

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 5 NOVEMBER 2008

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

08/2566/VARY

Land To the Rear of 83-85 High Street, Norton, Stockton-on-Tees

Application to vary condition nos. 2, 3, 4, 5, 6, 7 and 8 of planning approval 06/1348/FUL for the erection of 8 no. apartments to allow variation of design including reduction in height, revised elevational treatment and parking layout.

Expiry Date 22 October 2008

SUMMARY

Members may recall that this application was deferred at the last Planning Committee in order that further details could be provided in relation to the conditions, which are sought to be varied or removed, and also for comparison drawings between the approved development and the revised drawings currently under consideration.

The application site is situated to the rear of No. 83-85 High Street, Norton. At present the site is predominately laid to hardstanding. On the southern and western boundaries of the site is a raised area, enclosed by a large brick wall, this area does contain some trees and shrubs although at the time of the site visit, it had a neglected appearance.

The application site has been subject to several applications in recent years. The most recent application (06/1348/FUL).was refused by the Local Authority. The applicants subsequently lodged an appeal which was upheld.

This current application seeks to vary the consent and conditions granted by the planning inspectorate on appeal. The applicants have decided to change the design on the proposal and have submitted further information in order to discharge some of the conditions

Whilst the principle of development is considered to be acceptable, there are still some outstanding issues that need to be addressed. On this basis, the application is recommended to be delegated to the Head of Planning for approval.

RECOMMENDATION

Planning application 08/2566/VARY be delegated to the Head of Planning for approval subject to the conditions laid out below and the receipt of satisfactory amended plan(s)

- 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.**

Plan Numbers to be confirmed following any receipt of amended plans

Reason: To define the consent.

- 02 The walls and roof of the hereby approved development shall be constructed in the Hanson Tudor red brick and the sandtoft dark grey roof tile, unless otherwise agreed in writing by the Local Planning Authority.**

Reason; In the interests of the visual amenity of the area and to preserve the character of the conservation area.

- 03 Notwithstanding any description contained within the application full details of the types of materials to be used in the fenestrations and doors, window cill's and headers, exterior balustrade, and exterior steps shall be submitted to the Local Planning Authority for approval.**

Reason In the interests of the visual amenity of the area and to preserve the character of the conservation area.

- 04 No part of the hereby approved development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these have been implemented as approved. These details shall include proposed finished levels or contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; planning plans; written specifications (including cultivation & other operations associated with plant and grass establishments) and a schedule of plants, species, plant sizes and densities.**

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

- 05 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.

- 06 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 premises.

- 07 The hereby approved development shall not be occupied and until a plan indicating the positions, design materials and type of boundary treatment to be erected, the boundary details shall be erected in accordance with these agreed details.**

Reason: In the interests of the visual amenity of the locality

BACKGROUND

1. Previously outline planning consent (App ref 05/1542/OUT) which sought to establish the principle of residential development on the site was refused due to the size being considered to small to accommodate the proposed development; the loss of incurtilage car parking spaces associated with the continental café; and due to lack of information to allow a proper assessment on the character and appearance of the conservation area.
2. A revised scheme with a greater level of information was then subsequently submitted for 8 no. flats (app ref 06/1348/FUL). This application was also refused on the basis of the loss of incurtilage parking spaces associated with the café and due to an Archaeological Evaluation not accompanying the application to demonstrate the development would not have a detrimental impact on archaeological remains in the area.
3. The applicant subsequently carried out an Archaeological Assessment and no significant remains were found, an appeal was lodged with this information and a study of usage of the car park, consequently the Planning Inspectorate approved the development (see appeal decision notice attached to appendices).

PROPOSAL

4. This current application seeks to vary the consent and conditions granted by the planning inspectorate. The applicants have resolved to change the design on the proposal and have submitted further information in order to discharge some of the conditions
5. The applicant still seeks consent for the erection of 8 no. flats over two storey's, however, the overall design of the proposal has been amended. The proposal will measure approximately 17.5m (w) x 19m (l) and reaches a maximum height of 9.4m above ground level. Access to the site remains via Mill Lane, Norton
6. Information has been submitted as part of the application to satisfy the requirements of the following conditions imposed by the planning inspectorate;
 - 2) Materials to be used in construction of walls and roof
 - 3) Details of the positions, design, materials and type of boundary treatment
 - 4) Details of sound insulation between flats
 - 5) Desk study report on past uses and potential for land contamination
 - 6) Drainage works
 - 7) Full details of hard and soft landscaping
 - 8) All hard and soft landscaping works carried out in accordance with approved details

CONSULTATIONS

7. The following Consultations were notified and comments received are summarised below:-

Urban Design Engineers

I refer to your memo dated: 1 September 2008

Reference drawing no:	Proposed Site Plan	JWD134_002 A
	Proposed Landscaping Layout	JWD134_007 A

General Summary

Urban Design has no objection to this application subject to the comments below:

Highways Comments

Highways Comments

The revised plan submitted has been assessed and is unacceptable as some spaces are not practical and therefore the layout requires revising.

Landscape & Visual Comments

No further landscape information has been submitted therefore previous comments apply (see below)

Whilst consent to develop the land has been achieved via appeal, I remain concerned regarding the loss of existing landscaping within the site and the impact upon the surrounding area. As a result the quality of the new landscaping scheme is of utmost importance to mitigate the adverse visual impact of the development.

A requirement of the conditions is to submit soft landscaping proposals along with boundary treatments for approval prior to the commencement of construction works.

The landscaping details submitted as part of this application are unacceptable for the following reasons:

1. The majority of the soft landscaping areas are proposed to be turfed. As for the reasons stated above, the submission of a quality planting scheme is required which should incorporate a strong planting framework to the site. Notably the areas along the south and north boundaries should be fully planted to maximise their impact and should include the use of tree species. In addition, areas adjacent to the building and the entrance into the building should receive shrub planting to assist in softening the overall appearance of the development. We would only expect to see limited areas of grass.
2. A fully detailed planting plan should be submitted indicating species, stock sizes, planting density, soil depths and the inter-relationship of plant species within each planting bed including precise numbers of each species.
3. A maintenance and management schedule and a specification of planting methods are required.

In addition, full boundary treatment details are required for approval.

The above information must be provided before the application can be approved in landscape terms.

Northumbrian Water Limited

The application has been examined and Northumbrian Water has no objections to the proposed development.

Environmental Health Unit

No Comments

Tees Archaeology

There was a negative archaeological evaluation at this site. I therefore have no objection to the proposal and no further comments to make.

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

Norton Civic Society

No comments received

Stockton Police Station - Eddie Lincoln

No comments received

PUBLICITY

8. Neighbours were notified and a total of 6 no. objections have been received from local residents/occupiers these are detailed below (in summary);

- Buildings too big and do not fit into the character of the area.
- Loss of landscaping/trees
- Over-development of site
- Impact on traffic, parking and cobbles of Mill Street
- Erosion of the character of Norton
- Planning conditions were imposed for a reason
- No sign of a disabled bay on the plans
- Question the need for more apartments
- Noise, dust/dirt and disturbance to residents
- Where is construction traffic to park?

PLANNING POLICY

9. 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).

10. 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.

Policy EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

Policy EN30

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

SITE AND SURROUNDINGS

11. The application site is situated to the rear of No. 83-85 High Street, Norton. At present the site is predominately laid out to hardstanding and used as a car parking facility for the Café' Lilli and the Library. On the southern and western boundaries of the site is a raised area, enclosed by a large brick wall, this area does contain some trees and shrubs although at the time of the site visit, it had a neglected appearance. The site also lies within the boundaries of the Norton Conservation Area

MATERIAL PLANNING CONSIDERATIONS

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

Principle of development;

13. As the application site lies within the limits to development and Norton Conservation area, residential development in this locality is considered to be acceptable subject to policies GP1, HO3 and HO11, EN24 and EN30 of the adopted Stockton on Tees Local Plan.

14. The previous appeal decision granted approval for a flatted development scheme and sets out that the principle of residential accommodation on the site is acceptable. As the application seeks to vary the planning conditions imposed the principle of development on the site cannot be re-assessed and the principle of 8 no. flats on the site therefore remains acceptable.

Impact on the character of the conservation area;

15. The application site lies to the rear of Norton conservation area, within the locality there are the fairly modern developments of Colpitt Close and Summerhouse Square with the more traditional properties that front onto the High Street.
16. The proposal follows roughly the same footprint as that approved by the planning inspectorate. Changes have been made to the design of the building in order to simplify the design and reduce the overall height of the development. The current proposal reduces the overall maximum height of the development from approx 11m to 9.4m
17. Whilst the original design may have been more visually appealing given the variations in roof lines and the various set backs, all of which helped to break up the massing of the building. The current proposal is on balance considered to be visually acceptable and with the right use of materials will help to 'bridge the traditional high street with the modern development on Colpitt close as the inspector previously envisaged.
18. The proposed development is therefore considered to be visually acceptable and would not be detrimental to the visual amenities of the locality or the conservation area, in accordance with policies GP1 and EN24 of the adopted Stockton on Tees Local Plan

Impact on the amenity of the neighbouring properties;

19. The application site is set below the residential properties on Colpitt Close by 1-2 metres. The distance between the proposed development and neighbouring properties is in excess of the recommended minimum distances of 21 metres rear-to-rear and 11 metres side-to-rear, it is therefore considered that any issues of overlooking would not be significant to justify a reason for refusal of the application.
20. Several concerns have been raised with regards to the potential issues of noise and disturbance caused on the site during construction of the proposed development. It is agreed that during construction activity that there may be disturbance to the neighbouring premises. However, the hours of construction activity were restricted as part of the appeal decision and are to be re-imposed.
21. Whilst residents have raised the issue of over-development the layout and level of development on the site remain similar to that of the scheme granted approval on appeal. Therefore the development site is not considered to be over-developed.

Archaeological Interest;

22. Tees Archaeology have commented that the archaeological evaluation carried showed that there were no remains found and therefore submitted it is considered that the proposed development is in accordance with policy EN30 of the adopted Local Plan.

Impact of Traffic and Highway safety;

23. The concerns of local residents in relation to access and parking issues are appreciated. The Council's Highways Officers have considered the information provided in respect of the changes to the scheme. Whilst they do not object to the development following on from the appeal decision, they do have concerns in relation to the overall layout and arrangement of some of the parking spaces shown on the submitted plans.
24. Concerns raised in relation to the provision of lighting and CCTV camera's is a matter which should be dealt with under the approval notice and condition for the café application and is not for consideration as part of this current application for residential development.

25. An amended site plan has recently been received in order to try and address the Engineers concerns over the car parking layout This has been passed to the Urban Design Unit for consideration and although the revised layout is still unacceptable, it is considered a satisfactory layout can be achieved.

Planning conditions;

26. One objector considers that the planning conditions imposed should remain. The applicant is seeking to vary/remove the conditions by providing information in order to satisfy their requirements, each of the planning conditions sought to be removed are outlined in the table below;

Condition No.	Details	Outcome
2	Materials	Brick and tile sample agreed and set out in condition 2. Further details regarding materials set out in condition 3
3	Boundary Treatments	Existing walls and fencing to remain, subject to condition of the structures, therefore condition is to remain as detailed in condition 7.
4	Sound Insulation	Details provided considered acceptable by Environmental Health Unit and relevant condition removed
5	Desk Study	Details provided considered acceptable by Environmental Health Unit and relevant condition removed
6	Drainage works	Details provided considered acceptable by Environmental Health Unit and Northumbrian Water and relevant condition removed
7	Hard and Soft Landscaping	Details not considered acceptable condition remains as set in condition 4
8	Hard and soft landscaping to be carried out in accordance with agreed details	Details not considered acceptable condition remains as set in condition 4. Additional condition regarding maintenance also added

CONCLUSION

27. In conclusion the proposed development is in principle acceptable and this cannot be changed as this application seeks only to vary the consent previously granted on appeal. Visually the scheme is acceptable and will not have a detrimental impact on the character of the conservation area. The proposal is also not considered to have a detrimental impact on the amenity of neighbouring residents or access and highway safety.
28. However, whilst in principle the development is considered to accord with policies GP1, HO3, HO11, EN24 and EN30 of the adopted Stockton on Tees Local Plan, changes are required to achieve a suitable parking layout, subsequently the application is recommended to be delegated to the Head of Planning for approval, subject to these matters being satisfactorily resolved.

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 Applications 05/1542/OUT & 06/1348/FUL

Appeal decision reference no. APP/H0738/A/06/2032962

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Simon Grundy Telephone No 01642 528550

WARD AND WARD COUNCILLORS

Ward Norton North

Ward Councillors M. Frankland & Mrs K. F. Nelson