

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE: 24th September 2008

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

08/1240/FUL

**Land at Thornaby Football Club, Acklam Road, Thornaby
Residential Development of 48 No. two bedroom apartments and 16 No. one
bedroom apartments and associated car parking, landscaping and external
works.**

Expiry date: 25th September 2008

Summary:

This planning application seeks approval for residential development on 1 hectare of land in mixed use at Teesdale Park off Acklam Road, Thornaby. The site is within the established urban limits but is not allocated for any specific use in the adopted local plan.

Existing uses on the land include a single house, the adjacent sports ground clubhouse, old changing facilities and a small, grassed area.

The proposed development comprises 64 apartments in three separate blocks. Residents have raised a number of objections particularly in respect of highway and traffic concerns. Other concerns include loss of trees, impact on residential amenity, potential loss of recreational facilities, nature conservation, flood risk and drainage. One letter of support has been received on the grounds that the development would improve the area.

No comments have been received from Ward Councillors or Thornaby Town Council.

The development is considered to be generally acceptable and concerns in respect of its impacts in relation to residential amenity, nature conservation, recreation drainage and flood risk, landfill gas and contaminated land have been resolved. Matters are outstanding in respect of access and highway safety, affordable housing, landscape and open space but it is expected the concerns arising from these matters can be resolved and conclusions and recommendations will be set out in an update report.

In view of the fact that at the time of writing, issues relating to highway safety, landscape, open space provision and affordable housing are outstanding, and that the applicant is working towards resolving those issues, a comprehensive assessment of the proposal cannot be made.

Accordingly, it is recommended that subject to resolving the issues raised, appropriate conditions and securing the necessary legal agreement that planning permission be granted. If, however, there are any substantive matters outstanding on 25th September 2008 that cannot be resolved by planning conditions, planning permission be refused on the relevant grounds which depending on what matters remain unresolved may

include lack of affordable housing provision, insufficient open space provision, and adverse impact on the landscape and highway safety.

RECOMMENDATION

It is recommended that:

1. ***Subject to a favourable response from the Council's Urban Design Manager in respect of matters relating to landscaping, open space and highway safety planning application 08/1240/FUL be approved.***

The approval to be subject to conditions in respect of: time period, approved documents, construction hours, means of enclosure, hard and soft landscape and highways matters, land contamination, drainage, flow attenuation, floor levels, materials, means of enclosure, bats survey, travel plan and any other subsequent matters arising; and

securing a legal agreement in respect of a replacement clubhouse and affordable housing, and in lieu of open space as considered necessary.

2. ***If there are matters outstanding on the 25th September 2008 that planning permission is refused accordingly on the grounds of affordable housing provision, open space provision, landscape and highway safety.***

HEADS OF TERMS (DRAFT)

Replacement Facilities

Not to demolish the Existing Facilities before it has constructed a replacement building for the provision of changing facilities for the junior football pitches presently located on part of the site and a building for the provision of a replacement Clubhouse.

"Existing Facilities" are the existing club house and existing changing facilities on the Site

Affordable Housing

Terms to be drafted in conjunction with the Housing Officer

Contributions in lieu of Open Space

Terms to be drafted in conjunction with the Landscape and Open Space Officers

PLANNING HISTORY

1. 04/0627/FUL - Residential development of 3 no. Apartment blocks comprising 50 no. Flats and associated access road, car parking and landscaping on Land at Teesdale Park. Approved with conditions and subject to Section 106 Legal Agreement, 9th October 2006

2. 05/0988/FUL - Portable building to provide changing facilities at Thornaby Football Club, Acklam Road, Thornaby – Approved with Conditions 18th May 2005
3. 06/1859/FUL - Erection of sports pavilion and 2 no. 15m high floodlights to replace existing facility at Thornaby Football Club, Acklam Road, Thornaby. Approved with conditions 31st October 2006.
4. 07/2307/FUL - Development of 42 two bedroom apartments, 32 one bedroom apartments and associated external works and highways improvements at Thornaby Football Club, Acklam Road, Thornaby. Withdrawn.
5. 07/2406/FUL - Residential Development of 42 two bedroom apartments, 32 one bedroom apartments and associated external works and highways improvements at Land At Thornaby Football Club, Acklam Road, Thornaby. Withdrawn

SITE AND SURROUNDINGS

6. The application site extends to 1 hectare (2.5 acres) and comprises an irregular shaped, linear parcel of land, and forms part of the Teesdale Park Sports ground. Uses on the site include an existing house, the Sports Social Club and car park, a significant number of trees and a small area of grass adjacent to a playing field.
7. Overall Teesdale Park extends to 7.1 hectares with the bulk of the playing fields located at a lower level to the north east immediately south of the old course of the River Tees. There are a significant number of trees on the site which are protected by a blanket Tree Preservation Order.
8. The site is bound by residential properties at 103 to 141 Acklam Road, (odd) Thornaby Cemetery, junior playing pitches, Thornaby Cricket ground and golf club.
9. The site is accessed from Acklam Road between properties at 105 and 107 along an un-adopted access track, which also serves the football ground.
10. The site is set within a landscaped area, at the top of a steep slope, which rises above the former course of the River Tees and wider Teesdale site to the north. The site is relatively flat plateau, which rises to the east. The rear , residential properties on Acklam Road are slightly elevated above the site.
11. Mature trees line the northern and southern boundaries of the site. The trees along the northern boundary are located along the top of and upon a steep embankment, which leads down to the old course of the River Tees.
12. A site location plan is attached at Appendix 1.

PROPOSAL

13. This application for full planning permission proposes the erection of 64 apartments in three blocks, with associated improvements to the existing un-adopted access, highways and external works. (See Appendix 1a.)
14. The design of the proposed apartment blocks incorporates traditional features, and the mass of the buildings are broken by varying roof heights, chimney

stacks, quoins, water tables, cills and headers, projecting gables and stair case enclosures, balconies and a mix of materials including natural stone walling, facing brickwork and render. (Proposed Elevations are attached at Appendices 2, 3 and 4.)

15. Blocks A and B are four storey buildings each with 24no. 2-bedroom flats. These are located central and east within the site. Block C is a four-storey building with 16no. 1-bedroom flats. This block is located west in the site. Floor plans are attached at Appendices 5 and 6.
16. Recently deposited plans show small areas of amenity space for residents of each block. No other open space is proposed.
17. The proposal involves the removal of two groups and 29 individual trees; 14 trees would be subject to crown lifting works. The northern vegetation areas and works are proposed which include some crown lifting. The removals and works have been devised in conjunction with the Council's Arborist.
18. These areas are to be enhanced to highlight the development entrance and to tidy the woodland edge with ground cover planting. The southern site boundary adjacent to the cemetery seeks to respect the established vegetation, and trees have been selected to be retained on the basis of the survey. Shrubs, ground cover and new tree groups are proposed. The existing privet hedge will be retained but cut back.
19. Planting within the site is a mix of evergreens, deciduous and perennials to introduce some formality, as a contrast to the surrounding natural landscape.
20. 104 car and 16 cycle parking spaces are proposed within the site. 11 disabled spaces are to be provided. Access would be taken from a T-junction formed with the A1130, Acklam Road and an un-adopted track, which serves the site and the football club. A protected right turn into the site and a pedestrian refuge is south of the site access are proposed. (See Appendix 1.)
21. The development entails the demolition of the existing clubhouse and changing rooms. Those facilities are to be replaced, and a planning permission exists for a new building on the southern boundary of the existing football ground (planning permission reference no 06/1959/FUL). Drawings are attached at Appendices 7, 8, 9, and 10. The provision of facilities can be secured by means of a unilateral undertaking attached to any planning permission granted.
22. The applicant has offered 10 affordable units with an entry level house price of £82,500 for first time buyers, but with no arrangements to secure affordable provision in the future.
23. The application is accompanied by a Statement of Community Involvement, Landscape Design Description, Bat Survey Report, Planning, Design and Access Statement, Pre-Development Arboricultural Assessment and Arboricultural Method Statement, and Transport Statement Addendum.

PUBLICITY

24. The application has been publicised by means of individual letters, site and press notice. The applicant has served notice on other owners of the application site. Seven letters of representation have been received, six

objecting to the proposal and one in support. The objections have been received from the occupiers of 96 Acklam Road, 109 Acklam Road, 113 Acklam Road, 115 Acklam Road, 129 Acklam Road, and 5 Brisbane Crescent and support from 127 Acklam Road. The grounds are summarised below: -

OBJECTION

Access and Highway Safety

- Traffic has increased greatly over the years and the new Mandale housing development has added to this
- Vibration from traffic
- The access road is needed to access the rear of properties and garages on Acklam Road
- A fully made up road would hinder access as the land is too narrow and the pavement would make it narrower still
- The access track is not big enough for two-way traffic and path and not suitable for an access road
- Parking to the front of the houses is almost fully used, and the side is the only place to park for any length of time
- The additional traffic would add to that arising from the Golf Club, and this would also add another 'hold up' point
- The access is dangerous and there are frequent crashes. The development would lead to further accidents. Particularly as Acklam Road is a main route to Stockton, and busy with traffic from the A19 and A66 – could be an accident with fire engines
- Loss of parking
- Insufficient survey in respect of access for large vehicles including emergency vehicles

Recreational Facilities

- Current recreational facilities should be upgraded not lost.

Residential Amenity

- The flats are aimed at younger residents and this could lead to an increase in noise detracting from a restful lifestyle as characterised by the area
- Properties may well be for rent and this will lead to anti social behaviour
- Noise, dirt and disturbance from heavy vehicles in a quiet tranquil area of Thornaby
- Light pollution, especially at night
- Car parking and refuse areas are close to the rear of properties on Acklam Road and this will be the cause of stench in back gardens in the summer and lead to rat infestation

Nature Conservation

- Disruption to existing wildlife including, owls, hawks, woodpecker and bats
- Questions the need for surveys for newts, fauna and the like.
- Loss of vegetation and trees

Drainage and Flood Risk

- Will the Council be liable if the homes flood?
- Sewerage and pumping station are close to capacity, especially with the extra loading from Littleboy Park. Northumbrian Water is no always keen to upgrade just because the developer needs it
- Loss of ground to hardstanding will adversely affect flood capacity

General

- Much better brownfield sites are available elsewhere
- Detrimental impact on saleability and resale value of homes
- The owner has deliberately allowed the site to deteriorate to wear down local residents
- The parks department should adopt the site to preserve trees and improve the environment
- 74 units were rejected, and should refuse this application
- Not previously developed land
- Underground parking would reduce the loss of tree cover

Policy

- The site is within the Green Wedge
- Policy REC11 (e) refers to a designated footpath Stainsby Beck

SUPPORT: The area is derelict and used by fly tippers, drug users, etc. The development would improve the area

CONSULTATIONS

25. The following Consultees were notified and any comments made are indicated below:

Spatial Planning Manager

26. The principle of high-density residential development at this particular location has already been accepted through a previous planning approval. However, this application increases the density still further by increasing the dwelling total from 50 to 64. Clearly one consideration will be whether the increased density is acceptable in design terms.
27. The Council recently adopted Supplementary Planning Document 6: Planning Obligations. The document states "Given the advice in recent national policy, and the LHNA, the Council will actively pursue a target of 15% affordable housing on sites with 15 or more dwellings proposed". Clearly this is relevant to this application.

Councillors

28. No response received.

Urban Design Manager

29. *“General Summary*

Urban Design has no highway objection to this application subject to the information requested below. Further landscape information has been submitted that requires consideration.

Highways Comments

Access

The access to the development is proposed from the existing Thornaby Football Club access. Widening of Acklam Road is proposed to provide a 3.5m dedicated right turn lane. In order to deal with the issue of parked vehicles obstructing visibility out of the access, it is also proposed to move the existing parking bays on the north side of Acklam Road back towards the houses, retaining a 1.8m footway. A pedestrian refuge has also been included on Acklam Road, to the west of the access, to improve crossing facilities for pedestrians accessing the development. Officers have been working with the Developer’s Consultant in order to achieve a satisfactory layout. The final version is to be submitted for consideration, therefore an update for Members will be provided.

Whereas the access layout has been designed to limit the possibility of double parking on the north side of Acklam Road either side of the access, it is recommended that a S106 contribution be included to cover the possible introduction of a Traffic Regulation Order to restrict parking at the access. This would only be progressed if problems are encountered once the new access is installed.

Trips / Impact Assessment

The Transport Assessment has predicted person trips across all modes within the peak hours and these are acceptable and demonstrate that there will not be a material impact on the existing infrastructure when considering the mitigation measures that are proposed as part of the development. The predicted vehicle trips are as follows :

| | AM Peak | PM Peak |
|---------------|----------------------------|----------------------------|
| Vehicle Trips | 10 arrivals; 42 departures | 25 arrivals; 17 departures |

The vehicle trip distribution and assignment is acceptable and it has been demonstrated that these trips will not have a material impact on the operation of the highway network.

Sustainable Transport

The public transport provision in the vicinity of the site has been properly assessed and it has demonstrated that there are no bus services passing within 400 metres of the site in the peak hours although there is an off peak service that runs along Lanehouse Rd / Acklam Rd. In the peak hours, regular services run to Thornaby (5-10 mins), Stockton (10-15 mins) and Middlesbrough (25-30 mins) along Mitchell Avenue. The nearest bus stops on Mitchell Avenue are approximately 600 metres from the site which exceeds the 400m requirement. The developer has contacted Arriva to see if there is any possibility of pump priming the existing service but Arriva have

indicated they could not support this due to the small scale of the development. Alternatively, they propose to offer a free annual travel pass to tenants as part of a travel pack to be issued to all buyers through the sales team. The predicted public transport trips are relatively low (7 in the am; 5 in the pm) so the issuing of the annual travel pass mitigates against the fact that there is no bus service immediately past the site in the peak hours and provides sufficient incentive for residents to use public transport. A Travel Plan still needs to be developed but this should be a condition of the planning permission.

The layout within the site is acceptable for cyclists and pedestrians. Links into the existing pedestrian infrastructure on Acklam Road have been provided. There are existing controlled and uncontrolled crossing points on Acklam Road which are to be supplemented by an additional pedestrian refuge located immediately to the north of the development access. This will enhance road safety for pedestrians accessing the site. No enhancements to the existing cycling infrastructure are proposed but 27 cycle parking spaces are to be provided within the development which is in accordance with the standards.

Internal layout

The access road layout is now deemed to be acceptable. A 5.5m wide carriageway, narrowing down to 4.8m is provided with 1.8m footways either side. Traffic calming features are also included in the form of road humps the locations of which should be agreed with Officers as part of the adoption process.

There were initial concerns regarding the tight bend in the access road, approximately 40m into the site from Acklam Road. However, it has now been demonstrated that this bend has been designed in line with Manual for Streets. 19m forward visibility is provided which is approximately the minimum stopping site distance for a speed limit of 16-17mph. To re-inforce the need to restrict speeds, traffic calming is proposed on the access road and a road hump is proposed either side and within 10 metres of the bend.

Refuse Collection

A tracking exercise has been requested that demonstrates that a refuse vehicle can manoeuvre within the site and exit in a forward gear. A refuse management plan is also required in order to demonstrate how refuse will be collected from the site including recycling facilities.

Parking

The SBC parking requirement for a development in this location is 1:1.75. There are 105 car parking spaces proposed for the 64 apartments which equates to a ratio of 1:1.64. This is deemed to be acceptable. 13 disabled bays are proposed which is 12% of the overall provision and is greater than the 10% that is required. 27 cycle parking spaces are provided which is in line with SBC standards of 1:4 per apartment plus an additional 1: 6 per apartment for visitors.

Road Safety

Road safety has been adequately assessed in the TA and it has been demonstrated that the traffic associated with the development will not have a material impact on road safety.

Emergency Access

Evidence has now been provided that the Cleveland Fire Brigade have been contacted regarding the access arrangements and they have confirmed that they have no objections.

Travel Plan

It is recommended that the development of a Travel Plan to the satisfaction of SBC Officers should be conditioned as part of the planning permission. The Plan should include the need to provide annual free bus travel passes, as part of a Travel Pack, to buyers via the sales team. This should also be conditioned.

Footpath Links

I note that the Ramblers' Association have requested footpath links through the site and concur that I have no objection to this and it should be considered by the developer, future maintenance will also need to be considered however it can form part of the Section 38 agreement.

Conclusion

The Transport Assessment has demonstrated that the development is acceptable in Transport terms and sufficient measures are proposed to mitigate the effects of the predicted trips. I therefore have no objection to this development subject to the satisfactory submission of the final layout.

Landscape & Visual Comments

Initial views:

I have reviewed the submitted documents and would object to the current proposal for the reasons set out below:

The current proposed block positions and increased car parking areas in particular have required a re-assessment of our previous comments due to their adverse impacts on landscape and visual grounds.

Generally this revised application has reduced the landscape space provision throughout the scheme, which in turn adversely impacts of streetscape design, and landscape screening throughout.

A substantial landscape buffer should be provided to the boundary at the rear of Acklam Road properties. The previous proposal provided more (though still limited) opportunities for screening / softening than that currently proposed and thus the landscape buffer is considered to be sub standard.

The provision of a street landscape zone between the built blocks and the internal site access road cannot be provided due to its narrow nature and piecemeal design. The lack on meaningful landscaping to the street is not acceptable.

Parking bays as proposed are continuous and should be broken up by the use of planting and changes of materials to reduce the monotony of appearance. This requirement could impact on the total number of car parking bays that can be accommodated on site.

Proposed landscaping and in particular amenity space is very limited and off site contributions previously discussed cannot currently be recommended as suitable mitigation for this lack of amenity space. The current proposal should

provide more on site amenity space (at least equivalent to the previous application) and if housing densities remain as per this application a greater contribution to off site provision will also be required.

Additionally comments made by for the previous application have nor been addressed in this revision and are noted as follows:

"There are several places where site works fall within the Root Protection areas of existing trees to be retained on the north side of the cemetery and the trees are a valuable amenity in the area and should be given maximum protection.

Methods statements and compound locations should be produced and identified in order to maximise tree protection. All trees worthy of preservation must be fully protected during any site works with the following provisions, which form part of B.S.5837 Trees in Relation to construction 2005:

- Changes in levels near the branch spread of the trees must be avoided and a line and level should be submitted showing all site levels to be achieved;
- Where tree roots are encountered, only hand digging will be allowed and the no dig construction methods shown in the tree report should be used where necessary;
- Compaction to the root spread of the tree must be avoided and the protective barrier shown in the tree report is acceptable. No storage of materials are permitted within the Root Protection Zones (RPZ) of the trees.
- No fires will be permitted near the trees;
- Service runs should avoid the RPZ of the tree and reference should be made to the Document NJUG10 from the National Joint Utilities Group.

There is a lack of any usable amenity space in the scheme with most of the open space being used for parking space therefore it is recommended that open space is provided in the form of an offsite contribution in accordance with council guidance and further details can be obtained from Sarah Edwards (Countryside & Greenspace Team).

Details of the proposed hard and soft landscaping and boundary treatments are required. Full details should be provided to the following minimum standard:

- A detailed landscape plan for hard construction indicating materials and construction methods;
- A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, specifications for maintenance and management. New tree planting should be provided to offset the tree removals as part of the Tree Preservation Order procedures."

Further Comments

Revised plans have been received on 12 September 2008 that require full consideration. I will therefore provide comments separately.

Care For Your Area

30. No comments received.

Environmental Health

31. No objections subject to conditions in respect of noise disturbance between living accommodation, land contamination, landfill gas, and construction noise (working period).

Environment Agency

32. No objections raised but recommends conditions in respect of drainage, flow attenuation, and floor levels. Recommends that the sewerage undertaker is consulted to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Northumbrian Water

33. No objections subject to conditions in respect of surface water drainage.

Chief Fire Officer

34. No response received.

Stockton Police Station

35. No response received.

Joint Public Transport Group

36. No response received.

Northern Gasworks

37. No objections and encloses mains records for the area.

C E Electric

38. No objections and encloses mains records for the area.

British Waterways

39. The planning consultation outlined above is located within the buffer zone identified on the 1:10,000 Ordnance Survey maps in your possession. It has no impact on the waterway and therefore we have no comment to make and do not require notification of your decision.

Thornaby Town Council

40. No response received.

Tees Valley Wildlife Trust

41. No response received.

Ramblers Association

42. Ask that the Council consider a planning obligation in the form of a footpath/cycle track link from the eastern end of the new carriageway along the existing track on the south side of the Tees cut to where it crosses to the other bank and then along the flood bank to Teesside Park; or at least to ensure that the development does not prevent such a link in the future as the area is developed.

Housing Services

43. "In terms of the % of affordable housing on this site 10 units is acceptable to the Housing Service. However I can see nothing in the application with regard to the mix of units, the Housing Service would wish to see the majority of these affordable units delivered as 2 beds rather than 1 bed units.
- In addition there is no specific's in the information supplied to indicate how these units would be kept affordable in perpetuity or the phasing of there delivery.
 - Finally on the specifics of this application the Housing Service would wish to ensure the developer supports the Authorities 'Affordable Ownership Register' and an agreed nomination process be agreed.

In addition to the above I would suggest that given current market conditions regard is given to the 'type' of affordable housing i.e. we are seeing increasing difficulty for prospective buyers in securing mortgages against shared ownership or equity properties and developers therefore seeking revisions to planning conditions. This may also be the case on 'discounted' properties and therefore if possible it may be worth considering a 'caveat' (if at all possible) that allows the 'type' of affordable housing to be changed"

Tees Archaeology

44. No objections or comments to make.

PLANNING POLICY CONSIDERATIONS

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan 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).
46. The following planning policies are considered to be relevant to the consideration of this application:

Adopted Stockton-on-Tees Local Plan

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

States that 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

States that new residential development should be designed and laid out to provide a high quality of built environment in keeping with its surroundings, incorporate open space, provide a satisfactory degree of privacy and amenity, for new dwellings and existing occupiers of neighbouring properties, pay regard to existing features and ground levels, provide adequate access, parking and servicing, and incorporate features to assist in crime prevention.

Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton-on-Tees Borough Council Design Guide & Specification, Edition No. 1.

Planning Policy Statement 1: Creating Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance 13: Transport

Planning Policy Guidance 17: Sport and Recreation

Planning Policy Statement 23 Planning and Pollution Control

Planning Policy Statement 25: Development and Flood Risk

Supplementary Planning Document 3: Parking Provision for New Developments

Supplementary Planning Guidance 4: High Density Development: Flats and Apartments

Design Guide and Specification (Residential and Industrial Estates Development) Current Edition

MATERIAL PLANNING CONSIDERATIONS

- 47. The main considerations in respect of the proposed development relate to the principle of development and the previous planning permission for residential

development on this site, impact on the landscape and visual amenity, nature conservation, drainage and flood risk, affordable housing and access and highway safety considerations, recreation, and contamination and landfill gas.

Principle of Development

48. The application site constitutes previously developed land and is an unallocated site in the adopted local plan, located within the defined urban limits and as such does not conflict in principle with planning policy. Notwithstanding view to the contrary from objectors the site is considered to be brownfield and is found *adjacent* to the Green Wedge
49. The previous recommendation for refusal of planning permission was based on a higher density of development, lack of information or commitment on the part of the applicant to enable a favourable recommendation to be made. This application was withdrawn and a planning decision was not made. Subsequently, the applicant has sought to address the deficiencies highlighted in the Officer's report and those matters are considered below.
50. The objectors refer to other brownfield sites that may be more suitable for this type of development and that this site is within the Green Wedge (Adopted Stockton on Tees Local Plan Policy EN14 refers). Whilst there may be other brownfield sites available in the Borough, this application should be determined on its own merits.
51. Great weight should be given to the fact that previously planning permission has been granted for 50 units of flatted residential development on the site (planning permission reference 04/0627/FUL) and that it is within the limits to development. Accordingly, it is considered that in principle high-density development is acceptable on this site.

Residential Amenity

52. Block C is the nearest of the new build to existing properties on Acklam Road at a minimum distance of 40 metres. Levels, distances and boundary treatments which includes the rear 'rough' access track to rear of Acklam Road and other domestic outbuildings and garages are such that there will be little overlooking with no significant loss of privacy, overshadowing or overbearing impact on existing or proposed properties.
53. The remainder of the development is even further distant (55m) and is to the rear of the cemetery and well screened by existing trees most of which are to be retained.
54. The proposed internal layout allows for sufficient distance between the rooms in the end gables of each block of flats to maintain a reasonable level of privacy and prevent overbearing impact. The layout also allows for light penetration between the blocks. The most recently deposited plans show three small areas of amenity space. No other open space is provided. The Environmental Health Unit has suggested a condition in respect of noise insulation between living accommodation. However, this is matter covered under other legislation, and would not be appropriate as a planning condition.
55. The proposed car parking would lie between the application site boundary and properties to the rear. Again given the boundary treatments, it is not considered that the use of the car park would have an adverse impact on the

amenity of the occupiers of either the new development or existing properties on Acklam Road.

56. It should be acknowledged that there would be some increase in traffic along the access track between the properties at 107 and 109 Acklam Road, which would give rise to additional noise and disturbance. However, as this is an existing access serving a football club and domestic garaging, given the likely level of use, it is not considered that this would be such to warrant refusal of planning permission.
57. Objection has been raised in respect of disturbance arising from construction operations, however construction noise can be limited to normal working hours through condition.

Landscape and Visual Amenity

58. Some residents are concerned about the loss of trees on the site as well a potential impact on local wildlife, which they claim includes, protected species. The area is at present largely overgrown and poorly maintained. If planning permission is granted a number of trees will be lost though many of these are poor condition. However, the majority will be retained and the opportunity arises to secure improvements to those that remain.
59. To ensure this comes about and the area is protected and enhanced, conditions would be needed to protect trees and hedgerows, secure additional planting, and provide for long-term management.
60. It is however considered that the current scheme is, in some respects, an improvement in visual terms to that approved in 2006 (Floor Plans and Elevations shown at Appendix 11, 12 and 13) and the fall back position. The mass and scale of the built development is reduced, the design less imposing and the layout retains the embankment and vegetation between the site and the landscape beyond.
61. However, the Landscape Officer objects to the current layout, and at the time of drafting the applicant is working towards satisfying the concerns raised. Responses will be reported in an update report.

Nature Conservation

62. The proposal involves the demolition of three buildings on the site and the removal of trees. Accordingly, the applicant has submitted a Bat Survey Report, which concludes that “no evidence was found during the detailed internal and external surveys of the affected buildings, or during evening emergence surveys, conducted during the bat breeding season that bats use any of the buildings to be demolished as a roost.” The report also concludes that “There should or no impact on bats in the area considering the extremely low number of bats recorded as using the proposed development site”, and accordingly no mitigation strategy is proposed.
63. Natural England advises that the above proposal is unlikely to have an adverse effect on protected species subject to a condition, which requires that the development shall take place in accordance with the Bat Survey Report and that the project ecologist provide a method statement to contractors.

64. Objectors concerns in respect of nature conservation are noted above. However, there is no indication that other protected species are to be found on the site. As recommended above, a condition can be attached to any permission granted to provide appropriate protection and consideration of bat populations. Furthermore, an informative can advise prospective developers of their obligations. It is therefore considered that the proposal is acceptable in respect of nature conservation.

Drainage and Flood Risk

65. The site would be drained via a separate drainage system and that storm discharge from the site would be taken into the old course of the River Tees. The Environment Agency raises no objections subject to conditions in respect of drainage. Northumbrian Water raises no objection to the scheme subject to a condition requiring a detailed scheme for disposal of surface water discharge to be submitted for approval, and subsequent implementation, and that surface water flow should be to the old course of the River Tees as proposed. This matter can be controlled by condition and informative.

Affordable Housing

66. In the absence of an up to date Housing Market Assessment, and following discussions with the Council's Housing Officer, the applicant has offered 10 units at or below the entry-level house price of £82,500, without means for securing the affordable nature of those properties in the future. This figure would satisfy the 15% advised in PPS 3; however, the lack of future security needs to be resolved.
67. The Housing Officer is generally satisfied with this number but there remains concerns as to how to ensure these dwellings remain "affordable". These concerns have been passed to the applicant. Any comments and subsequent agreement reached with the applicant including suitably worded legal agreements will form part of an update report.

Access and Highway Safety considerations

68. The Head of Technical Services (HoT) initially required further clarification in respect of the access, operation of the pedestrian refuge, parking bays, trips/impact assessment, sustainable transport, and internal layout.
69. Most of these matters have now been satisfactorily resolved except principally the design of the means access. The final comments of HoT are expected in time to form part of an update report.

Recreation

70. The proposal would result in the loss of a clubhouse and changing facilities, however this loss would be compensated through the provision of a new clubhouse for which an extant permission exists. Should the developer choose not to implement the extant permission, the provision of replacement facilities prior to the loss of those existing, is secured by legal agreement. Sport England raises no objection to the proposal.
71. One objector notes that the Local Plan aspires to provide a footpath along Stainsby Beck Valley Policy REC 11(e), although does not further elucidate on the grounds of objection arising therefrom.

72. The Urban Design Manager is currently considering the practicalities and appropriateness of the Ramblers Association's request set out in paragraph 31 above. Any response and subsequent action will be set out in an update report.

Contamination and Landfill Gas

73. The Environmental Health Unit has raised both these issues given the past uses in the vicinity of the site. The site may require some remediation to remove any contamination. Checks for landfill gas will also be needed given the tipping that has occurred nearby. These matters can be controlled by condition.

RESIDUAL MATTERS

Emergency Access

74. The objector's comments in respect for the need for an emergency access are noted. However, the Fire Brigade has confirmed that there are no objections to the proposed development as it meets the requirements of Approved Document B Part B5. This means that the Fire Brigade are satisfied that reasonable provision has been made within the site of the building to enable fire appliances to gain access to the building(s).

Economic Devaluation of Property and 'Saleability'

75. Economic devaluation of property and 'saleability' are not material to the consideration of this planning application.

Sport England - Plans

76. It can be confirmed that the site does not encroach upon a playing pitch.

Future Residents

77. The objectors' concerns in respect of the behaviour of future residents are noted. However, this application proposes general housing and behaviour patterns are a matter of speculation. Anti-social behaviour and noise nuisance will be controlled by other legislation.

CONCLUSION

78. In view of the fact that issues relating to highway safety, landscape, open space provision and affordable housing are unresolved a comprehensive assessment of the proposal cannot be made at this time. However, the applicant is working towards resolving those issues and amendments to the scheme are expected and which may overcome the outstanding objections. These matters will be considered in an update report to be prepared.
79. Therefore, subject to resolving the issues raised and securing the necessary legal agreement it is recommended that conditional planning permission be granted. Otherwise if there are any matters outstanding on 25th September 2008 that planning permission be refused accordingly.

Corporate Director of Development and Neighbourhood Services
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Financial Implications.

None

Environmental Implications.

As Report.

Community Safety Implications.

Not Applicable.

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.

Adopted Stockton on Tees Local Plan (June 1997)
Planning Application Reference Numbers 04/0627/FUL, 05/988/FUL,
06/1859/FUL, 07/2307/FUL, and 07/2406/FUL.

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| Ward | Mandale and Victoria |
| Ward Councillors | Councillor T Large Councillor A Trainer Councillor S Walmsley |