

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 9th January 2008

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

07/2525/FUL

5 Darlington Road, Stockton-on-Tees, TS18 5BG

Revised application for residential development comprising erection of 2 no. blocks of apartments (6 no. units in total) and associated access (demolition of 1 no. double garage)

Expiry Date 5 November 2007

SUMMARY

The application site is situated off Darlington Road, Hartburn. The site currently hosts a single residential property with detached double garage, several mature trees lie within the site, some of which are covered by a Tree Preservation Order (TPO). The former Railway line lies to the east of the site. While the residential properties of Briar Walk and Darlington Road lie to the west and south respectively.

Planning consent is sought for the erection of 2no. apartment blocks providing a total of 6no. parking spaces with associated access and parking areas.

The proposed development is considered to be visually acceptable and does not have any significant impacts on the privacy or amenity of the neighbouring residents so as to justify a refusal of the application. It is anticipated that the revised plans will address all outstanding comments and the recommendation is for approval with conditions subject to the receiving no adverse comments from the Councils Urban Design Unit.

RECOMMENDATION

Planning application 07/2525/FUL be approved subject to no adverse comments being received from the statutory consultees and the following planning conditions set out below;

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

SBC001

1003724-1 Rev D

1003724-2

1003724-3 Rev B

1003724-05

Reason: To define the consent.

02. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development.

04. Before any building for which permission is hereby granted is occupied, the sewage disposal works required shall be completed in accordance with the plans submitted with the application for the planning permission, to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory means of sewage disposal.

05. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented in accordance with these agreed details

Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.

06. Before the permitted dwellings are occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68db(A)L10 (18 hours) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme to be submitted to and approved by the Local Planning Authority for the protection of this proposed accommodation from traffic noise. Such a scheme shall be implemented in accordance with these agreed details.

Reason: To protect the amenity of the occupants of the dwellings from excessive traffic noise.

07. No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30am on Saturdays nor after 6.00pm on weekdays and 1.00pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

08. Details of a scheme in accordance with BS5837, 2005 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include the avoidance in changes in levels under the branch spread of the trees, where trees roots are encountered only hand digging will be allowed, all services to be routed away from all retained trees to prevent the severance of roots during excavation and details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction

commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

09. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

10. No storage of building materials shall take place underneath the crown spread of the tree(s) to be retained on site.

Reason: To preserve the said trees in the interests of the amenities of the area.

11. Notwithstanding any description of the application the full details of the parking areas to be constructed using 'no-dig' construction methods shall be submitted to and be agreed in writing with the Local Planning Authority prior to commencement of the development. Such an agreed scheme shall be implemented in accordance with these details.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

12. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

13. Notwithstanding the submitted information provided in this application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority

Reason: To define the consent

14. Surface water shall be disposed to a soakway system design and constructed in accordance with BRE Digest 365.

Reason: To ensure satisfactory provision of drainage facilities to serve the proposed development.

15. Notwithstanding the information contained within this application, prior to the hereby approved development being brought into use, the kitchen windows on the gable ends of

apartment block 2 shall be permanently fixed and obscurely glazed in accordance with a scheme to be approved in writing by the Local Planning Authority. The approved windows shall then be maintained for the life of the development.

Reason: In the interests of the privacy of neighbouring residents.

HEADS OF TERMS

£14,000 towards nearby open space provision

BACKGROUND

The application site has a varied history of development, outline planning permission was originally granted in 1993 (93/1780/P) for the erection of one detached dwelling. A further application (94/1161/P) for the erection of a detached dwelling and garage was also submitted and refused; the application was also dismissed on appeal.

In 1998 outline planning permission for a detached dwelling (98/0416/P) house was also approved and subsequent renewals of this consent were issued in 2001 and 2004 (01/0571/P & 04/0571/P). Prior to this current application planning consent was sought for a similar development (07/1353/FUL) but was withdrawn due to concerns over the layout of the scheme.

PROPOSAL

Planning consent is sought for the erection of 2no. apartment blocks providing a total of 6no. parking spaces with associated access and parking areas.

Block one 13m x 7m and reach a maximum height of 9 metres providing an apartment of ground floor and duplex on the first floor and in the loft space. Block two measures 17m x 17m and reaches a maximum height of 7.8m and houses a total 4no. apartments.

During the course of processing the application the applicant has revised the overall size of apartment block no. 2 as well as altering the layout of the site and the parking areas.

CONSULTATIONS

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

Urban Design - Engineers

I refer to the revised site plan (drawing number 1003724 revision B).

The revised site layout has resulted in changes to the parking layout that I deem to be unacceptable as it removes the viability of two car parking spaces. The location of bay number 1 is unacceptable because to exit the bay a vehicle would need to reverse a sizeable distance and apartment block 2 restricts visibility for this manoeuvre. As such the location of this bay is unacceptable on highway safety grounds. Bay number 2 is inadequate as vehicles have insufficient space to manoeuvre in and out of the bay due to the proximity of the boundary of apartment block 2.

The revised site plan increases the number of spaces from 11 to 12. The applicant has indicated that 3 spaces will be for the retained detached property and 9 for the apartments. In my previous comments I noted that for 6 apartments in this location the Council's parking standards require 9 parking spaces to be provided (1.5 per apartment). However I previously documented my concerns that as the existing double garage and driveway for the detached property were being removed the applicant must provide parking for the retained property in accordance with the Council's parking standards. Parking provision for the detached dwelling is dependent upon the number of bedrooms that the property has and this information is not indicated on the plan. My

concern is that the 3 proposed spaces are insufficient, especially as the property currently has provision for 4 vehicles and the development is resulting in the loss of a space for the property. Furthermore, as the parking for the detached dwelling is in the area shared with the flatted development it is possible that occupants of the detached dwelling will prefer to park on Darlington Road to the inconvenience of local residents and to the detriment of highway safety.

The revised plan does not indicate which bay will be for disabled users as requested in previous comments and in accordance with the Council's parking standards. The applicant must also provide secure cycle parking for 3 cycles and this is again not shown on the revised plan. We also still require a plan showing a visibility splay of 2.4 x 90 metres on both the horizontal and vertical planes.

To conclude, the revised site plan has resulted in unacceptable parking provision. The applicant must demonstrate that the required parking provision for the proposed flats and the detached dwelling can be provided to Design Guide standard and in accordance with the Council's parking standards as contained in 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006'. Until this requirement has been met I object to the application.

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

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make: The application has been examined and Northumbrian Water has no objections to the proposed development.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send me a copy of the decision notice.

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.

Urban Design - Landscape

I have had a look at the revised plan and comment as follows:

The layout is more suitable in landscape terms for the following reasons -

- there is more room around the 2 story apartments to screen and soften the development and more amenity space here but one block would sit much more comfortably in the landscape and be easier to screen.
- it would be possible to use a no dig construction under the existing tree where the 4 parking spaces on the east side are located but a tree survey is needed (see point below) and no dig details to assess this.

The scheme is still weak in landscape terms because-

- the garden space around block one is still poor in terms of being heavily shaded by existing trees to the south although reducing the house size to take it away from the existing tree to the north east is good in landscape terms to help preserve the tree. A reduction in dwelling size would reduce parking and increase amenity space and allow for a better site arrangement here.
- A detailed tree survey is still needed to accurately assess the impact on the existing trees and consider in more detail the landscape problems raised.

The Environment Agency

Have no further comments to add to my previous letter dated 26 June 2007 regarding your consultation reference 07/1353/FUL.

Previous comments were;

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition be imposed:

Condition: Surface water shall be disposed to a soakway system design and constructed in accordance with BRE Digest 365.

Reason: To ensure satisfactory provision of drainage facilities to serve the proposed development.

Councillor A Cockerill

In regard to the above application I have a number of concerns;

The development will be virtually in the back gardens of 5 Darlington road and the properties on Briar walk, being feet away from the boundary fences.

There a number of mature frees with TOP s on them, I hope these will not be affected, if any of these or others are to be cut down, wont this lead to the roots contracting, And possible subsidence?

The development will be on flood plain. Access is onto an incline and dangerous bend in one of Stockton's busiest roads, with cars and vans regularly parking on both sides of the road causing blind spots, there are inadequate public transport services in the area, due to the main bus service being rerouted.

I object to the application on these grounds

PUBLICITY

Neighbours were notified and any comments received are below (if applicable). 17 letters of objection have been received to the proposal from residents of Darlington Road, Hartburn Lane and Briar Walk, these are detailed below (in summary);

- Over development of the area
- Inadequate provision for services such as waste collection.
- Inadequate parking facilities
- Impact on wildlife and destruction of habitat
- Proposed development is not in keeping with the area
- No additional need for homes of this nature in the area
- Obtrusive
- Loss of amenity
- Loss of privacy
- Impact on TPO's
- Highway safety
- Lack of parking

Sewerage/drainage capacity
Issues of flooding
Increase in litter
Increase in noise and disturbance

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 EN32a

Proposals for new development will not be permitted within Flood Zones 2 or 3 as shown on the Proposals Map, or other areas identified as at risk of flooding, unless the applicant can demonstrate by means of a Flood Risk Assessment and sequential tests that:-

- i) there is no alternative site at no risk or at lower risk of flooding; and
- ii) there will be no increased risk of flooding to the development; and
- iii) there will be no increase in risk of flooding elsewhere as a result of the development.

Where permission is granted for development in flood risk areas, or for development that would increase the risk of flooding, appropriate flood alleviation or mitigation measures, to be funded by the developer, must be undertaken.

SITE AND SURROUNDINGS

The application site is situated off Darlington Road, Hartburn. The site currently hosts a single residential property with detached double garage, several mature trees lie within the site, some of which are covered by a Tree Preservation Order (TPO). The former Railway line lies to the east of the site. While the residential properties of Briar Walk and Darlington Road lie to the west and south respectively.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations of this application are the principle of development, the character of the area, amenity of the neighbouring properties, access and highway safety and flood risk.

Principle of development;

The application site lies within the defined limits to development of the adopted Stockton on Tees Local Plan and constitutes previously developed land under the definition outlined in Planning Policy Statement 3: Housing. The principle of further residential development on the site is therefore considered to be acceptable subject to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and additional planning guidance in the form of the Council's Supplementary Planning Guidance No 4 (High Density) and Supplementary Planning Document No. 3 (Parking provision for new developments).

The site lies approximately 300 metres from the Harpers Parade shopping centre and within approximately 50 metres of a bus stop. The application site is therefore considered to be sustainable enough to accommodate a flatted development of this scale and nature.

Character of the area;

The proposed development although of a modern design incorporates some traditional elements into its design to reflect the overall character of the area; this includes elements such as coping stones, dormer windows and bay windows. Overall the design of the scheme is considered to be acceptable and will not appear significantly out of character with the surrounding area.

In response to the landscape architects comments a detailed tree survey has been submitted for consideration and in order to protect the existing protected trees on the parking areas are to be constructed using 'no-dig' construction methods in order to limit the impact of the development on the trees and maintain the existing landscaping features of the site.

The overall design of the proposed development is therefore considered to be acceptable and will not have a detrimental impact on the character of the area as a whole and is considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.

Amenity;

Block 1 at the front of the site is situated approximately 30m from the front of the properties on the opposite side of Darlington Road. The unit follows the building line of the area and would replicate

the existing situation in terms of No.'s 5, 5a and 7 Darlington Road. Block 1 is therefore not considered to have a detrimental impact on the amenity or privacy of the surrounding residential properties.

Block 2 at the rear of the site is situated in excess of 30m to the rear of No's. 2 and 4 Briar Walk and would house a secondary kitchen second in this elevation. The secondary kitchen windows can be obscurely glazed via the imposition of a planning condition and given the distance to the neighbouring properties it is not considered that the rear apartment block would result in a significant enough loss of privacy or amenity to justify a refusal of the application.

Due to the design and layout of the development, internally within the site the separation distances between the existing property and the proposed apartment blocks are considered to be acceptable and will ensure that the future residents of the development will have a level of amenity that could reasonable be expected.

Although the proposed development provides some amenity space round the development so as not to represent an over-development of the site, it is considered that there is not sufficient useable amenity space for a development of this size. Given that Ropner Park lies within 250 metres of the site it is judged likely that future residents will use this resource and therefore a contribution toward this existing open space provision is acceptable and addresses this issue.

Concerns have also been raised from objectors in relation to noise and disturbance caused by the development. It is accepted that if the application were to be approved that there could potentially be some issues with noise and disturbance during construction; however, this would only be a short-term issue. As the hours of construction could be restricted via a planning condition to protect amenity, this is not sufficient enough to warrant a refusal of the application.

Access and highway safety;

The Council's Highway Engineers have considered the revisions to the application and have stated that some of the proposed car parking spaces are unacceptable due to limited manoeuvrability and visibility. Clarification is also sought over the number of bedrooms for the existing property in order to determine the overall parking provision for the site. Confirmation that the visibility splays required can be achieved was also required.

The applicant's have subsequently revised the parking layout and provided the visibility splay drawings. This information has been passed to the Highway Engineers for consideration and it is expected that the additional information should overcome the Highways Engineers concerns, if however, the supplied information is not acceptable then the recommendation for approval may need to be changed if the issues cannot be addressed via a planning condition.

Flood risk;

Some objectors have raised the issue of flooding in the area and the impact this may have on the development. The Environment Agency have considered the application and do not have any significant concerns in relation to flooding of the site, although have requested that a planning condition be imposed on the development. The proposal is therefore considered to accord with policy EN32a of the Local Plan Alteration in this respect.

Residual issues;

Concerns have been raised over the need for further flatted developments in the area. The Local Planning Authority at this time does not have any information to support this statement and given that Planning Guidance encourages the more efficient use of land, particularly in sustainable locations the principle of high-density developments in this location is considered acceptable.

One objection has also been received in relation to the development worsening existing capacity problems with the drains. However, drainage is not a material planning consideration and would be a matter for the developer and Northumbrian Water.

Objections have been received in relation to the loss of protected trees and habitat. However, all protected trees have been retained and will still provide a habitat for existing wildlife.

Concerns have been raised in relation to increases in litter, there is no evidence to support this view and it is not considered to be significant enough to justify a refusal of the application.

CONCLUSION

In conclusion the proposed development is considered to be visually acceptable and does not have any significant impacts on the privacy or amenity of the neighbouring residents so as to justify a refusal of the application. It is anticipated that the revised plans will address all outstanding comments and the recommendation is for approval with conditions subject to the receiving no adverse comments from the Councils Urban Design Unit.

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

WARD AND WARD COUNCILLORS

**Ward Grangefield
Ward Councillor Councillor P Broughton**

**Ward Grangefield
Ward Councillor Councillor A Cockrill**