

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 12<sup>TH</sup> MARCH 2008**

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

**07/2525/FUL**

**5 Darlington Road, Stockton-on-Tees**

**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**

Members may recall that this application was deferred from consideration at a previous planning committee in order that a site visit can take place.

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. units 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. The revised plans have addressed the concerns in relation to the parking arrangements and agreement with an acceptable landscape solution has also now been reached.

#### **RECOMMENDATION**

**Planning application 07/2525/FUL be approved subject to securing a legal agreement in accordance with the Heads of Terms set out below, no adverse comments being received from the statutory consultees and the 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 E**

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 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.*

**06. 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.*

**07. 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.*

**08. 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.**

**09. 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.**

**10. 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.**

**11. 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.**

**12. 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**

**13. Surface water shall be disposed to a soakaway system design and constructed in accordance with BRE Digest 365.**

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

**14. 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.**

**15. Notwithstanding any information contained within this application full details of the covered cycle storage facilities shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied.**

**Reason: To ensure a satisfactory form of development.**

## **HEADS OF TERMS**

**£14000 towards nearby open space provision**

**£1300 (index linked to Retail Prices Index) for off site landscaping works**

## **BACKGROUND**

1. 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.
2. In 1998 outline planning permission for a detached dwelling (98/0416/P) was also approved and subsequent renewals of this consent were issued in 2001 and 2004 (01/0571/P & 04/0598/ROC). 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**

3. Planning permission is sought for the erection of 2no. apartment blocks providing a total of 6no. apartments with associated access and parking areas.
4. Block one measures 13m x 7m and reaches 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.
5. During the course of 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. Agreement for additional landscaping with land owned by the Council has also been reached to help screen the development from the adjacent embankment and footpath.

## **CONSULTATIONS**

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

### **Urban Design – Engineers**

6. The concerns raised in the previous memo appear to have been addressed, although the cycle store shown is not suitable for long-term residential use and should be fully enclosed.

### **Environmental Health Unit**

7. 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**

8. 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**

9. No Objections

### **NEDL**

10. No objections but refer the developer to the health and safety Executives publications on working with and in and around electricity.

### **Urban Design – Landscape**

11. Following a meeting on Monday 28/1/08 with the developers and a further site visit the following day I confirm that if screen planting is carried out on the slopes of the walkway the screening issue on this development can be resolved. There is a similar building north of the site which is partly softened by planting on the walkway.
12. I have spoken with Sarah Edwards and Stuart Hibbert as the walkway is in council ownership and they will agree to planting on our land which will not only help to screen this development but will contribute to the landscape value of the walkway there being limited planting in the sloping area closest to the 2 story apartment block 2 on the northern part of the site. I am in the process of sending a site plan measurement to Sarah Edwards so that a species list can be drawn up. The developer will have to pay for the planting which can be carried out by the council - this will negate the need for the developer to pay for an access agreement on to our land. The developer will also have to pay for 5 years maintenance of this planting. Once I have sent site measurements to Sarah she will work out a cost for the work. The work will consist of notch planting small native stock without stakes.
13. In addition to this work if the application is approved I would wish to see additional planting in the form of hedge (but not a conifer hedge which would be out of keeping next to walkway), on the eastern site boundary to help screen the development. This should extend from the existing sycamore tree (to the south east of parking bays 1-2) up to the northern corner of the site. A beech or hawthorn hedge or similar would be acceptable.
14. Further screen planting in the form of tree planting should be provided on the western site boundary in the garden of the story apartment block 2- this will help soften views form adjacent gardens and house and the tree selection should allow for the proximity of the proposed building.

## **The Environment Agency**

15. 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 soakaway 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**

16. In reference to the amended plans for the above;  
We now have 13 parking bays,  
I can see no advantage in the increased number. With cars parked in what appears to be random bays, which will cut down on grassed areas adding no aesthetic value at all to the development. Making it look more like a car park. This will do nothing in addressing the problem of access to the existing property AND the new development, in fact it will make it worse! I can see no benefit at all of the revised plans and I strongly object

## **PUBLICITY**

17. Neighbours were notified and any comments received are below (if applicable). A total of 20 letters of objection have been received to the proposal, 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
  - Embankment collapse/encroachment
  - Loss of Trees
  - Lack of amenity space for residents
  - Impact on wildlife

## **PLANNING POLICY**

18. 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**

19. 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**

20. 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**

21. 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).
22. 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**

23. 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.
24. 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, 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. Following discussions with the Council's Landscape Officer agreement has also been reached in relation to providing additional planting on the embankment to help screen the development.



25. 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**

26. 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.
27. 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 window 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 loss of privacy or amenity to sufficiently justify a refusal of the application.
28. 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.
29. 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.
30. 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**

31. The Council's Highway Engineers have considered the revisions to the application and have stated that the revised plan addressed all of their previous concerns and they now have no objections to the proposed development.
32. Issues in relation to the cycle store can be addressed via a planning condition.
33. The proposal is therefore considered not to present a significant threat to highway safety and accords with policy GP1 of the adopted Local Plan.

### **Flood risk**

34. 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**

35. 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.
36. One objection has also been received in relation to the development worsening existing capacity problems with the drains. However, Northumbrian Water have raised no objections to the proposal and the Local Planning Authority have no justification over the drainage capacity problems.
37. 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.
38. 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.
39. Concerns have also been raised in relation to the possibility of the embankment collapsing. This is however a civil issue and would be a matter for the developer to assess and mitigate against (if necessary) during construction of the development.

### **CONCLUSION**

40. 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 recommended that planning permission be granted subject to securing a legal agreement in respect of contributions towards open space and landscaping, no adverse comments being received from the statutory consultees and the planning conditions set out above

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Simon Grundy**  
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### **Financial Implications**

None

### **Environmental Implications**

As report.

### **Community Safety Implications**

As report

### **Human Rights Implications**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

**Background Papers**

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 3; Housing

Planning Applications; 93/1780/P; 94/1161/P; 98/0416/P; 01/0571/P; 04/0571/P & 07/1353/FUL

**WARD AND WARD COUNCILLORS**

**Ward**                      **Grangefield**  
**Ward Councillor**      **Councillor P Broughton**

**Ward**                      **Grangefield**  
**Ward Councillor**      **Councillor A Cockrill**