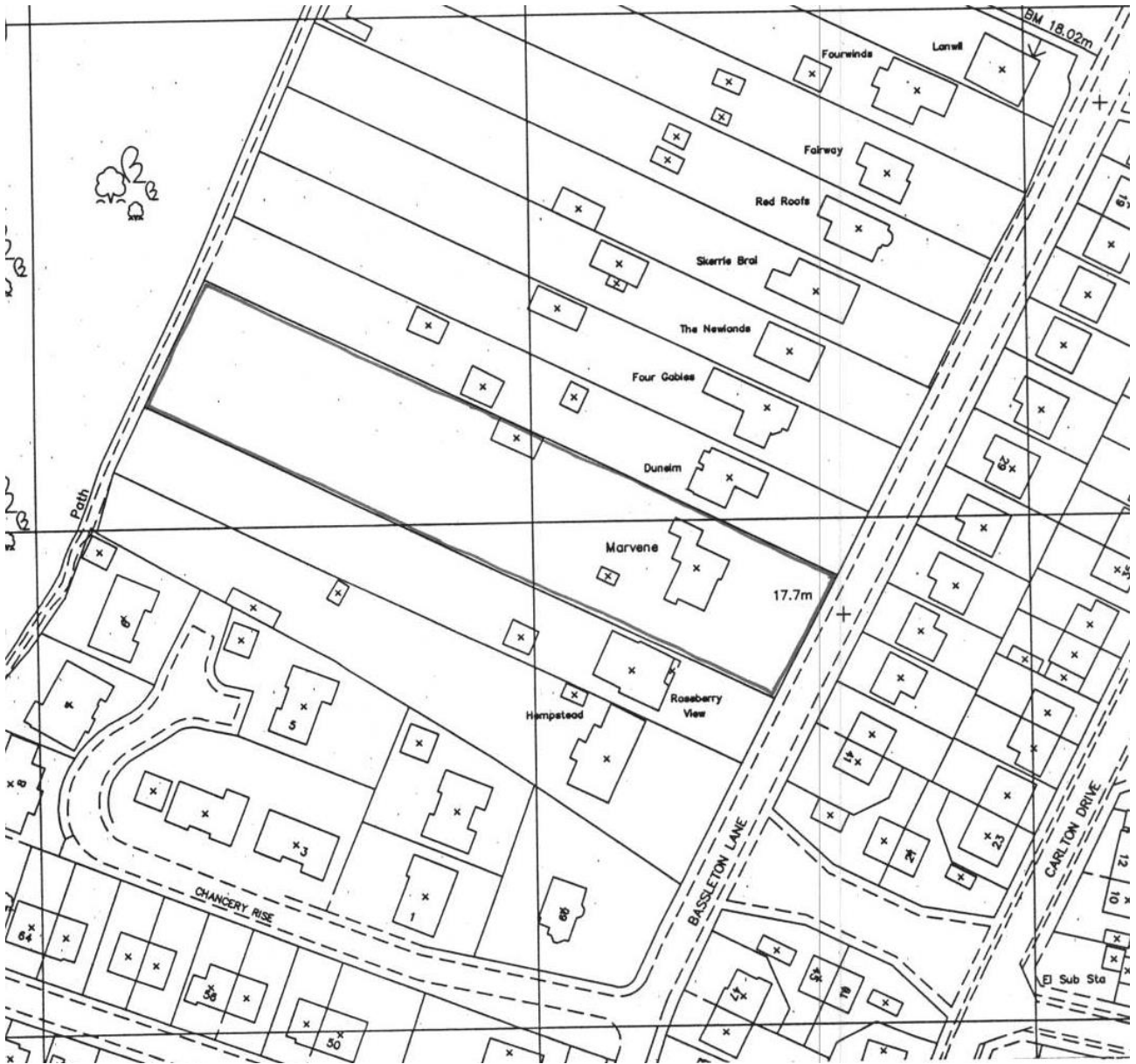
None

WARD AND WARD COUNCILLORS

| | |
|------------------------|--------------------------------|
| Ward | Village |
| Ward Councillor | Councillor M Eddy |
| Ward Councillor | Councillor I J Dalgarno |

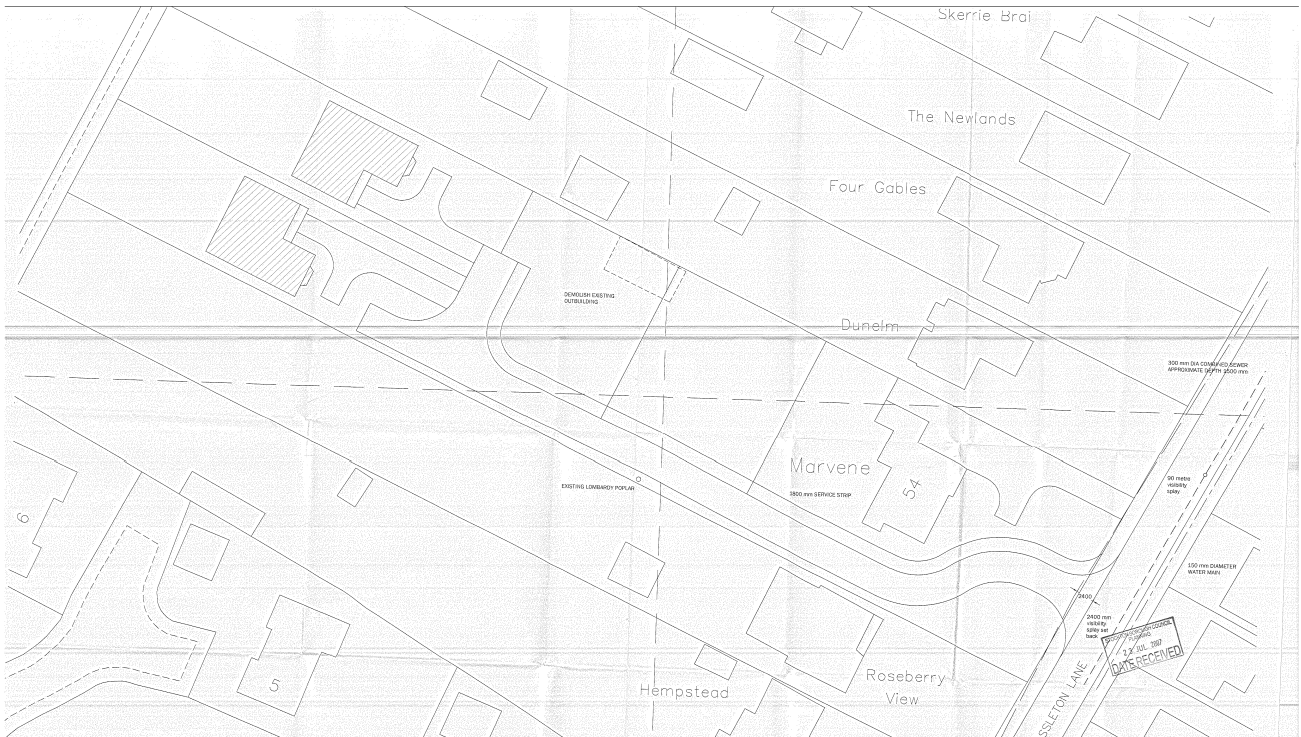
54 Bassleton Lane, Thornaby, Stockton-on-Tees
-Revised application for erection of 2 no. dormer bungalows with integral garages and associated means of access

Appendix Reference 1: Site Location Plan



54 Bassleton Lane, Thornaby, Stockton-on-Tees
-Revised application for erection of 2 no. dormer bungalows with integral garages and associated means of access

Appendix Reference 2: Site Layout Plan



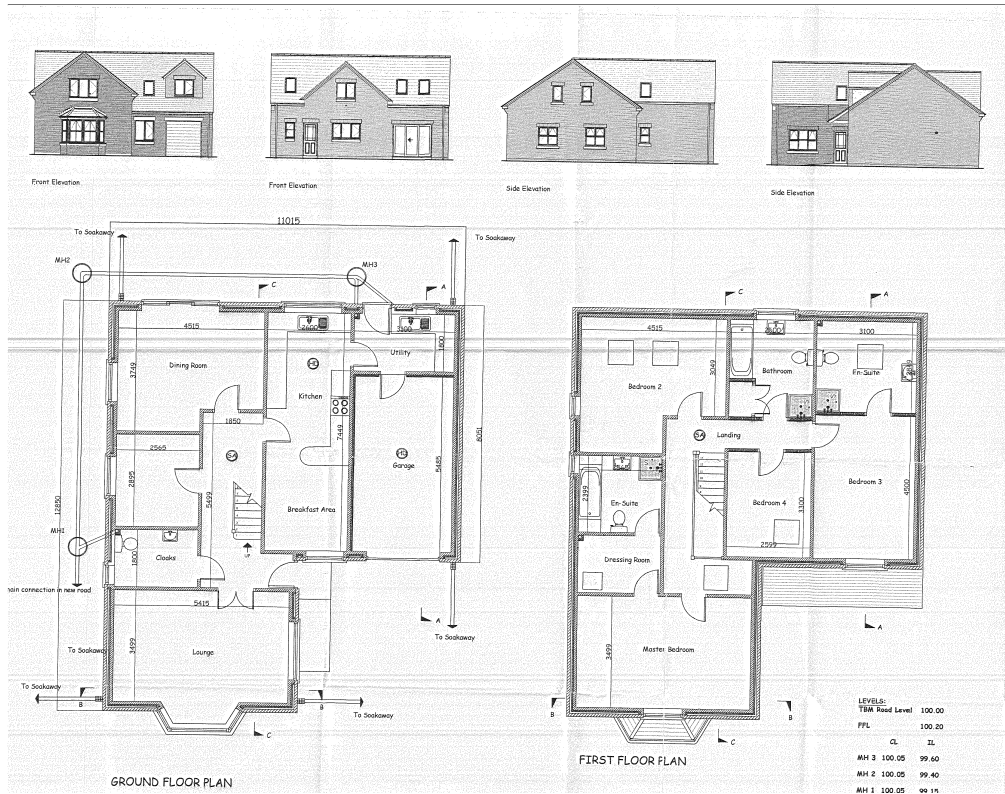
Appendix Reference 2: Site Layout Plan of approved scheme 06/3072/FUL



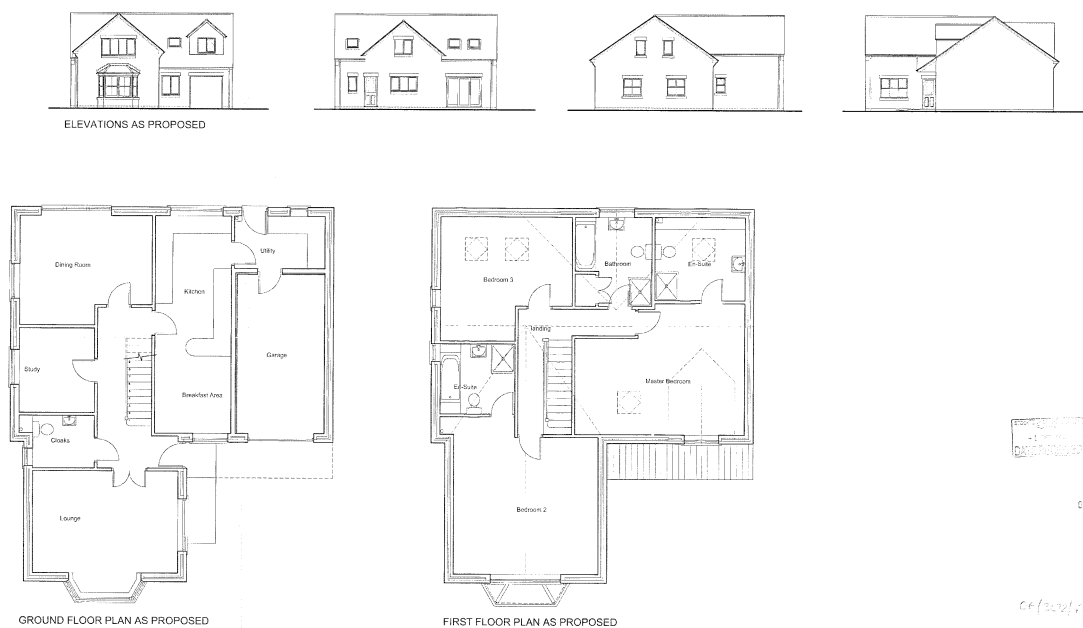
07/2214/REV

54 Bassleton Lane, Thornaby, Stockton-on-Tees
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Appendix Reference 3: Elevation and plan details



Appendix Reference 3: Elevation and plan details of approved scheme 06/3072/FUL



07/2214/REV

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Appendix Reference 4: Photograph of development

