

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 23 JULY 2008**

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

**08/1228/FUL**

**Former S D Print and Design Building, Martinet Road, Thornaby  
Erection of 30 no. one bedroom apartments.**

**Expiry Date 15 August 2008**

### **SUMMARY**

The application site is situated between Millbank Lane and Martinet Road, on the western approach to Thornaby town centre. The site currently houses a warehouse building which is now currently vacant.

Prior to submission of the application, pre-application meetings/discussion were held and a community consultation exercise with over 100 leaflets distributed to properties in the surrounding area has also been carried out, leading to some changes in the scheme.

The development contains 30 apartments this is divided in 20 no. Studio apartments and 10, traditional one-bedroom apartments to provide more affordable accommodation for those wishing to enter the housing market. The proposed development is of a modern and contemporary design with strong elevations to both Millbank Lane and Martinet Road.

Whilst the scheme proposed will differ from the traditional nature of the surroundings the design is considered to be unique and of a high quality. The development also provides sufficient levels of amenity whilst maintaining acceptable standards for surrounding residents and is not considered to have a detrimental impact on highway safety.

### **RECOMMENDATION**

***Planning application 08/1228/FUL be approved subject to the applicant entering into a Section 106 agreement or Unilateral undertaking to provide for a commuted lump sum of £7,000 for the enhancement and improvement of nearby open space and the following conditions***

***In the event that a legal agreement has not been completed by 15<sup>th</sup> August 2008 the planning application be refused***

- 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.***

<b>Plan Reference Number</b>	<b>Date on Plan</b>
P01	16 May 2008
P03	16 May 2008
P04	16 May 2008
P05	16 May 2008
P06	16 May 2008
P07	16 May 2008
P08	16 May 2008

**Reason:** *To define the consent.*

- 02** ***Notwithstanding any description of the materials in the application, precise details of the materials and colours 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** ***The development shall not be occupied until surface water and foul 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** ***Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings, public art and street furniture).***

**Reason:** *In the interests of visual amenity.*

- 06** ***Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and 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 occupied. 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. 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.*

- 07** ***Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the***

*arrangements for its implementation and be carried out in accordance with the approved schedule.*

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

- 08** *Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.*

*Reason: To define the consent*

- 09** *Notwithstanding the proposals detailed in the submitted plans all means of enclosure including; any requirement for earthwork retention and street furniture associated with the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.*

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

- 10** *Full details of the method of external illumination including siting; angle of alignment; light colour; and luminance of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before the development is occupied. The agreed details shall be implemented wholly in accordance with the agreed scheme prior to occupation.*

*Reason: To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.*

- 11** *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.*

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

- 12** *Notwithstanding the proposals detailed in the submitted plans, no development shall commence until details of building foundations which take into account the close proximity of existing trees and their species has been submitted to and approved in writing by the Local Planning Authority.*

*Reason: To protect the off site trees that the Local Planning Authority consider to be an important visual amenity in the locality.*

- 13** *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.*

- 14 Notwithstanding any information contained within this application full details of the Bin storage, recycling facilities and refuse management plan 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.**

- 15 Before the permitted dwellings are occupied, any living rooms or bedrooms with windows affected by traffic noise levels of 68 db(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**

- 16 No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.**

**Reason: To avoid excessive noise and disturbance to the occupants of nearby residential properties.**

**The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies, is visually acceptable and does not pose any significant impacts of amenity standards or highway safety 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**

### **HEADS OF TERMS**

**A Commuted lump sum of £7,000 is required for the enhancement and improvement of nearby open space (Village Park).**

### **BACKGROUND**

- 1. Prior to submission of the application pre-application meetings/discussion were held with the case officer, the Historic Buildings Officer and the Head of Planning. The applicant's agent has also carried out a community consultation exercise prior to the finalisation of the current scheme, with over 100 leaflets distributed to properties in the surrounding area.**

### **PROPOSAL**

- 2. Planning consent is sought for the erection of 30 no. 1 bedroom apartments contained within a three-storey building, with the second floor being set back from the main elevation. The proposed building will measure approximately 38.5m (wide) x 20m (long) and reach a maximum height of 10 metres**
- 3. The development contains 30 apartments this is divided in 20 no. studio apartments and 10, more traditional one-bedroom apartments to provide more affordable accommodation for those**

wishing to enter the housing market. The proposed development is of a modern and contemporary design with strong elevations to both Millbank Lane and Martinet Road and would bring a brownfield site back into use.

## **CONSULTATIONS**

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

### **Urban Design Engineers**

I refer to your memo dated: 20 May 2008

Reference drawing no: Proposed Site Plan 07-135-P03

#### **General Summary**

The principle of development is acceptable; however, I would prefer to see layout changes that move the proposed building footprint outside of the Root Protection Areas of the existing trees. If this is not possible then foundation design must reflect the close proximity of the trees and be constructed in accordance with our detailed comment below. The lack of meaningful landscape is of concern but providing the existing trees are retained the areas of soft landscape proposals proposed is deemed to be acceptable. There is, however, a lack of amenity space which is a matter of planning policy. This may be addressed by an off site contribution to public open space. Further information in relation to Highways is also required as detailed below:

#### **Highways Comments**

This development is for 30 no apartments and should be designed in accordance with the Council's Design Guide and Specification and Supplementary Planning Document 3: Car parking in New Developments and I comment as follows:

Car parking should be provided at 1.75 spaces per dwelling in the eastern Transport Strategy Area for flatted development. It is however accepted that these dwellings are low cost homes and likely to attract single individuals, therefore during pre-application discussions a ratio of 1:1.3 was deemed an acceptable parking ratio. There is some on street parking in the vicinity due to the close proximity of the Police Station, Cadet Centre and Snooker hall, however the agreed parking is unlikely to be detrimental to highway safety as further on street car parking due to this development is unlikely to occur.

The car parking layout and manoeuvrability around the site is acceptable. Cycle storage is acceptable, however it is unclear from the submitted plans whether this is undercover, and this should be confirmed. If the cycle storage is not under cover then details of how it will be covered are required to be submitted.

Pedestrian access to the development is acceptable, however it is not clear from the submitted plans whether an acceptable visibility splay can be achieved due to existing landscaping and this should be clarified.

The location of the bin store is acceptable; however a refuse management plan should be submitted for approval in order to demonstrate how refuse from the development is to be managed including providing recycling facilities.

Provided the above information is submitted satisfactorily, I have no highway objection to this application.

#### **Landscape & Visual Comments**

There are significant street trees located along the boundaries with both Martinet Road and Millbank Lane. Whilst these trees are outside the site boundary and on council owned land, the

proposed development could adversely impact upon them. It is believed that trees on Millbank Lane were planted as part of a memorial to the personnel based at former airfield, however no evidence of the memorial status can be provided and the trees are not protected by Preservation Orders.

The application advises that if tree protection measures and no-dig construction methods are implemented direct damage to trees will still occur but this damage is likely to be minimised. The council's Arboricultural officer concurs with these statements made within the submitted tree survey documents.

The trees have been pruned to date back to the boundary as per common law entitlement and the canopies appear to be sufficiently clear of the above ground building dimensions. It is, however, possible there may be some future canopy growth that will periodically require pruning to maintain clearances.

The British Standard recommends piled or raft foundations if construction is required within the root protection areas of trees. It is estimated that the Root Plate Area (RPA) for Tree No 11 is 5.5m (based on measurements in the tree report) and the tree located within 2m of the proposed building. Therefore, as a guide foundations should be modified accordingly in the area or the footprint must be kept outside this area due to possible damaging effects of construction activity.

In view of future pruning requirements and protection measures necessary it is preferable to amend the layout slightly to accommodate the tree otherwise the long term retention of the tree which has significant amenity value and is classed as a category B (tree suitable for long term retention) may be threatened.

Foundation design will also need to account for the presence of trees and their potential effects on ground conditions, i.e. shrinkage, surface displacement etc

The Arboricultural report recommends protection methods in RPA's which should be completely adhered to which can be dealt with by condition.

All trees will require protection from construction activity for the duration of all site operations including measures to prevent compaction in all defined RPA's - this tree and also T1 - T4, T10-T13 will be particularly vulnerable to damage if not protected as per the Arborist's recommendations

The site is dominated by the apartments and the hard surfacing of parking. As a result there is very limited opportunity to incorporate meaningful planting to assist in mitigation measures. The severe lack of amenity space within the site is also a concern.

If consent is granted, the application should be forwarded to Parks and Greenspace for calculation of the off site contribution and the following conditions should be applied:

#### ENCLOSURE & STREET FURNITURE

Notwithstanding the proposals detailed in the submitted plans

- a) All means of enclosure including;
  - b) any requirement for earthwork retention;
  - c) and street furniture associated with the development
- shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

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

## SCHEME FOR ILLUMINATION

Full details of the method of external illumination

- a) Siting;
- b) Angle of alignment;
- c) Light colour;
- d) Luminance.

of buildings facades and external areas of the site, including parking courts, shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced. and the lighting shall be implemented wholly in accordance with the agreed scheme prior to occupation.

Reason: To enable the Local Planning Authority to control details and in the interests of the amenities of

- a) adjoining residents
- b) Highway Safety
- c) Protection of sensitive wildlife habitats.

## LANDSCAPING – SOFTWORKS

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with all existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:

- a) commencement of the development
- b) or agreed phases
- c) or prior to the occupation of any part of the development

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

## MAINTENANCE- SOFTWORKS

Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the

- a) development
- b) or approved phases.

Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. The landscape management plan shall be carried out as approved.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Landscape maintenance shall be detailed for the initial 5 year establishment period. The landscape management plan shall be carried out as approved

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

## LANDSCAPING – HARDWORKS

Notwithstanding the proposals detailed in the Design and submitted plans, development shall not commence until the means of external finishing materials of all hard landscaped areas including roads and footpaths has been submitted to and approved in writing by the LPA.

Reason: To enable the LPA to control details of the proposed development, and to improve the appearance of the site in the interests of visual amenity.

## TREE PROTECTION

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005 ) has been implemented and approved on site by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To protect the existing trees on site that the Local Planning Authority considers to be an important visual amenity in the locality, which should be appropriately maintained and protected.

## BUILDING FOUNDATIONS

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until details of building foundations which take into account the close proximity of existing trees and their species has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the off site trees that the Local Planning Authority consider to be an important visual amenity in the locality.

## Built Environment Comments

Although the previous designs reviewed at pre-application stage represented a piece of architecture more fitting for a riverside location the applicant has made subtle changes to the palette of materials to knit the development into the existing residential area.

The proposed development provides an interesting modern approach to flatted development and will provide a positive improvement to the streetscape and built environment in replace of the existing business unit.

I therefore can support the application subject to the following recommendations:

The proposed paling fence will not be acceptable in design terms and I recommend that the applicant explores a more decorative fence design to reflect the standard of high quality architecture being provided on the site, possibly the geometric design theme shown in the architecture can be continued through into the fence panel.

## **Further comments – 10<sup>th</sup> July 2008**

I refer to revised information received 9 July 2008 your memo dated: 20 May 2008

Reference drawing no: Proposed Site Plan 07.135-009



### General Summary

Urban Design has no objections to the submitted plan indicating appropriate visibility.

### Highways Comments

The revised plan indicates an appropriate visibility is achieved of 3.0m x 33m which is acceptable. It should however be noted that no landscaping above 600 mm should be permitted within this splay.

I note the comments in the letter from the architect, however details are required on how the cycle storage should be covered are required and should therefore be appropriately conditioned.

The location of the bin store is acceptable; however a refuse management plan should be submitted for approval in order to demonstrate how refuse from the development is to be managed including providing recycling facilities.

Since highway issues have been addressed or can be appropriately conditioned there is no objection to this application.

### Landscape & Visual Comments

Comments on my previous memo dated 30 June 2008 apply.

### Built Environment Comments

Comments on my previous memo dated 30 June 2008 apply.

### **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 between living accommodation

Due to the probability of noise complaints resulting from the intensified use of these residential premises, the building shall be provided with sound insulation, prior to being used, to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedroom in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

- Noise disturbance from adjacent road traffic

Before the use commences, any living rooms or bedrooms with windows affected by traffic noise levels of 68 dB(A) L10 (18 hour) or more (or predicted to be affected by such levels in the next 15 years) shall be insulated in accordance with a scheme approved by the Local Planning Authority for the protection of this proposed accommodation from road traffic noise.

- Possible land contamination

C407 Environmental Risk Assessment Phase 1a+b

No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.

Reason: To ensure the proper restoration of the site.

- **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 pm on weekdays, 8.00 a.m. - 1.00 p.m. on a Saturday and no Sunday working.

**Northumbrian Water Limited**

No objections

**Northern Gas Networks**

No objections

**CE Electric**

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

**Village Park Residents Association - C/O 5 lamps Organisation' Eldon Street**

I write, as the secretary of the Village Park Residents Association, to object to the proposed development. This is done following a decision to oppose this development made at and unanimously supported during, a meeting of the group on the 25th of April 2008.

The reasons for the residents in the area of Millbank Lane and surrounding areas objecting to this Development is as follows.

1. The proposed development is inappropriate for the area in which the developer intends to build the units. They are, indeed, alien to the general village character of the housing in the area. This is in respect of design and colour scheme.
2. The proposed development will infringe on the privacy of the residents living in housing, both bungalows and in two story housing, opposite the site, as it will over look their property.
3. There will be an unacceptable impact on local facilities and the infrastructure of the area making an already difficult situation worse, in relation to the numbers of cars passing through our area.

It is important to add, that despite having been offered the opportunity meet with residents and discuss their fears, a measure offered by the VPRA and later by the local MP Dari Taylor, the developers agent has chosen not to do so.

**PUBLICITY**

5. Neighbours were notified through individual letters, a site notice or through the press advert and any comments received are shown below (in summary):-

A total of 12 no. objections have been received of the following grounds;

- ❑ Out of character with the surrounding area and at conflict with the "village" nature of housing in the area.
- ❑ Loss of daylight and privacy to properties opposite
- ❑ No need for more properties, many in the area are empty

- ❑ Increase in noise and disturbance
- ❑ Loss of light to adjacent office window
- ❑ Will result in an increase in traffic
- ❑ Will exacerbate existing parking problems
- ❑ Increase the strain on public facilities such as play areas and buses

A total of 4 no. support letters have been received of the following grounds;

- ❑ The majority of the Airfield is now residential, the development adds to the neighbourhood renewal and ties in with the regeneration of the town centre.
- ❑ The development and design would be great for Thornaby.
- ❑ The development is in keeping with the other developments that have taken place in the area
- ❑ Provision of affordable housing is welcomed

### **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.

Planning Policy Statement 1; Delivering Sustainable Development  
 Planning Policy Statement 3; Housing

**SITE AND SURROUNDINGS**

- 7. The application site is situated between Millbank Lane and Martinet Road, on the western approach to Thornaby town centre. The site currently houses a warehouse building which is now currently vacant.
- 8. A garage is situated to the south of the application site, with a commercial office building lying to the west. Residential semi-detached properties are located to the north, whilst a substation and a new housing development (currently under construction) lie to the east.
- 9. Several large trees lie at the front of the site (along Millbank Lane) although these are within the Council's ownership and access into the site is from Martinet Road.

**MATERIAL PLANNING CONSIDERATIONS**

- 10. Main planning considerations of this application are planning policies, the impacts on the character of the area, the amenity of the neighbouring residents, impact on landscaping features and access and highway safety.

**Principle of development;**

- 11. The application site lies within the limits to development and under the definition outlined in Planning Policy Statement 3 (PPS 3) is classed as previously developed land. The principle of residential development on the site is therefore considered to be acceptable subject to policies GP1, HO3 and HO11 of the adopted local plan and Supplementary Planning Guidance No. 4 of High Density developments.
- 12. Following advice contained in the Council's Supplementary Planning guidance the application site is considered to be a sustainable location for high-density development as it lies within the limits to development, on previously developed land, is within 500m of a bus stop and lies approximately 350m from Thornaby town Centre. The principle of a high-density development is therefore considered to be acceptable.
- 13. Some objectors have raised the issue of need for further apartment accommodation in the area given that there are several flats either unsold or vacant in the locality. However, in the absence of any evidence to suggest there is no need for flatted development in the area, the issue of viability is one for the developer.

**Character of the area;**

- 14. The primary objection made by residents to the proposal is that they consider it is out of character with the surrounding area. The proposed development is clearly a modern and contemporary approach to design and is different from the traditional 1930's semi-detached architecture which is prevalent in the locality.
- 15. However, the scale and massing is considered to relate well to the properties opposite and includes the set back of the second floor. The architects have tried to reflect the character of

the area through colour and materials and planning conditions are recommended to control both these elements.

16. The proposal offers a unique and strong piece of architecture and design on a main approach road into Thornaby which would tie well into the redevelopment of the Town Centre and become a local focal point. The proposed development is considered to be visually acceptable and will be an attractive piece of modern architecture within the street scene. The proposal is therefore considered to accord with policies GP1, HO3 and HO11 of the Local Plan.

**Amenity of the neighbouring residents;**

17. The properties on the opposite side of Millbank Lane are a minimum of 30 metres from the front of the development site, this is well in excess of the Council's 21 metre standard, and given the three storey nature of the site is considered to be acceptable. It is not considered that the residents of Millbank Lane will therefore suffer from any significant loss of amenity or privacy and an acceptable can be provided for residents of the proposal.
18. The distances from the development to the nearby previously approved housing scheme, currently under construction by Taylor Wimpey also exceed the recommended 21 and 11 metres distances and again the future residents of this scheme and the housing scheme will not therefore suffer from any significant loss of amenity or privacy, in accordance with policy GP1.
19. One objection has also been received in relation to a loss of light from an existing window on the adjacent office unit. Whilst these concerns are appreciated the neighbouring unit is a commercial operation and the office is not classed as a habitable room. It is judged therefore, that this reason alone would not be significant enough to justify a refusal of the application.
20. Comments have been made in relation to increases in noise and disturbance from the development. Whilst it is accepted that this may occur in the short-to-medium term during construction works, the development is not considered to pose any significant long-term impacts. In order to limit the impact of noise and disturbance during construction a planning condition can be imposed to restrict working hours.
21. Although there is no amenity provision within the development site, each unit will have some private amenity area in the form of a balcony. The site also lies within 150m of Village Park and it is considered that a satisfactory solution would be for the developer to contribute to the enhancement and improvement of this facility due to anticipated usage from the development. This is to be calculated in accordance with the Council's current formula of £3500 per 0.1 of a hectare, or part thereof, which equates to a contribution of £7,000.

**Impact on landscaping features;**

22. The application site is situated between some large mature trees along the boundaries with both Martinet Road and Millbank Lane. Whilst these trees are outside the site boundary and on council owned land, the proposed development could adversely impact upon them. Whilst providing high amenity value, the trees are however, not protected by Preservation Orders
23. A tree survey has been submitted as part of the application, it advises that the implementation of tree protection measures and no-dig construction methods would provide appropriate protection for the trees, a view which the council's Arboricultural officer is in agreement with. Conditions to minimise the impacts on the trees recommended.
24. On this basis it is considered that subject to various planning conditions the proposed development should not have a significant impact on

**Access and highway safety;**

25. Local Residents in their objections have raised issues in relation to the proposal increasing traffic and exacerbating existing parking problems. The Council's Highway Officers have considered the information supplied as part of the application and consider that the parking provision, layout and manoeuvrability around the site, the pedestrian access and location of the bin store are acceptable.
26. Further information regarding the visibility splay has been submitted and is considered acceptable, further details are required regarding the cycle storage and recycling facilities/refuse management plan and planning conditions are proposed to address these matters.
27. Given that the agreed parking is considered satisfactory it would not be detrimental to highway safety and as satisfactory visibility splays can be achieved there are no highway objections to this application and the proposal is therefore in accordance with policy GP1 of the adopted Local Plan.

**Residual Issues;**

28. The Environmental Health Officer has requested that a planning condition be imposed in relation to noise disturbance between living accommodation, however as this matter is controlled under Building Regulations it is not considered to be either necessary or reasonable and therefore fails the six tests of reasonableness of a planning condition as outlined in circular 11/95.
29. Comments have also been made in relation to the development increasing the strain on public facilities such as play areas and buses. Whilst this point of view is appreciated there is no evidence to support these claims

**CONCLUSION**

30. Whilst the scheme proposed will differ from the traditional nature of the surroundings the design is considered to be unique and of a high quality and visually would be acceptable within the street scene. The development will provide sufficient levels of amenity whilst maintaining acceptable standards for surrounding residents and will not have a detrimental impact on highway safety.
31. It is therefore considered that the proposed development accords with policies GP1, HO3, HO11 of the adopted Local Plan and Supplementary Planning Guidance No.4, the development is therefore recommended for approval subject to the conditions laid out in this report and a commuted lump sum towards open space provision.

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

**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; Delivering Sustainable Development

Planning Policy Statement 3; Housing

**WARD AND WARD COUNCILLORS**

**Village Ward**

**Ward Councillors M Eddy and I J Dalgarno**