

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 19 September 2007

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

07/1881/FUL

Land Off Millbank Lane,

Residential development of 36 no. one and two bedroom apartments and substitution of house types to plot nos. 251-255

Expiry date: 26th September 2007

Summary

On 29th November 2006, full planning permission was granted for residential development on former industrial land off Millbank Lane and Master Road. That permission provided 128 no 4 storey 1 & 2 bedroomed apartments, 194 no 2, 2 ½ and 3 storey dwellinghouses and 4 no first floor flats. A Section 106 accompanied the permission and this secured the necessary financial contribution to landscape improvements to compensate for the lack of on-site open space, public transport and footpath links.

The application has been publicised on site and in the local press, and neighbours have been notified. No letters of representation have been received.

In light of the previous planning permission, it is considered that development of this site for housing is acceptable in principle from a land use standpoint. The design and appearance of the apartment blocks and terraced dwellings blends with the surrounding approved dwellings and is considered acceptable. Adequate provision is made for cyclists.

The scheme provides for affordable housing which could be secured by a legal agreement, but which has not been pursued in the light of the weighty objections of the Head of Technical Services set out below.

Whilst the layout, orientation and disposition of the buildings is such that adequate levels of privacy would be maintained, and there would be no overshadowing or overbearing impact, the layout is woefully short of private (rather than play space) amenity space for the apartments. The resultant layout taking account of the mass and bulk of the apartments is considered cramped, dominated by buildings and hardstanding and would provide for a poor quality environment for residents. Whilst the landscaping proposals are considered acceptable in themselves, they would provide little by way of mitigation for the hard landscape dominated layout.

Adequate measures are available to ensure protection of residents from noise from Millbank Lane and the Securicor Depot.

The Head of Technical Services objects to the proposal as it provides an insufficient level of parking; a Departure from Standards and Transport Statement has not

changed this view. Cycle storage and bin storage are provided and details can be secured by condition.

It is considered that the proposal would provide insufficient parking, a poor quality environment and inadequate amenity space for future residents contrary to the provision of Policies GP1, HO3, HO11 of the adopted Stockton on Tees Local Plan and therefore it is recommended that planning permission be refused on those grounds.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development would provide inadequate parking for the residents of the apartments which would lead to an increase in parking in unsuitable locations on the highway or within the site, to the detriment of highway safety, contrary to Policies GP1, HO3 and HO11 of the Adopted Stockton on Tees Local Plan and advice in Supplementary Planning Guidance Document 3: Parking Provision for New Developments

2. In the opinion of the Local Planning Authority, the proposal would result in a cramped form of development, dominated by the mass and bulk of built development and hard landscaping features, which would result in an unacceptable environment and level of amenity of the future residents contrary to Policies GP1 and HO11 of the Adopted Stockton on Tees Local Plan.

3. In the opinion of the Local Planning Authority, the proposed development would provide for inadequate space in and around buildings, particularly with regard to the provision of amenity space for the occupants of the apartments contrary to Policies GP1 and HO11 of the Adopted Stockton on Tees Local Plan.

BACKGROUND

Application Site

1. On 29th November 2006, full planning permission was granted for residential development on former industrial land off Millbank Lane and Master Road. That permission provided 128 no 4 storey 1 & 2 bedroomed apartments, 194 no 2, 2 ½ and 3 storey dwellinghouses and 4 no first floor flats. A Section 106 accompanied the permission and this secured the necessary financial contribution to landscape improvements to compensate for the lack of on-site open space, public transport and footpath links.
2. The application site has been stripped and is used to stockpile materials. On adjacent land within the site, roads have been constructed and previously approved houses and apartments are now under construction.

THE PROPOSAL

3. Full planning permission is sought for the erection of 36 no one and two bedroom apartments on the site of formerly approved 12 dwellings and a substitution of house types to plots 251 – 255, on 0.29 hectares of former industrial land at Millbank Lane and Master Road. 18 cycle storage spaces and bin storage is also proposed.
4. The application proposes to substitute four bedroom 3 storey dwellings for the previously approved 3 bedroom 3 storey dwellings. The position and design of associated garages have also been amended.
5. A Transport Statement, Noise Assessment and Design and Access Statement accompany the application.

CONSULTATIONS

Head of Technical Services

Initial Comments

6. We have objections to the application on both highways and landscape grounds as detailed below due to increase of on-street parking and loss of amenity space and landscape quality.

Highways Comments

I have considered the information provided by the applicant.

The development should be designed and constructed in accordance with the Council's Design and Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I comment as follows: -

The applicant has proposed a 1:1 car parking provision for 36no 1 and 2 bed apartments. Stockton Borough Council's Adopted parking Standards state that in the eastern area of the Borough flatted development should provide 1.75 no car parking spaces per unit. Applied to the submitted proposal this realises 63no spaces.

10% of the parking should be used for disabled users and there should be secure and covered cycle storage for 15 cycles.

This is a significant departure from Council's standards. Thus far the applicant has not demonstrated how a 1:1 provision can be realised through parking management or other measures.

Given the proximity of the site to Thornaby Town Centre the application as it stands is unacceptable given the likely future increase of on-street parking leading to the detrimental and free flow of traffic and highway safety.

Landscape and Visual Amenity

The revised plans indicate that there will be a reduction in amenity space and landscape quality and as such we object to the application.

Built Environment

No comment

Final Comments

General Summary

We have objections to the application on highways ground as detailed below due to increases of on-street parking.

Highways Comments

I have considered the information that has been provided by the applicant.

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 applicant has proposed a 1:1 car parking provision for 36no. 1 and 2 bed apartments. Stockton Borough Council's Adopted Parking Standards state that in the Eastern area of the Borough flatted development should provide 1.75no car parking spaces per unit. Applied to the submitted proposal this realises 63no spaces.

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This is a significant departure from Council standards. Thus far the applicant has not demonstrated how a 1:1 provision can be realised through parking management or other measures.

Given the proximity of the site to Thornaby Town Centre the application as it stands is unacceptable given the likely future increase of on-street parking leading to the detrimental impact on the free flow of traffic and highway safety.

Landscape & Visual Comments

The revised plans indicate that that the proposed soft landscape treatment would be similar in design to that proposed on the original landscape layout Drg No 2372_001 (condition not yet discharged) and is therefore considered acceptable in principle.

Built Environment Comments

No comments.

Housing Officer

7. The principle of the G2 product means the affordability criteria should be met, however we would have expected that issues concerning resale/perpetuity/nominations etc would have been firmed up through a legal

agreement (Unilateral Undertaking as on the G2 site as per the Hardwick agreement).

Northumbrian Water

8. The application has been examined and Northumbrian Water has no objections to the proposed development.

C E Electric

9. No objections, but encloses mains records for the area.

Northern Gas Networks

10. No objections to proposal and mains records provided.

Environmental Health Unit

11. No objections

PUBLICITY

12. The application has been publicised on site and in the local press, and neighbours have been notified. No letters of representation have been received.

PLANNING POLICY CONSIDERATIONS

13. 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), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
14. 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.
- Development which is likely to detract from the setting of a listed building will not be permitted.

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 HO4

In housing developments exceeding 2 hectares (5 acres), affordable housing shall be provided to an extent agreed between the Council and the developer as appropriate to help meet any local need. There shall be arrangements to ensure that the benefits will be passed on to subsequent, as well as initial, occupiers.

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 TR5

Development likely to attract significant flows of traffic, will be required to include provision for the safe passage of cyclists onto and within the site, and to any existing and proposed cycle routes adjoining the site.

Policy TR6

Development likely to attract significant numbers of people, whether as visitors or employees, will be required to provide on site secure and convenient cycle parking provision, the level of such provision to be agreed with the Local Planning Authority

MATERIAL PLANNING CONSIDERATIONS

Principle of Development

15. Full planning permission to redevelop this former industrial site for housing – a mix of dwellings and apartments has been granted. That has established the principle of residential development on the site. Accordingly, development of this site for housing is acceptable in principle from a land use standpoint.

Design and Appearance

16. The design and appearance of the apartment blocks and terraced dwellings blends with the surrounding approved dwellings and the buildings would be finished in brick and concrete tile. It is considered that the scheme in those respects is acceptable.

Impact on Amenity of Proposed and Surrounding Properties

17. To the south of the application site is a large apartment block, which is at the time of writing is under construction. The proposed layout shows Block 1, a three storey building providing 12 units. This would stand between 24 and 30 metres from the adjacent block. It is considered that this distance would provide sufficient separation to ensure privacy of the occupants of both apartment blocks, would not have an overbearing impact, or given the relative orientation would the existing block of apartments overshadow Block 1.
18. A pair of semi-detached properties has been approved on Plots 237 and 238 and those dwellings would stand to the east of Block 1. Block 1 presents a blank gable to those dwellings at a distance of 16 metres. It is not considered that Block 1 would have adverse impact on the amenity of the occupants of those dwellings in terms of loss of privacy, overshadowing or overbearing impacts.
19. To the north east of the site is the main distributor road (Road 1) beyond which are terraces of properties facing Road 1 and also Roads 6 and 4. A row of five (5) terraced three-storey properties is proposed opposite plots 6 and 150, substituting house types, and making amendments to the position and style of garage. The new terrace would present an elevation to Road 1 at a distance of at least 21 metres from the gable of the dwellings opposite. The end gable of the proposed terrace is between 16 metres and 19 due south of the dwellings approved on Plots 256 to 258. The gable would present a bathroom window at ground floor and stair and landing window at first and second floor respectively. Given that those windows serve non-habitable rooms and taking account of the separation distances, it is not considered that the proposed terrace would have an adverse impact on the privacy of the occupants of Plots 256 to 258. Likewise, it is not considered that the new terrace would unduly overshadow or have an overbearing impact on the occupants of Plots 256 to 258.
20. Blocks 2 and 3 are a single building providing 24 apartments. To the west of this block is the Securicor premises, to the south at between 19 metres and 21 metres would be the front elevation of Block 1, to the north at a distance of

between 19 metres and 20 metres would be the rear elevation of Plots 259 to 261. To the east of Blocks 2 and 3 are the proposed five terraced properties, at a distance of between 22 metres and 26 metres. It is considered that those separation distances are sufficient to ensure privacy is maintained and that the new dwellings do not have a mutual overshadowing or overbearing impact.

21. The submitted noise survey provides a range of mitigation measures to address the potential noise impacts from the adjacent Securicor Depot and road noise from Millbank Lane. In respect of this site, the report recommends double glazed windows, acoustic trickle venting, and fencing to the Depot. The Environmental Health Officer has made no comments in this respect and appropriate measures can be secured outwith the planning regime.
22. However, it is considered that the proposed layout of provides little amenity space for the occupants of the apartment blocks, and gardens of terrace are small, ranging from 5 metres to 6 metres in length. Whilst it is acknowledged a legal agreement has secured a commuted sum to compensate for the lack of on-site open space on the wider site, this does not address the basic need for space around buildings. Hard standing and buildings dominate the resultant layout, and it is considered that this would provide an unacceptable level of amenity for the future residents of the apartments and dwellings.

Landscape and Trees

23. A landscaping scheme has been submitted for the wider site and those details are currently under consideration. Nevertheless, the Landscape Officer has considered the proposed landscaping layout and raises no objection to the scheme, and which shows planting along the site frontage to Road 1, and adjacent and within car parks. The plans also show the retention of trees along the western boundary of the site, which is welcomed and whose protection could, if permission were granted, be secured by condition.
24. However, the scale and bulk of the proposed apartments would have a detrimental impact on the landscape quality of the site, and that the proposed planting would do little in mitigation.
25. Overall, it is considered that the form of development proposed is cramped with little amenity space, which would result in a poor environment for future residents.

Access and Highway Safety

26. The application proposes 36 parking spaces of which 2 (two) would be marked for disabled users. Road 5, approved as part of the wider site, would serve the new development. Cycle storage is proposed for both blocks of apartments.
27. The Head of Technical Services objects to the proposal on the grounds that the proposed ratio of one parking space per apartment is insufficient, and that in accordance with SPD 3, the development should provide 1.75 car parking spaces per unit – a requirement of 63 spaces. No comments are made in respect of the levels of parking proposed for the terrace.

28. In response to the Head of Technical Services objection, the applicant has sought a Departure from Standard and submitted a revised Transport Statement seeking to justify a lower proportion of parking on the site. The Head of Technical Services maintains the view that this is a significant departure from Council standards, and thus far the applicant has not demonstrated how a 1:1 provision can be realised through parking management or other measures. Furthermore, given the proximity of the site to Thornaby Town Centre the application as it stands is unacceptable given the likely future increase of on-street parking leading to the detrimental impact on the free flow of traffic and highway safety.
29. Whilst a 10% provision for disabled users and secure and covered cycle storage could be the subject of a condition of any planning permission, the objection in respect of parking is of sufficient weight to warrant refusal on those grounds.

Affordable Housing

30. A G2 development is intended to provide affordable owner/occupier housing. The apartments are controlled through a leasehold agreement and any form of sub-letting is not permitted. A Unilateral Undertaking would normally be sufficient security, and the Housing Officer has confirmed this.
31. It is considered therefore that if planning permission were to be forthcoming an Undertaking would be required. However, given the strong objection from the Head of Technical Services in terms of highway safety and landscaping, this has not been pursued. The Council's Local Housing Assessment (Dec 2006) highlighted a need for affordable units at a level of 15%, and given that the site would provide for 87% affordable homes on one and two bedroom properties, it is not considered that in principle, the scheme fails to provide affordable housing.
32. If Members were minded to approve the application, any permission would have to be subject to the signing of a unilateral undertaking.

Footpath and Cycleway

33. The proposed scheme would not prejudice the implementation of a footpath/cycleway proposed on the wider site, along the Millbank Lane and Master Road frontages and the main distributor Road 1. The development is therefore acceptable in this respect.

CONCLUSIONS

34. The principle of residential development on this site, which would include apartments, has been established through the previous full planning permission granted in 2006. However, whilst it is considered that the layout would provide for adequate levels of amenity for residents in terms of privacy, overshadowing and overbearing impact, the scale and bulk of the proposed apartments and general layout would have a detrimental impact on the landscape quality of the site, resulting in an unsatisfactory, cramped form of development dominated by hard landscaping and built development. Whilst the proposed planting itself is acceptable, it would do little in mitigation. It is

considered that the form of development proposed is cramped with little amenity space, which would result in a poor environment for future residents.

35. The proposal would provide for affordable housing, which could be secured by condition; equally so, the requirements for cycle storage and disabled parking spaces.
36. In light of the above assessment it is considered that the proposal would provide insufficient parking, a poor quality environment and inadequate amenity space for future residents contrary to the provision of Policies GP1, HO3, HO11 of the adopted Stockton on Tees Local Plan and therefore it is recommended that planning permission be refused on those grounds.

Corporate Director of Development and Neighbourhood Services
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Financial Implications

As report

Environmental Implications

As Report

Legal Implications

As report

Community Safety Implications

As Reported

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 Application References 05/0946/FUL

Supplementary Planning Guidance Document 3: Parking Provision for New Developments

Planning Policy Guidance Note 24 : Planning and Noise

Ward	Village
Ward Councillors	Councillor M Eddy
	Councillor I J Dalgarno