

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 12th DECEMBER 2007

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

07/2746/FUL

7 Station Road, Billingham,

Construction of single apartment block with six flats across three levels with adjacent ground level car parking for six vehicles

Expiry Date 28 December 2007

SUMMARY

The application site lies to the south-west of Station Road, Billingham. The existing host property, No. 7 Station Road lies to the north of the site. A variety of commercial units and services are provided within the nearby Billingham Green local centre. The application site also lies within the Billingham Green Conservation Area and in close proximity to the Grade II listed No.'s 2-5 Chapel Road.

Planning consent is sought for the erection of a three-storey building that is to contain 6no. One bedroom flats. The proposed building is to measure 9.5m (w) x 10m (l) and reach a maximum height of approximately 9.5 metres.

The planning application is before members of the Planning Committee for determination due to the number of letters of support received.

The proposed development is considered to have a detrimental impact on the character of the area and that of the conservation area. Concerns remain over the level of amenity for the future residents of the scheme and impact of the development on highway safety, consequently the proposed development is recommended for refusal.

RECOMMENDATION

Planning application 07/2746/FUL to be refused on the following basis;

01. In the opinion of the Local Planning Authority the design of the proposed development is considered to be unacceptable and fails to make a positive contribution to the character of the surrounding area or to preserve or enhance the character of the Conservation Area contrary to Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Guidance 15; Planning and the Historic Environment and Policies GP1, HO3, HO11 and EN24 of the adopted Stockton on Tees Local Plan.

02. The proposed development by virtue of its lack of in-curtilage parking provision will result in on-street parking along station road and the surrounding area to the detriment of highway safety and the free flow of traffic, contrary to policy GP1 of the adopted Stockton on Tees Local Plan and Supplementary Planning Document 3: Parking Provision for new developments.

03. In the opinion of the Local Planning Authority the application site is of inadequate size to satisfactorily accommodate the proposed apartments resulting in a cramped form of development, contrary to policy GP1 and HO11 of the adopted Stockton on Tees Local Plan.

04. The proposed development will result in the intensification of a substandard access by virtue of its narrow width which would not enable vehicles to pass one another and in the opinion of the Local Planning Authority would be detrimental to the free-flow of traffic and highway safety and for which the applicant has no control over to carry out the required improvements, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

05. In the opinion of the Local Planning Authority the proposed arrangement of the proposed dwellings would result in amenity standards below that which could reasonably be expected for the existing and future residents, contrary to policy GP1 of the adopted Stockton on Tees Local Plan.

BACKGROUND

The applicant's agent has submitted an appeal to the Planning Inspectorate on grounds of non-determination. However, the application was made invalid because the access was not included within the redline boundary. The applicant's agent was confirmed that the applicant does not own the access and they are unwilling to include the land within the redline boundary. The clock has been re-started on the application and the Local Planning Authority considers that the allocated 8 week period has not yet elapsed. Members should however, be aware that if the appeal is registered by the Planning Inspectorate then the recommendation should be that the Local Authority are minded to refuse the application for the reasons outlined above.

PROPOSAL

Planning consent is sought for the erection of a three-storey building that is to contain 6 no. One bedroom flats. The proposed building is to measure 9.5m (w) x 10m (l) and reach a maximum height of approximately 9.5 metres.

Access into the site is thought the existing alleyway and 5 no. parking spaces provided to the rear whilst one space will be provided to the front of the development.

CONSULTATIONS

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

Michael Smith – Local Ward Councillor

I am concerned about the increased access required on a bend in the road to park at the rear. This on paper looks like over development of the site I am also concerned about the impact of the development on the surrounding homes

Jean O'Donnell – Local Ward Councillor

Planners should be aware that an application to register a prescriptive right over land at the rear of this property is presently at Durham Land Registry awaiting processing. This application is led by the Borough Council's legal department with Janet Ford as the officer dealing. The prescriptive right has been earned by the tenants/owners/occupiers of The Hollies and relates to an

uninterrupted use of the land as a means of access to their respective garages at the rear of the properties for a period in excess of twenty (20) years. (A turning circle).

Some months ago, the Applicant erected a metal railing fence across the perimeter of her land, cutting off the turning circle, thus causing the need of occupiers to protest. Community wardens were called and they photographed the work being done.

Shortly afterwards Affidavits were sworn to attest the use of the land and the above-mentioned application to the Land registry was entered.

Stockton Borough Council's legal department reserved and registered the right of way of the back lane behind The Hollies to protect the rights of its tenants. This back lane accrues to the benefit of the tenants/owners/occupiers of The Hollies.

I believe the said back lane forms no part of the Applicants hereditaments although it would appear to be the intended access to the car parking area planned for the flats. In which case, the application in its present form should fail.

Station Road, from its junction with Bedale Avenue, past the junction with Chapel Road and onwards to its joining Belasis Avenue is a well known traffic trouble spot.

Indeed, the sight line was so bad many years ago that houses on the corner were demolished and the A19 By-Pass was built. Presently, however, the problem is with speeding vehicles and the increased press of traffic which has been referred to our traffic management team several times.

The proposed access for the flats - using the back lane - is right in the middle of a particularly difficult section of the road - almost a blind entry. Should vehicles attempt to access the proposed parking spaces at the same time as a tenant wishes to exit, chaos would ensue on the main road which itself is usually fully occupied with delivery vehicles for the pub, carpet shop, motor parts and pharmacy. This is not a wide highway, merely an ordinary road through an area which never was designated a busy thoroughfare.

I believe this would be an overbearing development, adding nothing to the conservation area and be the cause of increased traffic problems in an already very problematic area.

The pub, Trader Jacks, is directly opposite no.7. Station Road with whom the Applicant has been in dispute ever since the extended opening hours were granted. Environmental Services and Licensing are the recipient of numerous complaints, particularly in respect of noise, fighting and double parked taxis outside the premises adding to the already high levels of congestion and nuisance. Extra occupiers, should this application succeed, would no doubt, have to suffer similarly.

I therefore object to this application on the above mentioned grounds.

Urban Design

General Summary

Urban Design object to this proposal on the grounds detailed below.

Highways Comments:

SBC parking standards, stipulate 1.5 vehicle spaces per apartment and the application outlines only 1, therefore this is unacceptable. In addition there are no waiting at anytime restrictions in place on Station Road, so overspill parking would not be able to park near the premises.

The access to the property via the existing alleyway should be a minimum of 4.1 metres in width, in order that vehicles can pass each other in a safe manner.

Cycle storage should be in accordance with SBC Supplementary Parking Document.

Garages already exist within the alleyway adjacent to the proposed parking spaces, which could cause problems with manoeuvring vehicles, therefore a swept path analysis should be provided.

The existing access way is privately owned and is in a poor state of repair.

For the reasons stated above I cannot support the application as it stands at present.

Landscape & Visual Comments:

I have no objection to the development however some tree and shrub planting should be provided along the frontage to soften the buildings and to enhance the street scene.

If consent is granted, details of the proposed planting are required, along with hard landscaping proposals and boundary treatments. Full details should be provided to the following minimum standard:

- A. A detailed landscape plan for hard construction indicating materials and construction methods.
- B. Boundary treatment details.
- C. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.

Built Environment Comments

No comments.

Environmental Health Unit

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
- Noise disturbance from adjacent road traffic
- Construction Noise

Northumbrian Water Limited

No objections

Northern Gas Networks

No objections

NEDL

No objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity

PUBLICITY

6 letter of support have been received in relation to the proposed development, comments are shown below (in summary);

- Will improve the appearance of the derelict land
- Will provide housing for people in Billingham
- Will provide much needed affordable accommodation in the area
- Development will compliment the surrounding conservation area.

5 Number of objections have also been received in relation to the development, comments are shown below (in summary);

- ❑ The access is narrow and comes to a busy road with poor sight lines.
- ❑ Concerns over safety of residents whose properties have access from the rear alleyway
- ❑ Increases in noise and disturbance.
- ❑ Additional traffic is likely to cause problems of access and would be detrimental to pedestrian safety as it is a blind access.
- ❑ Lack of parking and potential on-street parking problems.
- ❑ Development too big for the size of the site
- ❑ Loss of daylight and views
- ❑ Loss of trees

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 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 EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Policy EN28

Development which if likely to detract from the setting of a listed building will not be permitted.

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance 15; Planning and the Historic Environment

SITE AND SURROUNDINGS

The application site lies to the south-west of Station Road, Billingham. The existing host property, No. 7 Station Road lies to the north of the proposed development. A variety of commercial units and services are provided within the Billingham Green local centre which predominately lies to the north-east of the site. Billingham Social club lies to the west, while the residential properties of the Hollies (1-5 Chapel Road) lie to the south of which No.'s 2-5 are afforded grade II listed status.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations of this application are the impacts on the character of the conservation area,

Principle of development;

The application site forms part of a side garden to an existing residential property, No. 7 Station Road. The site is therefore classed as previously developed land under the definition outlined in Planning Policy Statement 3; Housing and as the site lies within the defined limits to development the principle of residential development on the site is considered acceptable subject to the relevant local plan policies. The application site also lies within the Billingham Green Conservation Area and in close proximity to the Grade II listed No.2-5 Chapel Road, to this end policies GP1, HO3, HO11, EN24 and EN28 of the adopted Local Plan and the Council's Supplementary Planning Guidance No.4 (High Density Development) and Supplementary Planning Document 3; Parking Provision for New Developments are relevant to the decision.

Site sustainability;

The Council's Supplementary Planning Guidance No.4 sets out guidance on where to locate higher density developments, the application site meets the basic criteria in that it lies within the limits to development, is on previously developed land and lies within 500m of a regular bus service.

The application site also lies just outside Billingham Green defined local centre, in accordance with guidance laid out in the SPG the overall density of development on the site should not exceed between 60-70 dwellings per hectare. The application site is therefore considered to be a sustainable enough site to accommodate a development of between 4 and 5 dwellings, based on the site area of 0.0647 hectares.

Impact on the character of the area and conservation area;

Planning Policy Statement 1 (PPS1) and Planning Policy Statement 3 (PPS3) outline the government's stance in terms of requiring high quality design and the role that this has within the planning system. Planning Policy Guidance 15 (PPG15) also reflects on the need for high standards of design where new buildings sit alongside historic buildings.

PPS1 states that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and should not be accepted. PPG15 states that new developments should follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials, although this does not necessarily mean that new buildings have to copy their older neighbours in detail. In addition PPS3 outlines that good design is fundamental to the development of high quality new housing, and contributes to the creation of sustainable, mixed communities. Good design should therefore contribute positively and be appropriate within the context of an area, improve its character and the way it functions.

Although several support letters have been received commenting that the development will improve the appearance of the site, very little supporting information has been provided which analyses the existing building in the context of the conservation area. The submission also fails to demonstrate or justify how the submitted proposal has been achieved and why it is of an appropriate design.

Whilst elements from the design of the host property have been included in the design, the elevation drawing provided in support of the application highlights that the scale and proportions of the two-storey Victorian property is clearly at odds with the proposed modern three-storey development and the two do not sit comfortably with one another. It is considered that the overall concept of the design of the proposed development is inappropriate. The development does not provide a high quality scheme that reflects the character of the some of the adjacent buildings, it fails to contribute positively to the surrounding area and more importantly has a negative impact on the character of the conservation area as a whole.

On this basis it is considered that the design of the proposed development is not acceptable and fails to improve or make positive contributions to the street scene, does not preserve or enhance the character of the conservation area and the proposed development is viewed to be contrary to national planning guidance in the form of PPS1, PPS3, PPG15 and Local Plan policies GP1, HO3, HO11 and EN24.

Amenity;

The proposed development would be approximately 7 metres from the western boundary of the site and approximately 15 metres to the first floor windows, which the Local Planning Authority understands is a flat for the adjacent Social Club. This distance to this unit is significantly less than the Council's minimum separation distance of 21 metres as outlined in the Householder Extension Guide. The Local Planning Authority has concerns about the relationship between the two units and the impact on the privacy and amenity of these two properties as well as in relation to noise and disturbance from the social club itself and would result in lower standards of amenity that could reasonably be expected. Consequently the application is considered to be contrary to policies GP1, HO3 and HO11 of the adopted Local Plan

It is considered that the proposed development provides little private amenity space provision and is dominated by the parking requirements for the site. On this basis it is viewed that the proposal represents an over-development of the site and cannot accommodate the proposed number of apartments on the site. The proposed development is therefore considered to be contrary to policies GP1 and HO11 in this respect.

Concerns have been raised in relation to the increase in noise and disturbance to the neighbouring occupiers. Sound insulation would be a requirement of building regulations should an approval be granted and would mitigate against any impacts. During construction neighbouring residents may suffer from noise and disturbance although this would be only for the medium term and could be mitigated against through effective planning conditions to control hours of construction.

Access and highway safety;

The Council's Urban Design unit have considered the proposed development against the Supplementary Planning Document No.3; Parking Provision for New Developments. The development is considered to fall short of the Council's requirement for parking provision of 1.5 spaces per unit. It is therefore considered that occupiers of the development and visitors would be likely to park on Station Road, which is also subject to waiting restrictions. It is considered that this would be likely to have a detrimental impact on the free flow of traffic and highway safety, contrary to policy GP1.

The Local Planning Authority has also raised concerns over the ownership of the existing alleyway which provides access to the rear parking area with the applicant's agent and the need to serve the relevant certificate. The agent has responded by stating the ownership of the alleyway is not known or included within the redline boundary and that they do not intend to serve any notice nor amend the red line boundary. To this end the applicant has no control over the access and the site effectively remains land locked. As the proposed alleyway providing access to the site is only approximately 3 metres in width and the proposal would in the opinion of the Local Planning Authority result in the intensification of a substandard access. Given that the applicant does not have any control over the access no improvements could be made and vehicles using the access will be unable to pass one another. This would result in vehicles waiting on Station Road to turn into the site, to the detrimental of highway safety and the scheme is contrary to Policy GP1 of the adopted Local Plan.

Setting of listed building;

PPG15 outlines that the setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. The proposed development would be in excess of 30 metres from the rear of No. 2-5 Chapel Road, which are grade II listed. Given the rear aspect, the distance between the listed buildings and the proposed development it is not considered that the development would have such a detrimental impact on the listed buildings so as to justify a refusal of the application. The proposal therefore accords with policy EN28 in this respect.

CONCLUSION

The proposed development is considered to have a detrimental impact on the character of the area and that of the conservation area. Concerns remain over the level of amenity for the future residents of the scheme and impact of the development on highway safety. The proposed development is considered to be contrary to Planning Policy Statement 1, Planning Policy Statement 3, Planning Policy Guidance No.15 Local Planning Policies GP1, HO3, HO11, EN24 and the Supplementary Planning Document 3: Parking Provision for new developments. The proposed development is therefore recommended for refusal.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

**Ward Billingham South
Ward Councillor Councillor Mrs J. O' Donnell**

**Ward Billingham South
Ward Councillor Councillor M. Smith**