

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

Date 12th DECEMBER 2007

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

07/2732/REM

Land off Greenwood Road, Billingham

Reserved Matters Application for the erection of 30 no. Dwellinghouses

Expiry Date 3 January 2008

SUMMARY

Outline planning permission was issued in October 2006 (application No 04/0738/OUT) for 30 dwellings on 2.23 hectares of land located on Greenwood Road, Billingham opposite the Belasis Hall Business Park. The land is currently largely disused but was previously used as part of a golf course. The remainder of the former golf course (some 9 hectares) was deeded to the Council at a cost of £1 for use for open space purposes together with a financial contribution of £80,000 towards the development and maintenance of the site. The transfer was secured by means of a section 106 agreement. Additional money (£15,000) was to be provided as a contribution to pitch upgrades at Billingham Campus School together with a contribution (£10,000) towards improvements in public transport, cycling, pedestrian and safe routes to schools within 2 miles of the application site. The money towards pitch improvements may need to be spent elsewhere and the money relating to transport improvements is to go towards local traffic calming.

Approval was limited to 30 dwellings because of concerns raised by the Health and Safety Executive. The whole of the application site is within the middle zone of Consultation Distance (CD) for the Billingham hazardous installation apart from a very small section on the southern boundary.

Only part of the outline site is to be developed because the applicant indicates local housing requirements is for smaller plot sizes and to utilise the whole of the site approved at the outline stage would result in a density significantly lower than government guideline of 30 dwellings per hectare. The remainder of the site is to be maintained to avoid it becoming overgrown and a draft unilateral planning obligation has been prepared to make this a legal requirement.

Trees along the frontage to Greenwood Road are subject to a Tree Preservation Order and there were initial concerns that the development would adversely affect these trees. Following further discussion and agreement on tree protection measures and construction methods, this concern has been satisfactorily resolved. It does not give rise to any significant highway concerns.

The principle of housing development on the site was established with the outline approval. This application provides the details of how the site is to be laid out and developed. The form and layout of the site is appropriate for its location and seeks to ensure a good quality peripheral treatment particularly along its important road frontages.

RECOMMENDATION

Subject to the completion of a unilateral agreement, it is recommended that the application number 07/2732/REM be approved subject to conditions covering the following matters:

- ***Development to be carried out in accordance with the approved plans;***
- ***The development to comply with the Design Guide and Specification (Residential Estates Development);***
- ***Implementation, timing and management of the approved landscaping to include tree protection measures***
- ***Removal of permitted development rights***
- ***Any other relevant matters***

BACKGROUND

1. Outline planning permission was issued in October 2006 (application No 04/0738/OUT) for residential development on 2.23 hectares of land located on Greenwood Road, Billingham opposite the Belasis Hall Business Park. The land is currently largely disused but was previously used as part of a golf course operated originally by ICI for its employees. The outline approval allowed for the erection of 30 No dwellings on the site with the remainder of the former golf course (some 9 hectares) deeded to the Council at a cost of £1 for use for open space purposes together with a financial contribution of £80,000 towards the development and maintenance of the site. The transfer was secured by means of a Section 106 agreement. In addition, money (£15,000) is to be provided as a contribution to pitch upgrades at Billingham Campus School (though the money might need to go to another scheme in Billingham) to overcome concerns raised by Sport England about the loss of part of a recreational sports facility. A further contribution (£10,000) is to be made towards improvements in public transport, cycling, pedestrian and safe routes to schools within 2 miles of the application site.
2. Payment of the funds secured by the Section 106 agreement is to be made within three months of the start of construction.
3. The development is limited to 30 dwellings because of concerns raised by the Health and Safety Executive. The whole of the application site is within the middle zone of Consultation Distance (CD) for the Billingham hazardous installation apart from a very small section on the southern boundary.
4. An option to purchase the site has now been secured by the house builders George Wimpey, who have submitted the current Reserved Matter planning application for the 30 dwellings. Only part of the outline site is to be developed because local housing requirements is for smaller plot sizes and to utilise the whole of the site would result in a density significantly lower than government guideline of 30 dwellings per hectare. The remainder of the original outline site is to be retained by the original site owner, Osborne House and maintained by them to avoid it becoming overgrown. A unilateral planning obligation has been prepared to make this a legal requirement and is waiting to be signed.

PROPOSAL

5. The application seeks Reserved Matter approval for the erection of 30 No dwellings comprising 10 detached 2 storey 4 bed houses together with 20 No terraced 2.5/3 storey 3

and 4 bed town houses with associated parking facilities and amenity space. Details of the brick types and roofing materials have also been provided.

6. The development only relates to part of the site as set out above and measures 0.75 hectares (1.85 acres) providing a density of 40 dwellings per hectare with the residual land (some 1.48 hectares) retained by Osborne House. The location on the north eastern part of the site has been chosen as it adjoins existing development and provides a continuous frontage of development. It is also the location furthest away from the hazardous installation.
7. Access is directly off Greenwood Road with its position agreed in pre-application discussions. This will necessitate the removal of an existing section of hedgerow.
8. There are a number of Poplar trees along the road frontage that are to be retained and have been protected by a Tree Preservation Order. The protected trees to the north west of the access are outwith of the development site and form part of small area for informal recreation, whilst the trees to the south east are within a strip of land forming part of the curtilage of 5 dwellings facing onto Greenwood Road. A tree internal to the site has been judged not worthy of protection and is to be removed to facilitate the development but some 29 new trees are to be planted within the housing area as part of the development together with some limited shrub planting.
9. The means of enclosure are indicated as being a 400mm low timber rail to the Greenwood Road boundary with an 1800mm closed boarded fence around the rest of the site. Internally within the site the means of enclosure is a mix of 1800 close-boarded fencing and brick walls to the same height.
10. The application is supported by:
 - A Planning Statement;
 - A Design and Access statement;
 - An Ecological Appraisal;
 - A Pre-development Tree Survey; and
 - A Flood Risk Assessment

CONSULTATIONS

11. The following Consultees were notified and any comments received are set out below:-

The Environment Agency

12. "Thank you for supplying the detailed Flood Risk Assessment.

We require the surface water discharge to be limited to the greenfield run-off rate. We accept a greenfield run-off rate of 3.15 l/s/ha. Therefore, detailed drainage design should take this figure into account.

Surface water drainage from this site is required to be regulated so as not to exacerbate flooding problems downstream within the catchment. The discharge should be regulated to the greenfield run-off from a 1 in 1 year storm and sufficient storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse. "

Sport England

13. Raises no objection to the proposal but adds two comments:
- Asks whether the monetary contribution is index linked; and
 - Comments that Billingham Campus is subject of major development proposals tied in with a new educational building (Bede College scheme) which will require replacement playing fields. As such the Sports Council considers that the site is probably now an unsuitable recipient for pitch upgrade works and therefore it might be appropriate at this point to amend the section 106 agreement.

Urban Design Engineers

14. Initially had concerns about certain detailed aspects of the layout in terms of car parking, and position of one drive. A revised scheme has been submitted which has addressed these issues and the development is now satisfactory from the highway standpoint.

Urban Design Landscape

15. Initial concerns about the impact on the trees and some of the landscaping details have now been resolved. The Landscape Architect now comments:

“The landscape information including the planting plan and tree protection information received is acceptable but we would advise that additional root barriers are not deemed appropriate between the new houses and the existing poplars fronting Greenwood Road as point 3 d in letter ref 07/2732/rem 27/11/07 as they could sever any existing tree roots. We understand that the house foundations will be constructed to prevent any possible future root damage.”

Ward Councillor Alex Cunningham

16. “I am content with the plans as submitted but am concerned about the impact the additional traffic will have on Greenwood Road residents - a wide road with constantly speeding cars. I believe there are funds available for traffic calming related to this project and hope that will result in it being installed as soon as possible and before the new homes are occupied.

I'd also make a plea to the developer via yourselves that he consider either selling the small piece of land immediately behind the Scout building to Scouts for a nominal amount or grant them a long term lease on a peppercorn rent. Its land they currently have within their fence and which is used for tent erection and other small activities.”

Northumbrian Water Limited

17. Does not object but recommends the following condition:

“Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water

Reason: To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 ‘Development and Flood Risk’ and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000”.

It also provides information on the sewers in the area

Northern Gas Networks

18. No objections

CE Electric UK

19. Makes no comment except to provide information on the services in the area.

Health And Safety Executive

20. Does not advise, on safety grounds, against the granting of planning permission.

Environmental Health Unit

21. No objection in principle but recommends conditions relating to noise and land contamination

Spatial Planning Manager

22. No comments

23. No comments or response has been received from:

- Tees Forest
- Countryside And Green Space
- Arboricultural Officer

PUBLICITY

24. Neighbours were notified and the only response received is from Oxy-Waste Ltd saying no comments

PLANNING POLICY

23. The relevant development plan in this case is the adopted Stockton on Tees Local Plan.
24. 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).
25. The following planning policies are considered to be relevant to the consideration of this application:-
26. Policy GP1 is the general policy and sets out ten criteria that all development proposals need to be assessed against. These criteria are as follows: -
- 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 public rights of way.

27. Policy HO3 states that 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.

28. Policy HO11 requires all new residential development to be designed and laid out to a high quality standard with open space and a satisfactory degree of privacy and amenity for both the new dwellings and the occupiers of nearby properties.

29. Policy REC1 states:

“Development which would result in the permanent loss of playing space will not be permitted unless:

- (i.) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- (ii.) Alternative provision of equivalent community benefit is made available, or
- (iii.) The land is not required to satisfy known local needs.”

30. Policy EN 38 states residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

MATERIAL PLANNING CONSIDERATIONS

31. The previous planning permission, which was granted last year, established the principle of development of this site for 30 dwellings. Nevertheless, in light of the consultation responses and planning policy, a number of planning issues are considered material to the consideration of this application.

Part loss of recreational facilities and re-use of remaining land

32. Sport England has originally objected to the outline application because of the part loss of the existing, albeit disused, golf course. It removed its objection because of compensatory provision in mitigation in the form of a payment of £15,000 towards pitch upgrades at

Billingham Campus School secured by means of the Section 106 Agreement discussed above.

33. Consequently, Sport England has no objection to the present application but does suggest that because of possible future works affecting the Billingham Campus School [See report in respect of Application No 07/2730/FUL and 07/2731/FUL on this Agenda] that it is probably now an unsuitable recipient for pitch upgrade works, towards which a contribution of £15,000 was agreed as part of the section 106 agreement signed at the outline stage.
34. In light of this, it may well be appropriate to seek to vary that agreement and as to how it could be varied is currently being considered, but that is outwith of this reserved matter application and will be dealt with separately.
35. As well as offering £15,000 for pitch upgrades, it was also agreed to transfer ownership of the remainder of the land to the Council; some 9 hectares together with a commuted lump sum of £80,000 for development of the land for public open space purposes. This was secured through the same Section 106 Agreement. Consequently the majority of the original golf course site is saved for open space community use.

Proximity of development to hazardous installations

36. The development is located within the consultation distance of a hazardous installation (Terra Nitrogen) which requires formal consultation with the Health and Safety Executive (HSE). Policy EN38 of the adopted Local Plan permits residential development in the vicinity of a hazardous installation but only where there is no significant threat to the safety of the people involved. Because of the relatively low numbers and density HSE has not raised any objection on health and safety grounds to the proposed development, and therefore the proposal accords with this policy.

Planning Policy

37. Policy HO3 of the approved local plan allows for new residential development within the limits to development provided a number of criteria are met including that:
 - “(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.”
38. Viewed against the criteria, it considered that there is no significant loss of a recreational facility (see below); the development is considered sympathetic to the area and there is no unacceptable loss of amenity and that satisfactory arrangements can be made for access and car parking. Accordingly, it is not considered the application conflicts with Policy HO3.
39. In terms of Policy REC1:
 - Alternative provision of equivalent community benefit is made available, and
 - the land is not required to satisfy known local needs, and
 - the bulk of the land is to be retained in public rather than private open space use.

40. The proposed development therefore satisfies the relevant tests set out in saved policy REC 1 of the Adopted Stockton on Tees Local Plan

Layout, Access, Traffic and Parking

41. The proposed arrangement of housing as a mix of detached 2 storey houses and terraced 2 ½ and 3 storey town houses served by a single access off Greenwood Road is considered acceptable in the context of the local area. The design of the dwellings is similar to other developments and is of a satisfactory quality. It reflects the scale and nature of the existing housing in the area, the boundary of which is 18m to the north and separated from the site by the existing scout hut. The trees to the road boundary also provided a significant degree of screening and soften the impact in regard to the street scene. As can be seen from the revised comments from Urban Design Manager, the layout as amended is now satisfactory from the highway standpoint.
42. The traffic concern raised by the Ward Councillor is noted. Payment of the £10,000 contribution towards improvements in public transport, cycling, pedestrian and safe routes to schools within 2 miles of the application site is due to be paid within 3 months of the commencement of development. It is understood the money is to be spent on traffic calming in the area but as yet no scheme has been drawn up.

Open Space and Landscape

43. The Urban Design Manager initially raised a number of issues given that the trees on the boundary form part of an important tree line on the southwest side of Greenwood Road and contribute highly to the visual amenity of the local area. The trees are now protected and adequate precautions are in place with detailed plans supplied to protect them from damage both during construction and afterwards to prevent roots damaging the new houses.

Residual Matters

44. The concerns raised by the Ward Councillor in respect of retaining the outdoor activities area is for the Scout Group was raised previously and the Scout Group was advised to discuss the matter direct with the landowner Osborne House. The area in question is to south west of the scout hut, within the retained land outside of the housing area and is therefore not affected by the current proposal
45. The matters raised by Environmental Health are noted. Hours of construction are already controlled by condition attached to the outline permission, which remains in force. There are no flats proposed as part this development and therefore noise insulation is not an issue. In any event this is a matter controlled under Building Regulations. The request for a contamination survey was not requested at the outline stage and therefore cannot be imposed as part of the reserved matter approval. It should also be noted that this is a greenfield site previously used for recreation purposes, so land contamination is unlikely.
46. The ecological study provided by consultants on behalf of the applicant does not reveal any protected species likely to be affected by the development.
47. The drainage condition recommended by Northumbrian Water relates primarily to control under the Building Regulations. Details of drainage are also a requirement by condition of the outline permission and therefore no further control by condition on the current application is required. However, the comments made can be forwarded to the applicant as an informative attached to any permission granted.

48. It is now usual to require an element of affordable housing where those sites would accommodate over 15 units. However, at the outline stage in 2004 the matter was not considered given the community benefit that was accruing for the overall proposal. Consequently, and as the proposal is a reserved matter application it is not possible or appropriate to require an element of affordable housing as part of the development

CONCLUSION

49. The principle of housing development on the site was established with the outline approval. This application provides the details of how the site is to be laid and developed. The form and layout of the site is appropriate for its location and seeks to ensure a good quality peripheral treatment particularly along its important road frontages.
50. It does not give rise to any significant highway concerns and initial concerns in respect of landscape treatment and tree protection have now been satisfactorily resolved. Accordingly, it is considered conditional approval can be recommended.

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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: 04/0738/OUT and 07/2732/REM

WARD AND WARD COUNCILLORS

Ward	Billingham East
Ward Councillor	Councillor M. N. Stoker
Ward Councillor	Councillor A. Cunningham