

DELEGATED

**AGENDA NO 8
PLANNING COMMITTEE**

DATE 5 NOVEMBER 2008

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

**08/0689/FUL
529 Yarm Road, Eaglescliffe, Stockton-on-Tees
Erection of 2 no. dormer bungalows
Expiry Date 23 May 2008**

UPDATE REPORT

An appeal has been received for non-determination of the application to be dealt with by means of written representations. The submission of the appeal means that Members are not able to make the decision on the application. However, the application can be considered by Members and they can determine whether they would be minded to approve or refuse and make a resolution to that effect. The resolution would then determine the Council's position in respect of the application and appeal.

RECOMMENDATION

That Members resolve that they are minded to Approve planning application 08/1499/FUL subject to the conditions as set out in the original report.

CONSULTATIONS

The following Environmental Health Unit comments have been received and the following Highway Comments are to be substituted for those previously provided. The Landscape Comments are as previously set out.

General Summary

Urban Design has no objections subject to the amendments below.

Highways Comments

Both of the proposed dwellings are 3-bedroom and therefore require 3no. car parking spaces in accordance with SPD3: Parking Provision for New Developments. Plot 2 only provides 2no. car parking spaces and is therefore unacceptable. Subject to car parking being provided in accordance with SPD3 we raise no objections. The applicant should contact Direct Services regarding the construction of the new vehicle crossings.

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.

PUBLICITY

A further letter of support from a previous correspondent has been received as set out below:

Addresses of correspondent:

Links Hollow, 5 Muirfield Road, Eaglescliffe

Summary of support:

- At present site is a barely controlled wilderness and unkept.
- Does value of adjacent properties little good.
- The proposal will enhance Muirfield Road.
- As an adjacent owner welcome this proposal.

MATERIAL PLANNING CONSIDERATIONS

The Highway safety, access and parking considerations and the recommendation in the main report has been based on the advice from the Head of Technical Services as set out in this update report.

That advice is that both of the proposed dwellings are 3-bedroom would require 3no. car parking spaces each to comply with SPD3: Parking Provision for New Developments. The plans show that Plot 2 has only been laid out with 2no. car parking spaces. There is room for a third alongside the proposed dwelling in a position which would not adversely affect any other consideration. Subject to the proposed condition No. 4 requiring that further plans showing the 3 car parking spaces per dwelling are provided the Head of Technical Services would have no objections.

The advice of the Environmental Health Officer has been received as set out above. There is no objection on Environmental Health grounds subject to the condition proposed in the main report to protect residents from construction noise. The timing for the starting of work on a Saturday is proposed as 9.00am rather than the 8.00pm set out by the Environmental Health Officer. This change reflects the timing previously found acceptable to the Planning Inspectorate on appeal elsewhere.

With regard to the further comments received from the supporter of the application. The merits of the proposal should not be influenced by whether the current owner maintains their private property to some one else's standards. The application is to be determined on the basis of the Local Plan policies, Government guidance and other material considerations. The effect upon property values in the area is not a material planning consideration.

The letter of support sets out that the proposals will enhance Muirfield Road and in your officer's opinion the proposed development is consistent with the character of the northern end of Muirfield Road and may well be an overall enhancement to its appearance. The application site is the only part of the road frontage that has a hedgerow of this nature next to the residential road. To the north of the site in Muirfield Road there are a number of houses and bungalows with more open aspects with gardens containing specimen trees and shrubs. To the south of the application site the roadside frontage has a close boarded fence and large mature trees, but their raised canopy allows more open views of the gardens and houses beyond. There is also the example of the existing dormer bungalow with a similar relationship to Muirfield Road as that proposed.

CONCLUSION

The appeal means that Members cannot make the formal decision but can determine whether they would be minded to approve if there was not an appeal at this time.

It is considered that the additional information from consultees and publicity does not raise any new issues and they have been appropriately addressed in the main report. Therefore the recommendation is that Members determine that they would be minded to approve.

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Andrew Bishop

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Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As report

Background Papers –

Stockton on Tees Local Plan (June 1997)

Planning applications: 95/0709/P, 04/0106/FUL, 05/0867/FUL, 05/1275/REV and 05/2969/FUL

Human Rights Implications - The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

WARD AND WARD COUNCILLORS

Ward and Ward Councillors Eaglescliffe Ward

Councillors - Councillor Alan Lewis
Councillor John Fletcher
Councillor Mrs Maureen Rigg.