

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 26<sup>th</sup> NOVEMBER 2008**

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

**08/2389/FUL**

**Roseworth Hotel, Redhill Road, Stockton-on-Tees**

**The erection of a 2.5/3 storey block containing 21 no 2 bedroom apartments with associated car parking landscaping & amenity areas (demolition of existing building)**

**Expiry Date 24 December 2008**

### **SUMMARY**

Planning permission is sought for the erection of 21no. apartments contained in one 3 storey block, associated parking, access, amenity space and landscaping. The development would require the demolition of the existing public house.

Planning permission was previously granted for the redevelopment of the site on 10<sup>th</sup> December 2007. The approved scheme was for 27no. apartments over 3 floors (17no. 1 bed and 10no. 2 bed) and ancillary parking, amenity space and landscaping.

A total of 7 letters of objection have been received in respect to the proposed development. The primary objections relate to the scale and appearance of the development, the nature of the development and its impact on the surroundings.

The proposed development is considered to be in a suitable location for new residential development, is of a scale and appearance which would not unduly impact on the surrounding area, makes adequate provision for access, parking and amenity and landscaping. It is further considered that the proposed development would not unduly affect privacy or amenity associated with surrounding development and land uses.

The Head of technical Services considers adequate provision is made in respect top parking, access and amenity space subject to contributions to off site provisions, which are included within the recommendation of this report.

The proposed development is recommended for approval.

### **RECOMMENDATION**

**Planning application 08/2389/FUL to be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms listed within this report and subject to the conditions recommended as listed below:**

***In the event of the legal agreement not being signed by 22<sup>nd</sup>December 2008, that the application be refused.***

**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.***

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC0002 A</b>	<b>24 September 2008</b>
<b>01 REV B</b>	<b>21 October 2008</b>
<b>02 REV B</b>	<b>21 October 2008</b>
<b>03 REV B</b>	<b>21 October 2008</b>

**Reason: To define the consent.**

- 02. Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels of all adjoining properties. The development shall be carried out in accordance with these approved details.**

**Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with Policy HO11 of the Stockton on Tees Local Plan.**

- 03. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme. Such a scheme shall detail the following;**
- a) Areas of soft landscaping including plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.**
  - b) Hard landscaping throughout the site,**
  - c) Excavations required for service runs.**
  - d) All means of enclosure**

**The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation. Hard landscaping and boundary enclosures shall be erected on site in accordance with the approved details prior to occupation of any part of the site.**

**Reason: In the interests of visual amenity and to comply with Policy GP1 and HO11 of the Stockton on Tees Local Plan.**

- 04. Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with Policy GP1 of the Stockton on Tees Local Plan.**

- 05. Notwithstanding details hereby approved and prior to occupation of the development, the car park associated with the development shall be surfaced and laid out in accordance with a scheme of such to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to ensure the car park is provided for the future occupants and is of a suitable appearance in accordance with the requirements of Policy GP1 of the Stockton on Tees Local Plan.**

- 06. No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 12.00pm 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 properties and to accord with Policy GP1 and HO11 of the Stockton on Tees Local Plan.**

- 07. No part of the development shall be occupied until a scheme of secure internal cycle parking has been brought into use in accordance with a scheme of cycle parking to be submitted to and approved in writing by the Local Planning Authority.**

**Reason: In order to adequately provide for the future residents of the scheme in accordance with the requirements of Policy GP1 of the Stockton on Tees Local Plan.**

- 08. The development hereby approved shall not be occupied until a scheme of affordable housing provision has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the following;**

- i) the precise units which will provide the affordable housing;**
- ii) the size of affordable units 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.**

**The development hereby approved shall be occupied in accordance with the approved scheme of affordable housing.**

**Reason : To ensure the provision of affordable housing on the site in accordance with both Planning Policy Statement No. 3 and Stockton Borough Councils Draft Core Strategy Policy CS8 Housing mix and affordable housing provision.**

- 09. Prior to works commencing on site a scheme for a temporary car park and materials storage area shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use prior to commencement of any development.**

**Reason: In the interests of highway safety in accordance with Policy GP1 of the Stockton on Tees Local Plan.**

## **INFORMATIVES**

The proposed development is considered to be of a scale, design and layout which is appropriate for the surrounding area, being neither overly dominant within the street scene or on adjoining properties whilst providing adequate parking, access and manoeuvrability space, amenity space and refuse storage. It is considered that the proposal accords with Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and that there are no material planning considerations which suggest the application should be determined otherwise.

*Northumbrian Water have advised that there is a public sewer which runs through the site and that no development should commence until a detailed scheme for its diversion has been agreed. It is further advised that these works would be at the cost of the developer and advised that the developer contacts Maurice Dunn of Northumbrian Water on 0191 419 6577 to discuss this matter further.*

*In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Authorities Environmental Health Team and an investigation and risk assessment should be undertaken. Measures should be identified and a scheme of remediation submitted to the Local Authorities Environmental Health Team, following which a verification report should also be supplied to the Local Authorities Environmental Health Team which demonstrates that adequate works have been undertaken.*

## **HEADS OF TERMS**

**Prior to the commencement of the development the Owner shall pay to the Council the total sum of £7,000 to be applied by the Council for the provision of off site recreational open space in the vicinity of the Development or such other works as are deemed necessary by the Council to mitigate the effect of the development.**

**Prior to occupation of the premises the Owner shall pay to the Council the total sum of £6000.00 to be applied by the Council for the provision of hard standing on the grass verge outside 116 / 118 Ragpath Lane, Stockton.**

## **BACKGROUND**

1. A previous application (07/0943/FUL) was submitted for a similar scheme (although containing 30no. apartments) and was withdrawn following concerns that the proposal resulted in over development of the site.
2. Application reference 07/2568/FUL was approved on the 10<sup>th</sup> December 2007 for the erection of three storey apartment block comprising of 17 no. one bedroom apartments and 10 no. two bedroom apartments and associated 33 no. car parking spaces and other ancillary development.

## **PROPOSAL**

3. Planning permission is sought for the redevelopment of a site currently occupied by a vacant Public House. The redevelopment scheme proposes the erection of 21no. two bed apartments within a single three storey L shaped block. The proposal includes details of ancillary development such as access, parking, bin and cycle stores, amenity space etc.
4. The application has been submitted with Transport Statement and a Design and Access Statement whilst a Statement of Community Involvement was submitted with the previous scheme.
5. The proposal for 21no. apartments on the 0.2ha site results in a site density of 105 dwellings per hectare whilst provides 30no. parking spaces (ratio of 1.42 spaces per unit) which includes 3no. disabled spaces. The L shaped building returns around the corner of

the site which is at the Junction of Redhill Road and Ragpath Lane with parking to the side and rear.

6. The main changes of the proposed development in respect to the previous approved scheme under application reference 07/2568/FUL are;

	<b>07/2568</b>	<b>08/2389</b>
Provision	27 units, 17no. one bed, 10no. two bed	21no. 2 bed
Height	Stepped ridge 10.3- 10.8m Stepped eaves 6.5 – 7.7m	Stepped ridge 9.2 – 10.5m Stepped Eaves 6.9–7.7m
Proximity of main building elevation to Ragpath Lane	3.6m	3.4m
Proximity of building to Redhill Road	Varies between 4.6 & 7m	Varies between 1.4 & 4m
Parking	33, 10% disabled	30, 10% disabled
Proximity to northern Neighbour (dental practice building)	19.5	14.4m
Refuse Store	Enclosed against northern boundary	Integral to building away from northern boundary

## **CONSULTATIONS**

The following Consultations were notified and any comments received are set out below:-

### **Urban Design Engineers**

Reference drawing no: Proposed Site Layout – SJR08:50/01 B

7. The revised plan shows 21 two-bedroom units, for which there are 30 car parking spaces, a ratio of 1.4 per dwelling. A flatted development in this area requires 1.5 parking spaces per dwelling and therefore a total of 32 should be provided. That said a departure from standards has previously been accepted on this site to allow a reduced parking rate to be applied, subject to a number of conditions.
8. One of these conditions asked the developer to contribute £6,000 towards the provision of hard standing on the grass verge outside the property. This has been shown to provide a further 4 car parking spaces and would enable the site to meet its parking requirement satisfactorily. Although the number of dwellings has reduced, the size of the dwellings has increased and they are now all two-bedroom dwellings. As such, the number of people on site could be greater than before and subsequently the parking demand could increase. Providing the contribution, which will allow the requisite number of parking spaces to be provided, is considered to be necessary for this development and should still be conditioned.
9. A previous request that a further bond of £6,000 be conditioned to monitor on-street parking in the future is no longer required. The amendment of one verge is sufficient for the development to meet its parking requirement.
10. The revised layout shows the requisite number of disabled parking bays (10%). In addition, the location of bicycle stores at each entrance is welcomed and the bin stores are also more appropriately located.

### Urban Design Landscape

Reference drawing no: Proposed Site Layout – SJR08:50/01 B

11. The revised layout is an improvement on the previous plan. There is a slight increase in the usable area of amenity space which is welcomed, along with improved planting margins to the west and north boundaries.
12. Planting areas both sides of the entrance into the site should receive shrub planting in addition to tree planting. Shrub planting should also be provided within the small area indicated which breaks up the length of parking bays along the north boundary.
13. I also note that the parking along the north boundary has been realigned to provide a narrow margin adjacent to the northern boundary. Hedge or shrub planting should be provided in this location.  
  
I also reiterate my previous comments:
14. Tree planting is indicated on both the site layout plan and the elevations. Due to the lack of meaningful amenity space within the site, the tree planting will be an important feature in the overall appearance of the scheme. Full planting details will be required as mentioned below and these should provide details of the method of planting trees in these locations i.e. pit sizes and root barrier specifications.
15. Due to the limited usable amenity space in the scheme it is recommended that open space is provided in the form of an offsite contribution in accordance with council guidance.
16. If consent is granted, conditions should be applied relating to;  
Enclosure and Street Furniture  
Landscaping Hard works and Soft works and soft works maintenance.

### Environmental Health Unit

17. No objection in principle to the development, however, would recommend conditions relating to the following be imposed on the development should it be approved.  
Construction Noise  
Reporting unexpected land contamination  
Noise disturbance from adjacent road traffic  
Light Intrusion

### Northumbrian Water Limited

18. Recommend a condition, relating to the diversion of their apparatus which run through the site.

### Northern Gas Networks

19. No Objections

### NEDL

20. Standard connection comments

### Stockton Police Station

21. Copy of standard advice letter which has been sent to the Agent

### Tees Archaeology

22. There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and no further comments to make.

### **PUBLICITY**

Neighbours were notified and any comments received are summarised below:-

Mrs D Mason, 58 Radstock Avenue Roseworth Est.

23. There is a sure start building next door and there is a risk of undesirables living in the proposed development. Three stories is too high. Where will the cars park, there is already a parking problem in this area and they should provide garages at ground floor with flats above. The PH could be refurbished and used for 16 - 21 year olds to get them off the street.

K Harley, 15 Rudyard Avenue Stockton-on-Tees

24. They are not in keeping with the estate and will stick out like a sore thumb.

Mr K Rattray, 75 Ragpath Lane Stockton-on-Tees

25. The proposal for flats would be out of keeping with the detached and semi detached homes that make up the area. The potential for increased traffic could prove dangerous.

If rented, the future occupiers may not look after the area,

26. The size and facade of the building does not blend with the estate, with spaces between blocks and green areas surrounding. Housing on a smaller scale would be more appropriate with grass verges and front and rear gardens.

Mr and Mrs Pickering, 6 Renvyle Avenue Roseworth

27. Not in keeping with the area, being a lot of accommodation on a small site. Concerned over the future occupants in view of the sure start building adjacent. A smaller number of properties would be more suitable.

Mrs Jameson, 32 Rotherham Avenue Roseworth

28. I don't want any flats built on this site.

G Parkin, 21 Ragpath Lane Roseworth

29. Roseworth is a good quality housing estate and any alteration from this (building apartments) would have a downgrading affect. I am outraged that this is being considered adjacent to the sure start building and hope child safety has been considered. The development is not in character with the surrounding properties

Roseworth Residents Action Group, Gordon H Parkin 12 Rosslare Road

30. This development would spoil the outlook of the estate, being out of character, it overlooks a children's play area and should never be considered, Roseworth residents do not want such a development.

## **PLANNING POLICY**

The relevant development plan in this case is the adopted Stockton on Tees Local Plan. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are: - *the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)*.

The following planning policies are considered to be relevant to the consideration of this application:-

### ***Policy GP1***

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

(i) The external appearance of the development and its relationship with the surrounding area;

- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

**Policy HO3**

Within the limits of development, residential development may be permitted provided that:

- (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 S1**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres;
- C) The Local Centres;
- D) The Neighbourhood Centres at :
  - 25) Redhill Road, Stockton;

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area which it serves.

**Policy S10**

Proposals for change of use from retailing (Used Class A1) within the defined boundaries of the Local and Neighbourhood Centres identified on the Proposals Map will be resisted, unless it can be demonstrated that : -

- i)\_The character, vitality and viability of the Centre will not be adversely affected as a retailing centre;
- ii) Reasonable efforts have been made to market the premises for retail uses;
- iii) It is appropriate in scale and function to the Centre;
- iv) With specific reference to Norton Local Centre –
  - 1) There is no detrimental impact upon the residential amenity of the Centre in accordance with Policy S11;
  - 2) There is no loss of, or detrimental alteration to, a building or feature of historic, architectural or archaeological interest;



- 3) There is no loss of its historic character and appearance, and no detrimental impact on the visual and architectural character of Norton Conservation Area

## **SITE AND SURROUNDINGS**

31. The application site lies to the northern area of Stockton, within Roseworth. The character of the surrounding area is defined by the layout and style of the area as a former Council built development which consists mainly of two storey semi detached properties with front and rear garden areas. There is a shopping parade and Sure Start building immediately to the east of the site along Redhill Road, a Dentists Surgery occupying the property immediately to the north with housing and a small church to the east and south.
32. The site is currently occupied by the Roseworth Public House and its associated hard surfacing which wraps around the entirety of the site. The Public House is no longer in use and is boarded up. Several trees are located along the northern and western boundaries with adjoining uses.

## **MATERIAL PLANNING CONSIDERATIONS**

33. The application relates to a brownfield site within the limits of development, within which there is a general presumption in favour of residential development under Local Plan Policy H03. The site is also within a defined Neighbourhood Centre. The key considerations with respect to the proposed development are its impact on the defined neighbourhood centre, the location of flatted development, the site layout, design, access and parking, impact on surrounding properties and provision of amenity space. These and other remaining matters are considered as follows;

### **Impact on the Defined Neighbourhood Centre**

34. The site falls within the Redhill Road Neighbourhood Centre as defined within Policy S1 of Alteration no. 1 of the Local Plan. Policy S1 requires new retail development to be focussed within the hierarchy of defined centres in order to protect and enhance their vitality and viability in view of them providing local services for surrounding residential areas and playing a valuable role in providing convenience and top up shopping. Policy S10 of Alteration No.1 protects the loss of retail premises from the defined centres to other uses advising that the loss of such units should only be acceptable under specific criteria. This criteria requires the character, vitality and viability of the Centre to not be adversely affected as a retailing centre, for reasonable efforts to have been made to market the premises and for the resultant development to be appropriate in scale and function to the Centre.
36. In view of the former use of the site as a public house and their being no loss to any retail units within the defined centre, it is considered that the loss of the building would not unduly affect the vitality and viability of the centre, particularly as the site is somewhat divorced from the parade of retail units. Furthermore, the premises is closed and has been for an extended period during which time it has been marketed for sale. In view of these factors it is considered the redevelopment of the site for non retail uses would not be contrary to Policy.

### **Location of Flatted Development**

37. Supplementary Planning Guidance Note no. 4 relating to the locating of flatted development requires new flatted development schemes such as this to be located on brownfield land within the defined limits to development and within 500m of a stop on a main bus route with a regular service. In view of the site being within the defined neighbourhood centre, on brownfield land, within the limits to development and within 100m of a bus route, it is

considered that the development accords with the guidance of SPG 4 whilst is a sustainable site for residential development.

### **Site Layout**

38. The site is laid out having an L shaped block of development which runs along the road frontage of Ragpath Lane and returns around the corner with Redhill Road. The access to the site is at the location of the existing access into the public house car park. Parking is provided along the northern edge of the site, adjacent to the access road, and to the rear of the development. The proposed refuse store is attached to the building, immediately adjacent to the access point whilst cycle storage is provided internally. Landscaping and amenity space is provided along both road side elevations as well as to the rear of the site adjacent to the car park. It is considered that the proposed layout is in keeping with the street scene as it achieves green space adjacent to the public highway and around the access, it achieves reasonable spacing from the surrounding development whilst should prevent parking areas from being visually dominant.

### **Design of apartment buildings**

39. The design of the proposed apartment block incorporates varied eaves and ridge levels to the roof, projecting gables and a splayed corner detail onto the junction of Ragpath Lane and Redhill Road. The proposed building is not specifically in keeping with the design of surrounding properties whilst is of an increased height, however, it is considered the design and increased height are not considered to be detrimental to the character or appearance of the street scene, instead achieving a contrast at a junction between two main highways through the estate, thereby being a prominent position.

### **Access, parking and general highways matters**

40. The site is proposed to be accessed at the same point as the existing public house, at a point within close proximity to the Ragpath Lane and Redhill Road Junction as well as the immediately opposing junction of Rosedale and the staggered junction of Ramsbury Avenue. A swept path analysis for vehicles turning right into the site has been provided and accepted by the Head of Technical Services. Footpath links are provided from the site onto Redhill Road and Ragpath Lane which was a previous requirement.
41. The proposed layout provides a total of 30 spaces for the development averaging 1.43 spaces per apartment including 3no. disabled spaces. The Head of Technical Services has accepted this provision as a departure from the guideline of 1.5 spaces per unit within the SPD in view of the sites location with respect to public transport links, schools and the nearby shopping parade which are all within walking distance from the site.
42. The Head of Technical Services has advised that a section 106 contribution of £6,000 is requested in order to hardstand the verge outside 116-118 Ragpath Lane in order to remove on street parking problems and ensure vehicles are able to access the site. This has been included within a S106 agreement. The previous approval required a further highways contribution relating to a bond being paid for potential future works, however, in view of the increased parking ratio within this scheme, this additional contribution is no longer considered necessary.
43. The bin store is indicated as being part of the main fabric of the building, away from the boundary with the adjacent property, within close proximity to the site access. It is considered that this is an acceptable position for the refuse store as it should limit its impact on the adjacent property, allow ease of operation whilst visually form part of the site design.

## **Impact on surrounding properties and uses**

44. The site lies adjacent to a Sure Start building and Dental Surgery with Ragpath Lane and Redhill Road on the other two sides. Beyond these highways lie residential properties. The proposed development would achieve approximately 24m and 28m between elevations from properties to the east and south respectively. Although the adjoining buildings have windows facing the site, the proposed development is considered to achieve adequate spacing from the Sure Start building to the west (approx. 15m) and the dentists to the north (approx. 14m) in view of the main orientation of these buildings facing the adjacent highways and in part being adjacent to the car park areas of the proposed development.

## **Formal Open Space**

45. The proposed development of 21no. 2 bedroom apartments is required to provide open space for both formal and informal use in accordance with Policy H011 of the Local Plan as well as PPS 3 – Housing. As discussed earlier within the report, it is considered that there is adequate informal open space for the immediate needs of the occupiers, i.e. sitting out areas, however there is no open space provided for more formal use. Supplementary Planning Guidance Document 6 relating to planning obligations requires a contribution for the off site provision of such. The applicant has agreed to payment of a commuted sum of £7000 in lieu of on site provision which accords with SPD 6. This has been included within the S.106 agreement.

## **Affordable Housing**

46. PPS 3 (Housing) has been published since the adoption of the Local Plan which offers updated guidance on the delivery and requirement for affordable housing. PPS 3 has a presumption that the housing will be delivered on site, facilitating the government's objectives of creating sustainable, mixed communities. The guidance also requires that policy sets out justification for off-site provision, or an equivalent financial contribution in-lieu of on site provision, providing these continue to make a contribution to the delivery of mixed communities. Para 29 of PPS 3: Housing states that the minimum site size threshold for affordable housing provision should be 15 dwellings, although this may be lower in some areas, where this is viable and practicable. PPS 3 was required to be taken account of as a material consideration in determining planning applications from the 1st April 2007.
47. The Local Housing Needs Assessment (LHNA) recommended that 9% of all new housing development over the next five years be classed as affordable, which equates to 200 actual dwellings over the same period. However, since some smaller sites may be unable to deliver any affordable dwellings, it is recommended that overall, 15% of all new residential development is affordable. This figure is solely concerned with newly arising need, and will be updated annually. Although this figure appears to be low, it has to take account of some permissions taking a long time to progress from application stage to a built and occupied stage.
48. Given the advice in PPS3 and the LHNA, the Councils Housing Team have advised that a affordable housing would be required from the development and the precise requirements of this would need to be agreed by way of condition which has been included in the recommended conditions above.

## **Other Matters**

49. Northumbrian Water has advised that a public sewer crosses the site and request the LPA to impose a condition to prevent commencement until a scheme for its diversion has been agreed. This is not considered to be a matter which requires condition as it does not affect the suitability of the development in planning terms, only that they require agreement with

Northumbrian Water with regards to diversion of the sewer. An informative has been included to address this.

- 50 The councils Environmental Health Team have requested a condition be imposed relating to insulation from noise between living space. This is considered to be a building control function and not something that should be controlled by planning condition.
- 51 The Environmental Health Team has requested a condition be imposed in respect to lighting in order to protect surrounding residential amenity. However, in view of the site being adjacent to a dental surgery and sure start building, and the nearest residential properties being on the opposing side of the highway, it is considered that this condition would not be justified.
- 52 The Environmental Health Team have advised a condition should be imposed in relation to protection from noise pollution from the adjacent highway to the internal living accommodation. Whilst the site is located adjacent to two highways, these are residential streets within a housing estate and it is considered that noise from traffic should not be a specific detrimental factor and therefore a condition is not considered to be justified in this regard.
- 53 The Environmental Health Team have requested a condition be imposed relating to potential unforeseen contamination of the site. However, there has been no evidence that the site has a likelihood of being contaminated whilst the condition as recommended is considered to be unreasonable as it is not specific. As such, no such condition has been recommended.

## **CONCLUSION**

54. It is considered that the principle of residential development on the site accords with Policy HO3 of the Local Plan and PPS3 whilst would not have any significant affect on the vitality and viability of the Redhill Road Neighbourhood centre. Although the scale and design of the development differs from the immediately surrounding development it is considered that the site can accommodate the development without there being any significant undue impacts on the street scene or surrounding properties. Adequate provision is made for access, parking, informal amenity space, refuse storage and cycle parking. The proposal results in a high density development which is within close proximity to a range of services which is considered to constitute sustainable development. Subject to adequate landscaping and other details controlled by conditions it is considered that the development would comply with the requirements of Policies GP1, H03 and HO11 of the Stockton on Tees Local Plan.
55. It is considered that S106 contributions are required in respect to highway works and amenity space.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

### **Financial Implications**

The council has a covenant on the Public House of which both the applicant and the Councils Land and Property section are aware of.

### **Environmental Implications**

Several comments and concerns have been raised in respect to the condition of the Public House and its visual impact on the Roseworth Estate. Whilst the boarded up PH is not considered to be

visually positive for the area, it is not considered to be at a stage of neglect or disrepair that would allow the Planning Authority to take any formal action in order to secure improvements to the site.

### **Legal Implications**

As report

### **Community Safety Implications**

The existing Public House is boarded up and the Local Authority is aware that unauthorised access has been gained previously. The Local Authority has made requests to the owner to reboard openings into the existing building on site which has been carried out on several occasions. The Councils Environmental Health Section is aware of these issues.

### **Human Rights Implications**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report, in particular;

*Article 1 (protection of property)*

*Article 6 (fair trial)*

*Article 8 (respect for private and family life)*

*Article 9 (freedom of thought, conscience and religion)*

*Article 10 (freedom of expression)*

*Article 14 (non-discrimination: but only subsidiary)*

### **WARD AND WARD COUNCILLORS**

**Ward**

**Roseworth**

**Ward Councillors**

**Councillor J Beall, Councillor Miss B Inman BEd BA ADPSE**