

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 9th January 2008

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

07/2406/FUL

**Land at Thornaby Football Club, Acklam Road, Thornaby
Residential development of 42no. Two bedroom apartments, 32 One bedroom
apartments and associated external works and highway improvements**

Expiry date: 11th January 2008

Summary

This application seeks full planning permission for the erection of 74 apartments and associated highway works on land off Acklam Road at Thornaby. Football and social club with changing facilities, car park, grassed area and a small area of playing pitch currently occupy the site.

Planning permission was granted for a scheme of 50 apartments on this site in 2006, after a two-year delay in determination due to negotiations and securing a legal agreement in respect of replacement sports facilities. Since that time planning permission has been granted for temporary changing facilities and a new permanent clubhouse.

Three letters of representation have been received, two objecting and one supporting the proposal. Further letter have been received from Councillor Sylvia Walmsley and Thornaby Town Council objecting to the proposal. The letter of support is from Thornaby Football Club, on the grounds that the proposal would lead to improved facilities for the Club. The main grounds for objection relate to loss of recreational land, impact on nature conservation interests, landscape, fauna and flora, impact on access and highway safety, public rights of way, and impact on the capacity of a combined sewer outflow.

Sport England has objected to the proposal as it encroaches upon a small area of playing pitch. There are matters outstanding in respect of access and highway safety, responses are required from Landscape and Built Environment Officers.

At the time of drafting, the application lacks information and a mechanism of delivery of affordable housing, information in respect of nature conservation matters and there is no provision for cycle parking.

It is considered that the layout is cramped, the design of the apartment blocks is poor, that layout would provide for a poor quality environment and inadequate amenity space for future residents.

It is not considered that that the proposal would have an adverse impact on the amenity of the occupants of neighbouring residents.

As a result of early discussion with the applicant, further information and revised plans have been received. However, the applicant was informed at that early stage that in order to allow for necessary consultations to take place and for a considered report to be drafted in time for Planning Committee, the Local Planning Authority should receive any new details by 29th November. The applicant failed to meet this target.

However, the new details are now out to consultation and a round of fresh publicity has taken place. To date however, Members are advised of the following recommendation based on preliminary assessment of the original scheme. Any responses received, new information, conclusions to be drawn and recommendations in respect of the revised proposals to be made will be set out in an update report.

RECOMMENDATION

It is recommended that planning permission be REFUSED for application number 07/2406/FUL for the following reasons:

- 1. In the opinion of the Local Planning Authority, as a result of its location in respect of local services, the proposed development site is considered to be an unsuitable and unsustainable site for flatted development, being development, which should be located on sites within close proximity to a wide range of provisions and services. As such, the proposal would be contrary to the guidance of Supplementary Planning Guidance Note No. 4, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.***
- 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 and advice in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.***
- 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 and advice in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.***
- 4. In the opinion of the Local Planning Authority, the proposed development would introduce built development, whose scale, design and appearance are inappropriate for and would appear incongruous in this edge of development location, contrary to policies GP1, HO3, HO11 of the Adopted Stockton on Tees Local Plan and advice given in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.***
- 5. Insufficient information has been provided to enable the Local Planning Authority to assess the likely impacts of the proposed development on protected species and nature conservation interests, contrary to Policy***

GP1 of the Adopted Stockton on Tees Local Plan and advice given in Planning Policy Statement 9: Biodiversity and Geological Conservation.

6. ***The proposal fails to provide for affordable housing contrary to the advice given in Planning Policy Statement 3: Housing.***
7. ***The proposed development would result in the loss of playing fields and fails to provide for a suitable replacement facility contrary to policies HO3 and REC 1 of the Adopted Stockton on Tees Local Plan and advice given in Planning Policy Guidance 17: Planning for Open Space Sport and Recreation.***
8. ***The proposed development fails to provide for secure and covered cycle storage contrary to Adopted Stockton on Tees Local Policy GP1, HO3 and HO11 and advice given in Planning Policy Guidance Note 13; Transport, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Supplementary Planning Document 3: Parking Provision in New Developments***
9. ***In the opinion of the Local Planning Authority, the proposed development fails to provide safe access for vehicles and pedestrians, and sufficient parking for motor vehicles and cyclists contrary to Policies GP1, HO3, HO11 and TR15 of the adopted Stockton on Tees Local Plan, and advice given in Planning Policy Guidance Note 13: Transport, Planning Policy Statement 1: Delivering Sustainable Developments, Planning Policy Statement 3: Housing and Supplementary Planning Document 3: Parking Provision in New Developments***

BACKGROUND

Planning History

1. On 14 September 2005, Members of Planning Committee resolved to grant full planning permission for residential development of 3 no. apartment blocks comprising 50 no. flats and associated access road, car parking and landscaping (Planning Permission Reference Number 04/0627/FUL dated 9th October 2006). The permission was subject to conditions and a legal agreement in respect of the provision of a Clubhouse to replace that demolished as part of that proposal, and that the replacement facilities would be provided prior to demolition taking place.
2. Of relevance, planning permission has been granted (Planning Permission Reference Number 05/0988/FUL dated 18th May 2005) for a temporary building to provide changing facilities, and for a permanent sports pavilion and 2 no. 15m high floodlights (Planning Permission Reference Number 06/1859/FUL dated 31st October 2006).

Application Site and Surroundings

3. The application site comprises an irregular shaped area of land within the urban area and limits to development, to the rear and north and east of residential properties on Acklam Road. To the east of the site are playing pitches, football ground and open space. To the north is the existing access

road to football ground, beyond which is the former course of the River Tees. Trees and other vegetation are to be found around and within the site. (Site Plan attached at Appendix 1)

THE PROPOSAL

4. The application proposes the erection of 42 two bedroom apartments and 32 one bedroom apartments and associated external works and highway improvements. The apartments would be provided in four blocks – A, B, C, and D. Block A would be two and a half storeys high and contain 18, 2 bed units; Block B - three and a half storeys, containing 24 two bed units; Block C - three and a half storeys, containing 16 one bed units and Block D would be three and a half storeys and contain 16 one bed units. (Floor Plans attached at Appendices 2a, 2b and 2c, Elevations at Appendices 3a, 3b and 3c)
5. Access to the site is via the existing, but improved track to the rear of properties on Acklam Road. A new junction would be provided to Acklam Road, with a 3.5 metre ghost turn. Internally, a new access to the football ground would be provided.
6. This scheme involves the provision of a turning head in the east of the site, which encroaches upon an existing football pitch.
7. Bin stores would be provided throughout the site, but there is no indication of the location of cycle stores.
8. The submission is supported by an Ecological Scoping Report, Pre-Development Arboricultural Assessment, Planning Design and Access Statement (including Statement of Community Involvement, Housing Need Assessment and Accessibility Audit), Flood Risk Assessment, and Transport Statement.

Amended Details received 11 and 14th December 2007

9. Amended details now seek consideration of a scheme for 48 no two bedroom apartments and 16 one bedroom apartments (64 in total) in three blocks namely A, B and C. 112 car parking spaces (64 residents spaces, 48 visitor spaces, and 11 for disabled users) landscaping and highway works are also proposed. Bin stores are to be provided for each block. A vehicular and pedestrian access to the football club from a new internal road would be provided to the north of the site. (The amended site layout and draft road layout are set out at Appendices 4a and 4b). Elevations are awaited.
10. Additional supporting information has also been submitted in support of the new scheme in an Addendum to the Transport Statement, Appendices and Figures. A written response from the applicant via England and Lyle Planning Consultants has been received responding to objections received and this is attached at Appendix 5.

CONSULTATIONS

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

Spatial Plans Manager

11. Draft Core Strategy (CS8) - Housing Mix and Affordable Housing Provision states that a minimum of 15% affordable housing is required on sites of over 15 dwellings in urban areas. Although this is a draft policy I consider that it should be afforded significant weight in considering this application due to its consistency with PPS3 and evidence base support.
12. PPS3 states that the national minimum site size threshold is 15 dwellings, and the Council's Local Housing Assessment projects a requirement for 200 affordable housing units over 5 years.
13. I would also point out, with regards to the proposed dwelling mix, that the Local Housing Assessment also states that there appears to be a significant oversupply of one-bedroom dwellings.

Urban Design Manager

Highways Comments

Access

14. The principle of providing a 3.5 metre ghost island right turn lane for the new access has already been agreed, however, existing visibility is limited due to parked cars in the adjacent lay-bys. The visibility from the side road of the new access needs to be assessed paying regard to SBC's Design Guide. SBC will not accept Manual for Streets in this location as Acklam Road is a classified 'A' road.

Trips/Impact Assessment

15. The trip rates in terms of vehicular trips are robust. However there is no reference to person trips and trips across modes. In line with the new guidance on the production of Transport Statements, we need to know how many pedestrian, cycling and public transport trips are being generated and if these can be accommodated within the existing infrastructure.
16. Limited extent of impact assessment to the site access - an exercise should be undertaken to determine impacts further afield. The Mandale housing development should be considered as part of this impact assessment.

Sustainable Transport

17. There appears to have been an inaccurate assessment undertaken of the existing bus services that utilise stops within an acceptable walking distance of 400 metres. The only bus that passes the site is the 17A (M'bro-Thornaby-Stockton) which only runs every hour between 10:40 and 13:40. There is therefore no bus service passing the site in the peak hours.
18. It would be desirable to include a new pedestrian refuge on the desire line for pedestrians accessing the bus stops on Lanehouse Road. This could be accommodated in the new central hatching to the west of the proposed access.
19. There is an opportunity to utilise existing alleyways to the side of the properties on Acklam Road.

Emergency Access

20. Emergency access is not dealt with in any way in the Transport Statement. No such access is being provided and again there is an opportunity to utilise the alleyway to the side of the properties on Acklam Road. This could double as a cycleway/footway. The Fire Brigade should be contacted to ensure that they are comfortable with the development and the emergency access being provided.

Internal Access

21. There is a very tight bend in the alignment of the access road about 40 metres into the development. There is no indication of the radius or the forward visibility around this bend. This needs to be assessed paying regard to SBC's Design Guide and Manual for Streets.
22. There are also existing garages that emerge onto the access road right on this bend. The operation of these garages in relation to the horizontal alignment of the access road and the visibility for vehicles emerging from the garages needs to be considered.
23. The layout of the junction between the Thornaby FC access road and the new access road for the development is unacceptable. The side access should join the main access at a right angle. The skew angle proposed for this junction would not be acceptable in road safety terms, especially for vehicles emerging from the football club access road.
24. All internal footways should be 1.8 metres wide. There is a short section of new footway on one side of the access currently shown as being 1.5 metres wide.
25. All parking bays (including disabled bays) and cycle storage should be provided in accordance with Supplementary Planning Document 3: Parking Provision for New Developments, November 2006. The disabled bays need to be larger and are not shown.
26. Need to demonstrate that a large refuse vehicle can manoeuvre within the area and exit the site in a forward gear.
27. Insufficient car parking spaces are being provided. In that location (eastern transport strategy area) the SBC requirement is 1.75 car parking spaces per dwelling. The number of car parking spaces therefore needs to be increased to 130.
28. There are concerns regarding the car park layouts and would like the applicant to demonstrate that a car can safely negotiate each car park. This needs to include cars reversing out of the 7 bays to the west of Block 'A'. The building appears to block visibility for this manoeuvre. This work will need to be done following resolution of the car parking numbers.

Landscape Comments

29. To be reported in an Update Report

Built Environment

30. To be reported in an Update Report.

Housing Officer

31. No response received.

Care For Your Area

32. No response received.

Councillor S Walmsley

33. "I wish to object to the above proposal on the following grounds:

This application seeks a 50% increase to the permitted application which is massive overdevelopment of parkland. This land has always been used for leisure purposes, it is called Teesdale Park, although it is categorised as previously developed brownfield or white land, the definition in PPG3 excludes parks & recreation grounds even though these may contain certain urban features.

The scheme will be detrimental to highway safety with only 1 access road at a notorious accident blackspot. This will also impact upon the free flow of traffic on Acklam Road

There is no protection for existing Rights of Way, although these RoW are not formalised, they have existed for decades for the people of Thornaby to enjoy the leisure facilities. Measures need to be put in place to ensure that free right of access is not impeded throughout the site.

The site is a significant wildlife habitat with owls, woodpeckers, bats, foxes and deer it links with the green corridor along the A19 and Teesside Golf Club forming a vital sanctuary. There are stands of mature trees and one specimen tree in particular at the corner of the cemetery, adjacent the back of the site has already been felled. "

Environmental Health Unit

34. No objection subject to conditions in relation to the control of noise between living units, land contamination and working period.

Tees Archaeology

35. No objections to the proposal as there are no known archaeological sites in the area indicated.

Stockton Police Station - Eddie Lincoln

36. Response to applicant forwarded commenting on Secured by Design initiative.

Northumbrian Water Limited

37. No objection subject to a condition in respect of surface water discharge set out below:

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. Thereafter the development shall take place in accordance with the approved details.

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.

The following information is relevant to the conditions listed above:

The surface water flow should discharge to the old course of the River Tees as proposed in the Developers Flood Risk Assessment report.

Northern Gas Networks

38. No objections and has supplied main records for the area.

NEDL

39. No objections and has supplied mains records for the area.

British Waterways

40. It has no impact on the waterway and therefore we have no comment to make and do not require notification of your decision.

The Ramblers Association

41. "We ask the council to consider a planning obligation in the form of a foot path/cycle track link from the eastern end of the new carriage way along the an existing track on the south side of the Tees cut to where it crosses to the other bank and then along the flood bank to Teesside Park; or at least to ensure that development does not prevent such a link in future as the area is developed."

Tees Valley Wildlife Trust

42. No comments received.

Joint Public Transport Group

43. No response received.

Highways Agency

44. The development comprises a total of 74 residential apartments and is predicted to generate 52 and 42 two-way trips during the weekday AM and PM peaks respectively. We have only undertaken an initial review of the submitted Transport Statement and note that it does not include any assessment of the strategic highway network.

45. However, based on the level of generated traffic from the development and the likely traffic distribution we would consider that it is unlikely to result in any material impact on the strategic highway network.
46. However, whilst a matter for the Local Planning Authority, no Travel Plan has been submitted and we would consider that one should be adopted in order to minimise as far as possible any impact upon both the local and trunk networks.
47. We would therefore not wish to offer any objection to this planning application.

Natural England

48. Natural England comments that insufficient information has been received to be able to respond. The ecology report specifically highlighted the need for further surveys for bats and reptiles but further information has not been supplied. In particular and in relation to bats, the reasons why further surveys of the changing rooms and trees has not be given.
49. Suggests that a screening process is undertaken under the principles and procedures covered in Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.

Corporate Director Children, Education and Social Care

50. No response received.

Sport England

51. Sport England objects to the proposal on the grounds that the turning head element of the proposal (at the eastern end of the site) encroaches upon one of the pitches on the upper part of the site. However, Sport England is prepared to lift the objection if either:
 - The scale of the residential development is reduced so that the turning head no longer encroaches upon the playing pitch and its safety margins; or
 - The site plans detail a revised football pitch layout to dimensions recognised by the football association, and that the change in pitch dimensions are demonstrated within the context of the Stockton Playing Pitch Strategy to be beneficial to football pitch provision (and football development) within the locality.

Thornaby Town Council

52. Thornaby Town Council objects to the above proposal as contrary to the Stockton-on-Tees Local Plan:

Policies GP1 (i) (ii) (iii) (iv) (iiiiv) (ix) (x);
EN6, EN11, EN18, HO3 (iv) (v) (vii): the application file's Ecological Scoping Report by Naturally Wild Consultants found evidence to recommend a Bat Survey; an Arboricultural Impact Assessment [since included in the file]; a Reptile Survey; and an additional Badger Survey; in the context of , RSPB

Species at Risk, Planning for Biodiversity and Geological Conservation and Local Agenda 21;

HO6 (i) (ii) (iii), HO11 (i) (iii) (iv) (v) (vi);

REC10: in terms of possible impacts on putative permissive paths/rights of way.

The site is described by the applicant as previously developed [so-called brownfield], white land' (per the SBC Local Plan Proposals Map).

However, Planning Policy Guidance (PPG 3) ANNEX C defines previously developed land:

The definition excludes...land in built-up areas, which has not been developed previously (e.g. parks, recreation grounds and allotments - even though these areas may contain certain urban features such as paths, pavilions and other buildings).

Therefore the proposal would also conflict with SBC's Open Spaces Strategy, Spatial Strategy, and Sport and Leisure Strategy.

Chief Fire Officer

53. No response received.

The Environment Agency

54. No objections subject to conditions in respect of surface water drainage works, floor levels, surface water run-off, boundary treatment to the Old River Tees, bunded storage, settlement facility, and oil interceptor.

55. Comment is provided is provided in respect of pollution problems in the old course of the River Tees, surface water drainage, Ecological Scoping Report, oil storage and sewage undertakings.

PUBLICITY

56. The application has been publicised on site and in the local press, and neighbours have been notified. Three letters of representation have been received, one supporting and two objecting to the proposed development.

57. Mrs P Coulson of 139 Acklam Road Thornaby comments that this land has always been set aside for recreational use; its correct name is Teesdale Park. It has a number of thriving football clubs played by children of all ages throughout the week and also at weekends. Although designated as previously developed it has always been parkland and is well used by the community of Thornaby.

The proposed scheme will create a housing estate on parkland with insufficient road access. The current proposal of 74 apartments along with the Phase 1 works have already been approved will mean an increase of 200 cars using a single entry and exit point. This will impact upon the free flow of traffic along Acklam Road and is detrimental to highway safety. Although traffic calming was introduced in the first place.

There are various walks and rights of way throughout the site which is a haven for wildlife and birds. There are deer, foxes, bats and owls. There are rare orchids which flower in June along with lots of rare grasses and plants. There will be significant removal of mature broadleaf trees, and any replacement planting will take years to mature.

58. Teesside Golf Club comments that for a lot of years the C.S.O [Combined Sewer Overflow] close to ourselves and Thornaby Cricket Club has been prone to overflowing, i.e. excrement and other waste. With the extra people housed on the site what steps will be taken by the applicant or the authority to ease the burden on this already overloaded facility.

At the moment we have people trespassing on our property via Thornaby Football Club. What will be done by the applicant to alleviate this problem as we will have considerable increase in the amount of people using this site on a daily basis both residents and visitors. As entering and leaving the site will increase the volume of traffic onto Acklam Road - which has seen a number of accidents over the years. Will the applicant or authority be putting measures in place to minimise the risk of a road accident between cars and pedestrians.

59. Thornaby Football Club support the proposal commenting that Carlington Developments Ltd have agreed to build the Club a new clubhouse adjacent to the football pitch, erect a security fence round the ground and build a new approach road with lighting. All this is for the benefit of the football club and will help with the development of the junior football in Thornaby.

PLANNING POLICY CONSIDERATIONS

60. 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).
61. The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;

(x) The effect upon the public rights of way network.

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

Policy EN32c

Where the proposal may lead to an increase in surface water drainage, developers will be required to implement sustainable urban drainage systems. Where this approach is not practical, developers will be required to demonstrate, to the satisfaction of the Council, that an alternative method of surface water disposal incorporating the necessary flow limitation is included.

National Policy and other Local Policy and Guidance

- 62. Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance Note 13: Transport
- Planning Policy Guidance Note 24: Planning and Noise
- Planning Policy Statement 25: Development and Flood Risk
- Manual for Streets
- Supplementary Planning Guidance Note No 4 High Density Development, Flats and Apartments – April 2005
- Supplementary Planning Guidance Document 3: Parking Provision for New Developments - November 2006
- Draft Core Strategy Policy CS 8 Housing Mix and Affordable Housing Provision

MATERIAL PLANNING CONSIDERATIONS

63. The main planning considerations relate to the principle of development, design and appearance of the new buildings, impact upon the amenity of the occupants of the new and existing neighbouring properties, impact on open space and recreation, nature conservation interests access and highway safety, affordable housing, and flood risk.

Principle of Development

62. The site falls within the limits of development as defined in the Adopted Stockton on Tees Local Plan and is not located under electricity lines. The majority of the site is not allocated in the Local Plan, however a small portion at the eastern tip of the site is allocated as playing space, and the development would result in the loss of a football pitch. Therefore the proposal therefore does not fully accord with Policy HO3.
63. Supplementary Guidance Note No 4 (SPG4) relates to the location of flatted development, and aims to ensure that flatted development is located within close proximity to the relevant services and provisions, which would be required by the occupants of such a development. The site is within the limits of development and is partially brownfield. The proposal would achieve a density of approximately 59 dwellings per hectare.
64. The site is however distant from shops and other conveniences for example over 800 metres from the nearest neighbourhood centre, over 1600 metres from Thornaby Town Centre and over 4000 metres from Stockton Town Centre. The nearest bus stop is located on Lanehouse Road, is located within 500 metres of a bus stop, but it is served by an irregular service as noted by the Urban Design Manager in his comments of paragraph 17.
65. Paragraph 7.9 of SPG 4 sets out indicative thresholds for the densities of flatted development in relation to distances from centres. Given the distance of the flats from the neighbourhood centre in Westbury Road, SPG 4 advises the no flats should be permitted.
66. On the basis of current policy and guidance, there is an in principle objection to the location of flatted development in this location.
67. However, it should be acknowledged that planning permission was granted flatted development on this site in 2006, but this application was submitted a year before SPG4 was adopted. Taking this into account and the weight of the policy objection outlined above without any special justification, it is considered that the principle of flatted development is now unacceptable on this site.

Layout, Design and Appearance

68. The layout of the scheme shows four blocks of apartments in a linear arrangement, with car parking forming an almost equivalent proportion of the site frontage, and little open space within the site.
69. It is considered that the massing of the proposed buildings is inappropriate for this site, which forms an edge to built development to the open spaces beyond. The retention of the trees on the northern boundary of the site, whilst providing some screening, does not alleviate the bulky presence on

this sensitive site. The layout is cramped and devoted to providing hard surfacing and built development.

70. As noted above, existing trees would be retained, however, the layout is so constrained that there is little opportunity to soften the impact of the development through new planting of any substance.
71. Further to this, it is considered that the design of the apartment blocks is monotonous and repetitive, showing no commitment or respect for the vernacular, or on the other hand, innovation. The mix of materials – brickwork, render and art stone walling do however, provide some relief.
72. The applicant, in justification, places great store in a comparison with the previously approved scheme (04/0627/FUL – layout and elevations shown at Appendices 6a, 6b and 6c). However, the current scheme should and has been assessed on its own merits. To conclude, and in view of the above assessment, it is considered that the quality of the proposed buildings and environment created would provide an unacceptable level of amenity, is of such concern as to warrant refusal on those grounds.

Impact on Amenity of Proposed and Surrounding Properties

73. To the south west of the application site are existing properties on Acklam Road. The application includes a topographical survey, but this is embedded within the Flood Risk Assessment, rather than informing and forming an appendix to the Design and Access Statement. Nevertheless, clearly the apartment blocks would set at a lower level than the neighbouring properties, and precise finished levels could be secured by condition.
74. The nearest property on Acklam Road to the new apartment buildings is approximately 36 metres from Block A - a two and a half storey building. Given this, it is not considered that the proposed apartment blocks would dominate or unduly overlook the neighbouring residential properties.

Loss of Open Space

75. Other neighbouring uses are sport and recreation, and to a larger extent would not be affected by the development. However it is clear that the eastern tip of the proposed turning head encroaches on an adjacent football pitch, and Sport England has objected to the proposal on this basis, and forms an acceptable reason for refusal.
76. The previous planning permission for residential development secured the provision of a replacement and improved clubhouse and changing rooms through a Unilateral Undertaking, and since that time planning permission has been granted for those facilities. To date, a variation to the Unilateral Undertaking has not been pursued, but the matter is in hand and terms can be agreed prior to Committee.

Landscape and Visual Impact

77. The application is not accompanied by a detailed landscaping scheme, but tree retention is proposed and considered above. Further Officer comment is made in paragraphs 68 to 70 in respect of proportion of open space and the lack of space for landscape planting.

78. However, the scale and bulk of the proposed apartments in an elevated location above open space would have a detrimental impact on the landscape quality of the site and local visual amenity, and that the proposed planting would do little in mitigation.
79. Overall, it is considered that the form of development proposed is cramped and the design of the apartments incongruous, with little amenity space, and is such that it would unacceptably impact on visual amenity, and planning permission should be refused on that basis.

Nature Conservation Interests

80. The site contains trees, shrubs and other vegetation. The proposal involves the demolition of buildings. The applicant has supplied a Pre-Development Arboricultural Assessment which has been undertaken following discussion with the Council's Arborist. The Assessment sets out the trees that would be felled as a result of this development.
81. The application is accompanied by an Ecological Scoping Report, which itself recommends amongst others further work in respect of biological records and bat surveys. This has been drawn to the applicant's attention, but no further information has been received.
82. It has not therefore been possible to make an assessment of the likely impact of the proposal on nature conservation interests and therefore planning permission should be refused on those grounds.

Access and Highway Safety

83. The substantive response of the Urban Design Manager to the original proposal is set out in paragraphs 14 to 28, and as submitted those details were considered either lacking or unacceptable. In view of this, at this time, the concerns are such that planning permission should be refused.

Affordable Housing

84. The proposed scheme both at 75 and 64 units would be subject to the requirements for an element of affordable to be provided. Although at the time of writing, the response from the Housing Officer is not available, and bearing in mind the Council has no saved planning policy in respect of affordable housing, the draft Core Strategy Policy CS 8, and the advice in PPS 3 in this respect is clear – provision on sites of 15 units or more, subject to evidence base.
85. On that basis, the applicant has been informed that an element of affordable housing would be required. No indication that the applicant is willing to enter into formal arrangements has been forthcoming and therefore it is considered that planning permission should be refused on this basis.
86. Members may have noted that the application included, for reference on this matter, an appeal decision relating to the imposition of a condition by Rushcliffe Borough Council requiring an element of affordable housing on a site in Bingham, Nottingham.
87. A copy of the decision letter is attached at Appendix 7. It is clear that the Inspector centres her decision on the weight she attached to the various

documents and policies in the development plan pertaining to affordable housing within the Borough. Stockton Borough Council is clear in its advice to developers, in that Policy HO4, which would in the past have required the provision of affordable housing on sites over 2 hectares has not been saved through the LDF process. The Draft Core Strategy sets out a requirement for 15% affordable units on sites over 15 units. The assessment of need for affordable housing is now based on the advice given in PPS 3, the draft Core Strategy and any variation on evidence provided by the Housing Officer.

88. Like Stockton, there appeared to be a need for affordable housing, but Rushcliffe Borough Council provided no evidence to justify the proportion required, and the relevant policies did not justify the condition, subsequently the appeal was upheld. It is not considered that the Rushcliffe case is directly comparable to this proposal.

Flood Risk and Combined Sewer Outflow (CSO)

89. A Flood Risk Assessment accompanied the application. In conclusion the Assessment stated that the proposal would not be at risk from flooding, the additional flow would discharge to the combined system to the south west [of the site], and arrangements are to be made for flood events with discharge being restricted to the old course of the River Tees to be agreed with the Environment Agency and Northumbrian Water.
90. The concerns of the Golf Club in respect of the capacity of the existing CSO are noted. However there are no objections arising to the development form either the Environment Agency and Northumbrian Water, and it is understood that there are discussions ongoing between agencies in respect of improvements to this particular CSO.

Residual Matters

Footpath and Public Rights of Way

91. This matter will be covered in the update report.

Thornaby Parish Council

92. Thornaby Parish Council refers to Policies EN6 (Protected Species), EN18 (Derelict Land Reclamation), REC10 (Public Rights of Way), it should be noted that these policies are not 'saved' in the Local Plan and although the issues raised are material considerations, they cannot be addressed with reference to those policies. In response to the points raised, Protected Species are addressed in paragraph 81 and 82, the reference to derelict land is unclear, and the matter of footpaths will be addressed in an update report. The site is not within the Cleveland Community Forest and therefore EN11 (Cleveland Community Forest) is not relevant.

CONCLUSIONS

93. Whilst the principle of residential, flatted development on this site has been agreed previously, under current advice and guidance, it is now considered that flatted development of the density proposed is not appropriate in this location.

94. Furthermore, it is considered that whilst the layout would provide for adequate levels of amenity for existing neighbouring and proposed 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. It is also considered that the apartments would introduce an incongruous urbanising element inappropriate to this edge of development location.
95. The proportion of site remaining for amenity space is limited, and the proportion of the site available for soft landscaping is equally so. Whilst the retention of trees and vegetation and particularly the belt on the northern boundary of the site is to be welcomed, it is considered that the form of development proposed is cramped and would result in a poor environment for future residents.
96. The submission fails to provide information in respect of nature conservation interests and does not provide for an element of affordable housing. The development would encroach upon an adjacent playing pitch without providing for compensatory measures. The submission also fails to detail cycle storage.
97. In terms of access and highway safety, although discussions are ongoing with the applicant's consultants, without the comments of the Urban Design Manager comments to the contrary, it is considered that the proposal fails to address matters in respect of access and parking.
98. In light of the above preliminary assessment, it is considered that the proposal is contrary to national and local plan policy and guidance contained in Policies GP1, HO3, HO11 and TR15 of the adopted Stockton on Tees Local Plan Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Guidance Note 13: Transport, Supplementary Planning Guidance Note No 4 High Density Development, Flats and Apartments – April 2005, Supplementary Planning Guidance Document 3: Parking Provision for New Developments - November 2006, and recommended that planning permission be refused.

Corporate Director of Development and Neighbourhood Services
Contact Officer Jane Hall
Telephone No 01642 528556
Email address jane.hall@stockton.gov.uk

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 Reference Numbers 04/0627/FUL, 05/0988/FUL, 06/1859/FUL & 07/2406/FUL

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance Note 13: Transport

Planning Policy Guidance Note 24: Planning and Noise

Planning Policy Statement 25: Development and Flood Risk

Manual for Streets 2007

Supplementary Planning Guidance Note No 4 High Density and Flatted Development – April 2005

Supplementary Planning Guidance Document 3: Parking Provision for New Developments - November 2006

WARD AND WARD COUNCILLORS

Ward	Mandale and Victoria
Ward Councillor	Councillor Mrs A Trainer Councillor S F Walmsley Councillor T Large