

DELEGATED

**AGENDA NO 7
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

UPDATE REPORT

This report updates the report for agenda item 6. It sets out a response from Natural England, the Urban Design Manager and Head of Housing in respect of landscaping and matters relating to highway safety, affordable housing, open space and footpath/cycleway and vehicular link.

Matters relating to affordable housing, parking, access and open space have been resolved, and therefore it is recommended that planning permission be granted subject to conditions as set out in the main report including ones relating to the access works and footpath/cycleway and vehicular access.

However, the Unilateral Undertaking is as yet unsigned, and if that is not secured by the end of the working day of 25th September 2008, then planning permission should be refused on the basis that provision has not been made for replacement facilities, contributions in lieu of open space and traffic regulation order, without which the proposal is unacceptable.

RESPONSES RECEIVED

Urban Design Manager

Urban Design can support this application as previous concerns regarding screening of the development in particular units 15 and 19 has now been achieved.

Highways Comments

(i) Refuse Vehicle Tracking

Drawing number QD145-40-01, has demonstrated that a refuse vehicle can manoeuvre within the site and exit in a forward gear, which is therefore now acceptable.

ii) Access

The proposed access arrangement is shown on drawing number QD145-10-01-RevE it indicates that the new access includes the widening of Acklam Road 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. By doing this, a clear visibility splay of 2m x 90m beyond the parked cars has been achieved as required. 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. The access layout is therefore now acceptable.

This therefore resolves all transport issues relating to the development.

Landscape

I refer to the revised plans received on 12 September 2008 and comment as follows:

The main changes to the plan appear to the inclusion of three areas of amenity space south of Block A-C and the inclusion of a landscape buffer at the rear of Acklam Road Properties.

While we welcome the inclusion of the amenity space this is limited for the size of the development and we still feel an off site contribution is required as requested in the previous memo ref 08/1240/ful. Full details of the design of the amenity spaces should be submitted.

The landscape buffer at the rear of Acklam Road Properties should be detailed and root barriers used to accommodate as many trees as possible (this applies throughout the site).

As mentioned in the previous memo all existing trees must be given maximum full protection.

Full hard and soft landscape details must be submitted as previously requested:

Particular attention should also be paid to the site entrance north of Block C where high quality hard landscape must be used to provide an attractive site approach to the development and the landscaping in front of the other two blocks.

High quality soft boundary landscaping should be used to soften the large areas of parking and high quality hard landscape detailing used within the car park to soften the impact of these areas rather than just a tar macadam surface.

Providing the above information is supplied to a satisfactory standard we do not object to the application.

If the application were approved the following conditions should apply:

An existing street tree will be assessed as part of the Section 278 works associated with the Section 228 works associated with extending the car parking bays. If the tree is found to be worthy of retention, a build out will be incorporated into the design to retain the tree. Should the removal of the tree be the preferred option further tree planting along this road will be undertaken to add to the existing street trees along

this important distributor road. A minimum 3 no advanced nursery stock trees would be planted to replace the lose tree.

ENCLOSURE & STREET FURNITURE

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, Delete as necessary

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. All enclosures including boundary walls and fences should be complete before any dwellings are occupied.

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

LANDSCAPING – SOFTWORKS

Notwithstanding the proposals indicated on 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 the approved plans. 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 on 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 *Delete as necessary period followed by a long-term management plan for a period of 20 years.* 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 followed by a long-term management plan for a period of 20 years. 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 on the submitted plans the 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.

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans No development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

RETENTION OF EXISTING TREES, SHRUBS AND HEDGES

Notwithstanding the proposals detailed on the submitted plans No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

Notwithstanding the proposals detailed on the submitted plans No development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the Tree Protection listed below- RETAINED TREES PROHIBITED WORKS.

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. The following publication must be adhered to when working with services near trees- Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007

RETAINED TREES PROHIBITED WORKS

The following works are not allowed under any circumstances:

- No work shall commence until the approved Tree Protection Barriers are erected.
- No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.
- No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree of within the Root Protection Zone.
- No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.
- No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.
- No unauthorised trenches shall be dug within the Root Protection Zone.
- 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 consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

Housing Service

The Head of Housing comments, “10 affordable housing units is acceptable to the Housing Service. I am satisfied that the type of units (no. of bedrooms)/phasing/how units will be delivered as affordable and matters relating to perpetuity etc can be agreed via a planning condition”

Natural England

Comment that based on the information provided that the proposal is unlikely to have an adverse effect in respect species especially protected by law, subject to conditions which stipulate that the development shall take place in accordance with the mitigation detailed within the protected species report ‘Bat Survey Report

Teesdale Park Thornaby' including but no restricted to adherence to timing and spatial restrictions; adherence to precautionary working methods, and that the project ecologist should provide a method statement to be given to all contractors before commencing work on site.

The letter explains the responsibilities of developers in terms of protected species and that subject to the conditions proposed that the proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its/their natural range.

HEADS OF TERMS

It is considered that the affordable housing provision can be secured by condition and therefore notwithstanding the terms set out as draft in the main report, the Heads of Terms are:

Replacement Facilities

The Developer covenants with the Council not to demolish the Existing Facilities before it has completed the construction and fitting out to a standard of equal or better standard as the Existing Facilities of i) a replacement building for the provision of changing facilities for the junior football pitches presently located on part of the site and ii) a building for the provision of a replacement club house in accordance with a scheme which has the prior approval of the Council. Such replacement facilities shall be available for use prior the demolition of the Existing Facilities.

Contributions in Lieu of Open Space Provision

For a sum of £45,500 to be used for improvements to Littleboy Park.

Traffic Regulation Order

Prior to the occupation of the residential units the Owner shall pay to the Council the total sum of £1500.00 to be applied by the Council for the provision of waiting restrictions along Acklam Road or such other highway in the vicinity of the development as the Local Authority considers necessary if the Local Authority considers such a scheme is necessary.

MATERIAL CONSIDERATIONS

Access and Highway Safety

Matters outstanding, and as set out in the main report relating to access, refuse vehicle tracking and a final layout plan have now been addressed to the satisfaction of the Head of Technical Services. The applicant has agreed to the necessary legal agreements relating to financial contribution towards a Traffic Regulation Order. The proposal is now considered acceptable in access and highway safety terms.

Landscape

Further drawings have been submitted, and now satisfy the Landscape Officer concerns in respect of a rear landscape buffer to those properties on Acklam Road and amenity space. The applicant has agreed to a financial contribution of £45,500 in lieu of open space, which would be used to improve Little Boy Park. Given this, and subject to the conditions outline above, it is considered that the scheme is acceptable in landscape terms.

Affordable Housing

The Head of Housing considers that the 10 units proposed are sufficient and agrees the format of the condition, as set out below:

Ten (10 no.) of the residential units hereby approved shall be affordable and provided in the form of shared ownership and/or shared equity, discounted or as otherwise may be agreed. Prior to commencement of development, details shall be submitted for approval of the Local Planning Authority of a scheme for the provision of affordable housing on the site. The submitted scheme shall include details of the following, as appropriate:

- i) the delineation of the area or areas of the site upon which the affordable dwellings will be constructed;*
- ii) the type and size of affordable dwellings to be provided;*
- iii) the arrangements the developer shall make to ensure that such provision is affordable for both initial and successive occupiers;*
- iv) the phasing of the affordable housing provision in relation to the provision of open market housing on the site;*
- v) Occupancy criteria and nomination rights in relation to identified housing need.*

It is considered that the proposal is acceptable in respect of affordable housing.

Footpath/Cycleway Provision

The request in respect of a footpath links through the site has been the subject of further consideration by your Officers. The footpath link required to make a connection through the site from Acklam Road to Teesside Park would involve the other owners of land beyond that of the application site itself. However, within the site provision can be made to secure an access along the track to the limit of the application site. This can be achieved by condition.

CONCLUSION AND RECOMMENDATION

As matters relating to affordable housing, parking, access and open space have been resolved, it is recommended that planning permission be granted subject to conditions as set out in the main report including ones relating to the access works and footpath/cycleway and vehicular access.

However, the Unilateral Undertaking is as yet unsigned, and if that is not secured by the end of the working day of 25th September 2008, then planning permission should be refused on the basis that provision has not been made for replacement facilities, contributions in lieu of open space and traffic regulation order, without which the proposal is unacceptable.

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.

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