

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 22nd MAY 2008

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

08/0604/FUL

**Land To the Rear of 15-19 Station Road, Norton, Stockton on Tees
Reserved matter application for the erection of 1no. Pair of semi-detached dwellings**

Expiry Date 6 June 2008

SUMMARY

The application site is situated to the rear of the existing Victorian semi-detached properties on Station Road, Norton. The application site is formed from the rear gardens of No.'s 11, 15 and 19 Station Road with access to the dwellings provided from Dove Lane.

Outline planning approval was granted on appeal for the erection of 6no. Semi-detached dwellings (06/0083/OUT) following a refusal of the application on highway and overall level of development grounds. A subsequent application for the erection of 2no. Semi-detached dwellings (App. Ref 07/2735/FUL) of the same design as proposed in this application was also approved under delegated powers in November 2007.

Planning consent is sought for the erection of a further 2no.out of the 6no. Semi-detached properties granted outline planning consent under application 06/0083/OUT. The proposed development lies to the rear of No.15 and 19 Station Road.

Given the previous appeal decision the principle for development on the site is considered acceptable. Visually the proposal is not considered to have a significant impact on the locality, nor given the distances from the surrounding properties will it have a detrimental impact on existing residents' privacy or daylight. Access to the properties and parking provision is also considered acceptable and does not pose any significant risk to highway safety. The proposal is considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and is consequently recommended for approval.

RECOMMENDATION

Planning application 08/0604/FUL be approved with conditions subject to

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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>DOVLP</i>	<i>10 March 2008</i>

DOV01-2 10 March 2008
DOV02-2 10 March 2008
DOV03-2 10 March 2008

Reason: To define the consent.

02. ***Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).***

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

03. ***Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of both hard and soft landscape works shall be approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include hard construction materials and construction methods; detailed planting plan indicating soil depths, plant species, replacement tree planting, root barriers, numbers, densities, location and sizes and planting methods)***

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

04. ***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 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, unless otherwise agreed in writing with the Local Planning Authority.***

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

05. ***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

06. ***None of the dwellings hereby permitted shall be occupied until the widening of the carriageway on Dove lane and the provision of a pedestrian/service strip as shown on drawing Dov01-2 have been completed and made available for use. Such details shall be submitted to and agreed in writing with the Local Planning Authority and implemented in accordance with these agreed details.***

Reason; In the interests of pedestrian and highway safety.

07. ***No construction activity shall take place on the site outside the hours of 8.00am - 6.00pm Monday to Friday, 8.00am - 1pm Saturday and nor at any time on Sunday's or Bank Holiday's.***

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

- 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 and shall be erected before the development hereby approved is occupied.**

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

- 09. 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

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

Policies GP1 General Principles, HO3 Development on unallocated sites and HO11 Design and Layout

BACKGROUND

1. Within the immediate locality there have been several planning applications submitted and approved in recent years for 'backland' developments to the rear of the residential properties of Station Road resulting in either full or outline planning consent being granted for No.'s 9, 11 and 19 Station Road.
2. Outline planning approval was granted on appeal for the erection of 6no. Semi-detached dwellings (06/0083/OUT) following a refusal of the application on highway and overall level of development grounds. In assessing the development the inspector outlined that the use of Dove Lane would not give rise to conditions of conflict likely to endanger any existing or future users and that given the separation distances and landscape features the development will not result in a cramped form of development.
3. A subsequent application for the erection of 2no. Semi-detached dwellings (App. Ref 07/2735/FUL) of the same design as proposed in this application, was also approved under delegated powers in November 2007.

PROPOSAL

4. Planning consent is sought for the erection of a further 2no. of the 6no. Semi-detached properties that were granted outline planning consent at appeal under application 06/0083/OUT. The proposed development lies to the rear of No.15 and 19 Station Road.
5. The proposed dwellings will measure 13m (l) x 15m (w) and reach a maximum height of 9 metres and provide accommodation for 3no. bedrooms with an integral garage. Access to the property is sought via Dove Lane.

CONSULTATIONS

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

Urban Design

I refer to your memo dated: 14 April 2008

Reference drawing no:

General Summary

Urban Design requires further information/amendments as detailed below in landscaping comments.

Highways Comments

It is understood that previous objections to the access road and footway, raised in relation to the previous outline application, have been addressed and they will be provided as agreed to Design Guide Standards. The proposed site is located in the Central Transport Strategy Area as identified in Supplementary Planning Document 3: Parking Provision for New Developments, November 2006. In accordance with the Supplementary Planning Guidance standards each 3-bedroom property must provide 2 in curtilage car parking spaces. These have been provided within the site and therefore parking provision is acceptable, subject to the applicant constructing these spaces and the footway crossing to Design Guide Standards.

Landscape & Visual Comments

Flexibility in alignment of drives would accommodate most of the more significant trees and that no-dig construction methods should be employed for driveway construction. Further the "development can be accommodated dependent upon the careful and sensitive development of the detailed proposals" and further that a tree survey will be required.

- The submitted proposals and works on site indicate that these matters do not seem to be being addressed.

-The Planning Inspector noted – "design, external appearance and landscaping are reserved for future approval, matters such as boundary treatment, external materials and tree retention should be dealt with by then"

- The detail of driveway locations and construction site access has not been provided, and trees to the frontage of the property are being affected detrimentally by the works.

-Report of approval 12/11/07 states "Scheme for the protection, approved before development commences and monitored during construction" be submitted and approved and a hard and soft landscape scheme submitted.

- No scheme has been submitted; site visit indicated protection of some of the trees has been provided to the rear, none to the front (Dove Lane).
- Provision of hard and soft landscape scheme required at this stage, indicating methods of construction to limit root damage.

Environmental Health Unit

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 from adjacent road traffic
Construction Noise

Northumbrian Water Limited

No objections

Northern Gas Networks

No objections

NEDL

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

PUBLICITY

7. Neighbours were notified, a total number of 6 objections have been received and the comments received are summarised below:-

- Height of building
- Loss of privacy
- Impact on amenity
- Issue with construction activity and vehicles
- Loss of trees
- Increase in parking in the surrounding area
- Pavement has suffered damage and needs replacing
- Access is unsuitable
- Devaluation of neighbouring properties.
- Small access for emergency vehicles
- Increase in the number of vehicles using Dove Lane.
- Over-development of the site
- Vehicle/pedestrian conflict

PLANNING POLICY

8. 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.

SITE AND SURROUNDINGS

9. The application site is situated to the rear of the existing Victorian semi-detached properties on Station Road, Norton. The application site is formed from the rear gardens of No.'s 11, 15 and 19 Station Road with access to the dwellings provided from Dove Lane to the east of the site. Residential properties surround the site to the east and west.
10. The first pair of semi-detached properties are currently under construction and are situated to the south of the proposed development

MATERIAL PLANNING CONSIDERATIONS

11. The main planning considerations of this application are the impacts on the character of the area, maintenance of landscaping features, access and highway safety and the amenity of the neighbouring properties.

Principle of development;

12. The application site utilises previously developed land as defined in Planning Policy Guidance No. 3. Given the previous appeal decision which granted outline approval for the development of 6no. semi detached properties (06/0083/OUT, Appeal ref; APP/H0738/A/06/2026159) the principle of residential development in rear gardens of this site has already been established and therefore the application is subject to policies GP1, HO3 and H011 of the adopted Stockton on Tees Local Plan.

Character of the area;

13. The design of the proposed units has taken influence from that of the Victoria villa's on Station Road whilst maintaining a modern feel.
14. The properties to the south of the site (currently under construction) are of the same design as the proposal, it is considered therefore that the proposed development will complement these properties and would not look out of place with the neighbouring developments.

15. The scale, massing and design of the units are considered to be acceptable within this locality and would therefore not be detrimental to the visual amenities of the locality. The development therefore accords with policies GP1, HO3 and HO11 in this respect.

Amenity of the neighbouring properties;

16. Concerns have been raised in that the proposal is an over-development of the site. However, during the consideration of the appeal the inspectorate considered that the proposed development provided a sufficient level of private amenity space and that there is sufficient space between the existing properties and the proposals so that the scheme does not represent an over-development of the site, the development is therefore considered to be in accordance with policy HO11 of the adopted Local Plan.

17. The proposed dwellings would be situated in excess of the minimum 21 metres rear-to-rear distance outlined in the Council's Householder Extension Guide. Despite the concerns raised by neighbouring residents it is considered that the proposed development would be located a sufficient enough distance away from the surrounding properties so as not to result in a significant loss of daylight or privacy, despite concerns from neighbouring residents.

18. Objections have also been received from neighbouring occupiers in relation to construction activity and deliveries. Whilst there is expected to be some medium term disturbance during construction It is not considered that the development would unduly affect the quality of life of the neighbouring occupiers in the long terms and any noise issues during construction could be addressed via a planning condition.

Access and highway safety;

19. Local residents have made comments in relation to the access into the site and also Dove lane being unsuitable for further traffic and emergency vehicles. During the consideration of the appeal for the outline application for 6no. Semi-detached properties the Planning Inspectorate stated that within the locality there are a wide range of access arrangement similar to that of the proposal all which seem to be functioning satisfactorily and that the proposal is unlikely to endanger any existing or future users.

20. Given that the principle of the access arrangements acceptable and the Head of Technical Services have commented that the parking provision for the development is acceptable subject to details of the footway crossing being provided. The development is therefore not considered to pose any significant threat to highway safety and is in accordance with policy GP1 in this respect.

21. Despite the concerns from local residents the impacts of the development in relation to access and parking, the access to the properties has been established as being acceptable due to the appeal decision and the overall parking provision for the development is in accordance with the Council's Supplementary Planning Document on parking provision.

Landscaping Features;

22. Concerns are raised by objectors over the potential impacts of the development on landscaping features with the site. The Landscape architects have raised no objections in principle to the development although have requested further information be submitted. These issues can be dealt with via planning conditions for tree protection measures and for details of hard and soft landscaping.

Residual issues;

23. Comments have been made in relation to the construction of a 1.8m footpath. The position of the footpath is shown on the drawings provided and shall be constructed by the applicant. Details of the method of construction are required and this can be controlled through a planning condition.

24. Objections received in relation to the devaluation of surrounding properties as a result of the development are not a material planning consideration.
25. Comments made in relation to damage of the surrounding pavements would be a matter for the Local Highway Authority and is not for consideration under the determination of this application.

CONCLUSION

26. Given the previous appeal decision the principle for development on the site is acceptable. Visually the proposal is not considered to have a significant impact on the locality, nor given the distances from the surrounding properties will it have a detrimental impact on existing residents' privacy or daylight. Access to the properties and parking provision is also considered acceptable and does not pose any significant risk to highway safety. The proposal is considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and is consequently recommended for approval.

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.

Stockton on Tees Local Plan
Tees Valley Structure Plan
Planning Policy Statement 1
Planning Policy Statement 3
Appeal decision; APP/H0738/A/06/2026159
Planning Applications; 06/0083/OUT & 07/2735/FUL

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward	Norton West
Ward Councillor	Councillor Mrs P. A. Cains and R Cains