

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 22nd MAY 2008

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

07/3154/VARY

Albany House, Cheshire Road, Norton

Application under Section 73 to vary Condition no. 2 of planning approval 06/0246/FUL (Erection of 9 no. dwellinghouses, 2 no. bungalows and 2 no. garages and associated works (demolition of existing vacant elderly persons home) to allow re-alignment of boundary fences.

Expiry Date 25 February 2008

SUMMARY

The application site is situated on the corner of Berkshire Road and Cheshire Road, Norton. Planning permission was originally granted in 2006 for the erection of 9 no. dwellinghouses, 2 no. bungalows and 2 no. garages and associated works (demolition of existing vacant elderly persons home) (Application Ref. 06/0246/FUL). The development originally approved has now largely been completed with the exception of the boundary fences and some landscaping.

Planning consent is sought under a section 73 application to vary condition 2 of application 06/0246/FUL in order to allow changes to the layout and arrangement of the approved scheme in order to meet with the requirements of the secure by design principles. The revised scheme has resulted in changes to the type and position of the boundary treatments and also in the relocation of the proposed access point along Spalding Walk.

The housing element remains the same as the previously approved scheme and is acceptable; discussions have taken place between the applicants, their agent, the Police Architectural Officer, Local Ward Councillors and the Case Officer in order to achieve an acceptable solution. On the basis of acceptable amended plans likely to be received the matter is now put before members for determination.

RECOMMENDATION

Planning application 07/3154/VARY be delegated to the Head of Planning for approval subject to the receipt of amended plans which are considered to satisfactorily address the issues highlighted in this report.

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.*

To be confirmed

Reason: To define the consent.

- 02. 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.

- 03. Notwithstanding any description contained as part of this application the proposed access gates onto Boston Walk and Berkshire Road shall be fitted with self closing mechanisms and 5 point mortice locks, details of which shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in accordance with these details within 3 months of the approval of the details and shall be maintained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure a satisfactory form of development

BACKGROUND

1. Planning permission was originally granted in 2006 for the erection of 9 no. dwellinghouses, 2 no. bungalows and 2 no. garages and associated works (demolition of existing vacant elderly persons home) (Application Ref. 06/0246/FUL). The development has largely been constructed in accordance with the approved application although changes are sought to the layout and arrangement of the boundaries/access arrangements of the dwellings.
2. All other conditions relating to application 06/0246/FUL have been discharged with the exception of the boundary treatment, which have been radically altered and has resulted in this section 73 application.

PROPOSAL

3. Planning consent is sought under a section 73 application to vary condition 2 of application 06/0246/FUL in order to allow changes to the layout and arrangement of the approved scheme in order to meet with the requirements of the secure by design principles.
4. Following discussions between the case officer and the Police's Architectural Liaison Officer the applicants have amended the previous submitted scheme in order to try and address some of the concerns of the neighbouring residents. Further discussions have taken place between the applicants, their agent, the Police Architectural Officer, Local Ward Councillors and the Case Officer in order to try and address the concerns of local residents and the ward councillors as detailed in the report below.
5. This has resulted in agreement that a 1m high dwarf wall with 1m railings shall front onto Spalding Walk, with direct access coming out onto Berkshire Road and for the boundary treatment onto Boston Walk to be re-assessed and given a similar boundary treatment as to that of Spalding Walk.

CONSULTATIONS

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

Local Ward Councillors R Cook & S I Nelson

Originally commented that the proposed fence is not on the same site lines that were agreed at the first application. The new proposal is considerably closer to the houses on Spalding Walk. It is also not what was agreed as part of the pre planning application discussions between Tees Valley Housing and the residents on Spalding Walk.

The residents of Spalding Walk have acted in good faith throughout and on the basis of these discussions did not seek to oppose the application to build on this site.

The original proposals have the effect of making the footpath on Spalding Walk a tunnel or alley which for community safety as well as appearance reasons we consider to be unjustifiable. The proximity of the fence to the properties is also oppressive and the inclusion of a gate onto Spalding Walk has serious "quality of life" implications for residents.

We believe that the proposals should, as the residents were promised, reflect the lay out which existed when Albany House was there i.e. footpath and verge between Spalding Walk and access to the development from Berkshire Road.

Concerns were also regarding the wooden fence which forms a boundary to the development at Boston walk.

Members will be advised of the Ward Councillors up to date comments at the meeting.

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.

· Construction Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site.

Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance.

I will recommend working hours on site to be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday working.

Urban Design

I refer to your memo dated: 28/11/07

Reference drawing no: 04103/C101 rev c and d

General Summary

We have no objections to the development.

Highways Comments

I have no highway objections to this application as the variation relates to the realignment of boundary fences to meet requirements of Secure by Design.

Landscape & Visual Comments

Following on from our discussion we have no objections to the realignment of the boundary fences.

Built Environment Comments

No comments.

Northern Gas Networks

No objections

CE Electric

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

Northumbrian Water

No objections

PUBLICITY

Neighbours were notified of the development and subsequent amendments and the comments received are below :-

Mr and Mrs K Fletcher - 1 Spalding Walk' Norton

Objected to the original proposal as at the time discussions were had about the scheme assurances were given that there would be no link or access between the development and Spalding Walk and the new access will change the status of Spalding Walk into a back alley. Concerns are also raised about a loss of quiet and privacy, increase in noise, loss of value to the property.

Mr and Mrs Hill - 2 Spalding Walk' Norton

Objected to the original proposal as Spalding Walk would be turned into a back alley, they would have to look onto a 2m high wooden fence, loss of security, loss of daylight and Spalding Walk would become a dumping ground.

Concerned over a loss of daylight and the fence being close to their home.

Mr J and Mrs P Morgan - 4 Spalding Walk' Norton

Objected to the original proposal as they consider that it is not acceptable for the residents of the Albany House development to take their rubbish out along the front of Spalding Walk

Mr A Duff – 6 Huntingdon Green

Happy with the finish of the properties but has concerns over the boundary treatments and hopes do not build in front of where his is living.

PLANNING POLICY

6. 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

7. The application site is situated on the corner of Berkshire Road and Cheshire Road, Norton and was a derelict former elderly person's home that had been subject to instances of vandalism and anti-social behaviour.
8. The development originally approved under application 06/0246/FUL has now largely been completed with the exception of the boundary fences and some landscaping. The site is completely surrounded by residential properties and a car parking area with garages to the north-west., though the properties closest to the area to which this application relates are the residents of Spalding Walk.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations of this application are the impacts on the character of the area, access and highway safety and the amenity of the neighbouring premises.

Principle of development;

9. The application site falls under the definition of 'previously developed land' outlined in PPS3 and central government encourages the re-use of this type of land for housing developments. The site also has the benefit of a planning approval which has been implemented and has largely been completed, the principle of development therefore remain acceptable.

Character of the area;

10. The surrounding area predominately consists of either bungalows or two-storey post-war residential properties. The proposed development is externally facing towards Berkshire and Cheshire Road and is overall in keeping with the scale and proportion of the neighbouring properties and remains the same as the previously approved application.
11. The agreed boundary treatments onto Spalding Walk is for a 1m high brick wall with 1m high railings, this will provide a high quality boundary treatment whilst maintaining adequate security to the rear access. The treatment of the boundaries to the rear of the residential properties is also considered acceptable, the development is therefore judged not be detrimental to the visual amenities of the area and is in accordance with policy GP1 of the Local Plan.

Access and Highway Safety;

12. The Urban Design Unit has commented that they are satisfied with the development and have no objections to the proposed development. There are therefore no significant issues of highway safety associated with the proposed development.

Amenity of the neighbouring properties;

13. External distance to neighbouring properties and internal distances within the development remain as per the original approved scheme and comply with the Council's guidelines and will enable the existing residents to have a satisfactory amount of privacy and amenity in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.
14. The applicant's agents have amended the layout of the garden spaces in order to provide an adequate rear access to the previously approved dwellings in order to meet secure by design principles, a requirement of the housing associations funding. The rearrangement of the garden areas has allowed for a suitable level of private amenity space for the residents of the proposed dwellings and the development is judged to be in accordance with policy HO11 of the local plan.
15. Some objections have been received from neighbouring objections in relation to the creation of a rear access and turning Spalding Walk into a rear alleyway. Changes have been made to the application in order to provide a higher quality boundary treatment and agreement has been reached for this to have direct access to Berkshire Road only. The proposed development is therefore now considered acceptable and should not have a significant impact on the amenity of the residents of Spalding Walk so as to justify a refusal of the application.
16. The 1.8m high Close boarded fence fronting onto Boston Walk is also to be re-assessed to provide a better outlook for these residents whilst still achieving an acceptable level of privacy and height to meet the secure by design principles.
17. Planning conditions can be imposed to ensure that the access gates are self-closing and secure in order to maintain an acceptable level of amenity and security.

Residual Issues;

18. Concerns raised in relation to a loss of property value are a civil issues and not a material planning consideration.

CONCLUSION

19. The housing element remains the same as the previously approved scheme and is acceptable, the subsequent changes made to the scheme made by the applicant to address the concerns of the neighbouring residents were not considered to be acceptable. However as a result of further proposed changes a verbal agreement has been reached between all the parties and amended plans are anticipated which address the outstanding concerns of Local residents and the ward Councillors

20. On this basis and due to the impending target date for determination of the application being before the next available planning committee, the application is put before members with a recommended for the application to be delegated to the Head of Planning for approval subject to satisfactory amended plans being received.

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
Planning Application 06/0246/FUL

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

WARD AND WARD COUNCILLORS

Ward	Norton South
Ward Councillor	Councillor R. Cook and Councillor S. I. Nelson