

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

24th September 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

Members may recall that this application was deferred in order to allow discussions to take place between the local residents and the applicants. These discussions have taken place along with a meeting between the case officer, the Urban Design Manager, the applicant and their agent and a spokesperson on behalf of the Spalding Walk residents. Revised plans as discussed at the meeting are currently out to public consultation.

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 application is put before Members on the basis that it is anticipated that further objections to the revised scheme may be received, which would require the application to be determined by the Planning Committee. An update report will be produced for members to consider.

The housing element remains the same as the previously approved scheme and is acceptable, the changes made to the scheme are considered to address the majority of the concerns of the neighbouring residents and on balance it is considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan, and the application is recommended for approval.

RECOMMENDATION

Planning application 07/3154/VARY 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>04103/C101 Rev G</i>	<i>10 September 2008</i>
<i>04103/C113</i>	<i>16 November 2007</i>
<i>04103/C141</i>	<i>26 November 2007</i>
<i>04103/C140</i>	<i>26 November 2007</i>
<i>04103/C110</i>	<i>16 November 2007</i>
<i>04103/C122</i>	<i>16 November 2007</i>
<i>04103/C211</i>	<i>16 November 2007</i>
<i>L01</i>	<i>16 November 2007</i>

04103/C210 Rev E ***10 September 2008***

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. ***No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for landscaping, tree and/or shrub planting. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The work shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.***

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

04. ***Notwithstanding any description contained as part of this application the proposed access gates onto Boston Walk and Spalding Walk shall be fitted with self closing mechanisms and 5 point mortice locks, details of which shall be submitted to the and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in accordance with these details and 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

05. ***Within 2 months of the date of this permission the perimeter fence works shall be erected to the reasonable satisfaction of the Local Planning Authority in accordance with details to be submitted to and approved in writing by the local planning Authority.***

Reason: To protect the privacy and residential amenity of the occupants of neighbouring properties.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan Policy/Policies set out below:

GP1, HO3 and HO11

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. Previously, during the course of the processing of the application, discussions had taken between the case officer and the Police's Architectural Liaison Officer to consider neighbours concerns. A further meeting also took place on site between the applicants, the Architectural Liaison Officer, the case officer and the local ward councillors. As a result a revised scheme which sought to address residents concerns and was put to Members. However consideration of the application was deferred at Committee in order to allow discussions to take place between the local residents and the applicants.
3. The applicant held discussions with local residents of both Spalding Walk and the new development. The resulting scheme from these discussions was not considered to be acceptable and consequently a meeting was organised on the 28th August 2008 between the applicants, the case officer, the urban design manager and a spokesperson for the Spalding walk residents.
4. The issues and problems with the previous schemes were discussed and the residents of Spalding Walk stated what they wanted to see. To this end the residents of Spalding Walk requested that the following points needed to be addressed;
 - (i) Access way to be onto Boston Walk
 - (ii) Greater separation/area of open space between Spalding Walk and the development.
 - (iii) Removal of proposed hard landscaping strip
 - (iv) Area of landscaping just to be lawn
 - (v) The boundary fence to be in a straight line, parallel to Spalding Walk.
5. As the access onto Boston Walk would not meet secure by design principles an alternative layout was discussed. It was agreed that these two different solutions would be put to the Police's Architectural liaison officer for informal comments. Following the Police's Architectural liaison officers comments it was considered that the alternative option, which includes setting the proposed fence further back from the adjacent neighbouring properties of Spalding Walk, and for the boundary fence to be in a straight line, parallel to Spalding Walk, was the one that sits better with the Secure by Design principles. It is this scheme that has now come forward for consideration by Members though it is still out to consultation to local residents.

PROPOSAL

6. 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.
7. The revised boundary treatment adjacent to Spalding Walk consists of a 0.9m high brick wall with a 0.9m high fence inserts above and 2.2m high brick pillars.
8. Following on from discussions with the Police's Architectural Liaison and in accordance with secure by design principles, the proposed fence element will be slanted at a 45 degree angle. This will show a flat appearance to residents looking onto the fence, whilst pedestrians using the walkway will have a view into the alleyway through the splayed angle in the fence.
9. In addition, the proposed fence lines of the boundary treatment adjacent to Spalding Walk will be further set back, by up to 4.5m from the public footpath and up to 9.6m from the front elevations of the properties along Spalding Walk, as opposed to the previously approved scheme, which was set back 1.5m from the footpath and 6.6m from the front elevations of the properties along Spalding Walk. An area of soft landscaping will now be present between the proposed fence and the footpath adjacent to Spalding Walk.

CONSULTATIONS

10. The following Consultations were notified and any comments received during the course of the application are set out below. Members should however be aware that at the time of writing the consultation process is on going and any revised comments will be detailed within an update report:-

Local Ward Councillor Councillor R Cook

If we allow this gate and fence re-alignment we will be letting Residents down who asked for cut through to be fully fenced of as a condition application being agreed this was also agreed by Tees Valley Housing as part of there consultation with residents so there for I would ask the planning committee not to agree to this variation of the of the original plan

Local Ward Councillor S I Nelson

I would echo Bob's comments. The residents on Spalding Walk have put up with the considerable inconveniences of this development with no complaints. They made no objections to original plans on the basis that there was to be no gate in the fence. My understanding is that late in the day the police safety officer has come up with this as a requirement.

Having been to the site with Bob I can't see why this gate is needed as there is already access to the backs of the houses. I think to put this gate in at the 11th hour is grossly unfair on the residents of Spalding Walk and would ask that either the relevant officer/Committee reject the application.

Given that the houses are all now occupied could you let me know the legal position of the police safety officer's "recommendations"? Also how many objections there have been to the revised plans?

Finally what is timescale/process now for a decision on this matter?

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

NEDL

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

PUBLICITY

11. Neighbours were notified and any comments received during the application are detailed below. Again members should however be aware that at the time of writing the consultation process is on going and any revised comments will be detailed within an update report.

Mr and Mrs K Fletcher - 1 Spalding Walk' Norton

Objected to the original proposal as at the time discussions we 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. Concern is 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.

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

PLANNING POLICY

12. 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:

- (xi) The land is not specifically allocated for another use; and
- (xii) The land is not underneath electricity lines; and
- (xiii) It does not result in the loss of a site which is used for recreational purposes; and
- (xiv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (xv) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (xvi) Satisfactory arrangements can be made for access and parking.

Policy HO11

New residential development should be designed and laid out to:

- (xvii) Provide a high quality of built environment which is in keeping with its surroundings;
- (xviii) Incorporate open space for both formal and informal use;
- (xix) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;

- (xx) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (xxi) Pay due regard to existing features and ground levels on the site;
- (xxii) Provide adequate access, parking and servicing;
- (xxiii) Subject to the above factors, to incorporate features to assist in crime prevention.

SITE AND SURROUNDINGS

13. The application site is situated on the corner of Berkshire Road and Cheshire Road, Norton and was a derelict former elderly persons home that had been subject to instances of vandalism and anti-social behaviour.
14. 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

15. 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;

16. 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.
17. The issue that remains is purely whether or not the proposed fencing layout is visually acceptable, poses no highway safety risk and does not significantly harm residential amenity.

Character of the area;

18. The surrounding area predominately consists of either bungalows of 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.
19. The proposed boundary treatment adjacent to Spalding Walk now proposed will consist of a combined 0.9m brick wall with a 0.9m high fence panel inserts above, which will provide a high quality boundary treatment whilst maintaining adequate security to the rear access. The proposed fencing element of the boundary treatment adjacent to Spalding Walk will be slanted at a 45 degree angle, which will show a flat appearance to residents looking onto the fence, whilst pedestrians using the walkway will have a view into the alleyway through the splayed angle in the fence.
20. Local residents have indicated that they do not wish for any soft landscaping and wish for just a lawn as there are instances of littering in the area and this would make the grass much easier to maintain and keep tidy. The Landscape officers have no objections to this and visually it is considered acceptable, and this is addressed by planning condition in any case.

21. 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;

22. The Urban Design Unit have 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;

23. 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.

24. 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.

25. 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 also to reposition the access point much closer to Berkshire Road.

26. The proposed fence lines of the boundary treatment adjacent to Spalding Walk will be further set back, by up to 4.5m from the public footpath and up to 9.6m from the front elevations of the properties along Spalding Walk, as opposed to the previously approved scheme, which was set back approximately 1.5m from the footpath and 6.6m from the front elevations of the properties along Spalding Walk. Given that these revised distances and means of enclosure are further set back from the footpath and adjacent neighbouring dwellings than the boundary treatment of the originally approved scheme, it is considered that the proposal will not lead to a significant loss of amenity for neighbouring residents in terms of overbearing and outlook.

27. The proposed development is therefore 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. Residents had requested for exit from the site to be located onto Boston Walk. However in line with secure by design requirements this option was not considered to be acceptable. The current revised proposal is considered as best alternative given that it is set back from Spalding walk and provides high quality boundary treatment.

28. 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 and a time constraint condition will ensure that all works are carried out within a 2 month timeframe.

Residual Issues;

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

CONCLUSION

30. The housing element remains the same as the previously approved scheme and is acceptable, the changes made to the scheme are considered to address the concerns of the neighbouring residents and do not have a detrimental impact on the character of the area or impact on the neighbouring properties significantly so as to justify a refusal of the application. The scheme is on balance acceptable and is in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan, subsequently the application is recommended for approval.

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
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