

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

25 November 2009

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

09/2227/FUL

**Fairfield and District Association Institute, Bishopton Road West, Stockton-on-Tees
Demolition of existing derelict community hall and erection of 3 terraced houses and 1 pair
of semi detached houses**

Expiry Date 26 November 2009

SUMMARY

Planning permission is sought for the erection of 5 no. dwellings on land off Manor Place, Stockton. The proposed development is on the site of the former Fairfield and District Association Institute which is currently vacant and would be required to be demolished in order to allow the proposed scheme to take place.

Outline planning permission was refused on 14th June 2007 for the erection of 8 apartments within one building and associated means of access at the proposed application site (planning reference 07/1817/OUT). The application was refused on the grounds that the proposed development would have 'an unacceptable impact on the amenities of the adjacent properties and would adversely affect the character of the area'. The applicant's subsequent appeal of the Council's decision was dismissed by the Planning Inspectorate due to the lack of outdoor amenity provision and off site contribution to open space.

The application site is surrounded by residential housing to the north, south and west with the former site of St Marks Church to the east. The site is currently served off Bishopton Road West via an access which runs between two properties although the site has no frontage onto this road. The only part of the site with road frontage adjoins Manor Place. Manor Place is generally characterised by two storey semi detached properties and a mature tree lined road corridor.

At the point of the application site there are several mature street trees, including a protected Sycamore tree. This and other trees are considered to have a positive greening affect on the character and appearance of the area and worthy of continued protection.

The applicant initially sought permission for the erection of 5 terraced dwellings, however this was not considered to be in keeping with the existing street scene. The applicant has subsequently submitted revised plans with the break up of the terraced properties into a pair of semi detached properties and a block of 3 terraced dwellings with additional revisions to parking provision.

The main planning considerations in regard to this application are the impacts on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties, the impact on existing landscaping features and the impact on highway safety and access.

The Head of Technical Services considers that adequate access and parking are provided and that the scale of the development is unlikely to materially affect the amount of traffic on Manor Place.

Ten letters of objection has been received from occupiers of residential properties along Manor Place. The objections are based mainly on the impact of the proposed scheme on the surrounding area, highway safety and the existing landscape features.

It is considered that overall the proposed development is of a suitable layout, scale, design and appearance for its setting whilst provides adequate spacing from adjacent properties and provides adequate private amenity space, being in accordance with saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan, and PPS3 – Housing.

RECOMMENDATION

Planning application 09/2227/FUL be Approved subject to the following conditions:-

Approved Plans

- 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 Reference Number Date on Plan

<i>SBC0001 REV A</i>	<i>1 October 2009</i>
<i>2 OF 4 REV B</i>	<i>28 October 2009</i>
<i>3 OF 4 REV B</i>	<i>28 October 2009</i>
<i>4 OF 4 REV B</i>	<i>28 October 2009</i>
<i>1 OF 4 REV A</i>	<i>16 October 2009</i>

Reason: To define the consent.

Materials

02. ***Notwithstanding any description of the materials in the application, no above ground construction of the dwellings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the building have been submitted to and 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 saved Policy GP1 of the Stockton on Tees Local Plan.

Unexpected contamination

03. ***In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.***

Reason: To ensure the proper restoration of the site and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Permeable hard surfacing

04. **No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.**

Reason: To ensure a satisfactory form of development for surface water disposal and to comply with Policy GP1 of the Stockton on Tees Local Plan.

Levels

05. **Notwithstanding the proposals detailed in the submitted plans prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the LPA. The scheme shall indicate the finished floor levels of all adjoining properties. Development shall be carried out in accordance with the approved details.**

Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with saved Policy HO11 of the Stockton on Tees Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents or integrity of existing natural features to comply with Policy GP1 of the Stockton on Tees Local Plan.

Landscaping Scheme

06. **Notwithstanding the details hereby approved, no development shall commence on site until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include 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 and service runs. All works undertaken shall be in accordance with the approved plans. The scheme shall be completed within the first planting season following the substantial completion of the site unless otherwise agreed in writing by 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 and to comply with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

Tree Protection

07. **Notwithstanding the details hereby approved, no development shall commence on site until full details of a scheme of tree and root protection have been agreed in writing with the Local Planning Authority and the approved scheme has been**

implemented on site to the written satisfaction of the Local Planning Authority. The approved and implemented scheme shall remain on site throughout the construction phase of development.

Reason: To ensure the existing trees on site are adequately protected as necessary in order to retain a positive contribution to visual amenity in the locality accord with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

Verge Crossing Details

- 08. *Notwithstanding details hereby approved, the verge crossings shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.***

Reason: In order to prevent undue impact on tree root zones and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Provision of Services

- 09. *Notwithstanding details hereby approved, no development shall commence on site until a scheme detailing the line of foul and surface water drainage and other services and their associated trenches has been submitted to and approved in writing by the Local Planning Authority. Services shall be provided in accordance with the approved scheme.***

Reason: In order to prevent undue impact on tree root zones and to comply with saved Policy GP1 of the Stockton on Tees Local Plan.

Hours of operation – Construction phase

- 10. *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 properties and to accord with saved Policy GP1 and HO11 of the Stockton on Tees Local Plan.

Temporary car park for workers

- 11. *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 saved Policy GP1 of the Stockton on Tees Local Plan.

Restriction on windows

- 12. *Notwithstanding details hereby approved, there shall be no windows inserted within the side elevations of the 5 no. dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.***

Reason: In the interests of the privacy and amenity of the occupiers of the adjoining property, and to comply with saved Policy HO11 of the Stockton on Tees Local Plan.

Removal of permitted development rights - buildings

- 13. *Notwithstanding the provisions of classes A, B, C, D E & F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.***

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

Removal of permitted development rights – Means of enclosure to front

- 14. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwellings which fronts onto the highway unless expressly approved by the permission hereby granted, without the prior written approval of the Local Planning Authority***

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area and to maintain visibility splays and to comply with saved Policies GP1 and HO11 of the Stockton on Tees Local Plan.

INFORMATIVES

General Policy Conformity

The proposed development is considered to be of a suitable design for the area and of a scale which is generally in keeping with surrounding development as a result of their design and the staggered nature of properties within the immediate locality. Adequate access and parking has been provided to the satisfaction of the Acting Head of Technical Services. It is considered that the proposed development would not unduly compromise the amenity or privacy of surrounding properties as a result of the precise relationship of elevations and windows within the building and the distance between opposing elevations. It is considered therefore that the proposed development accords with the principles of saved Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan as well as the guidance contained within Governments Planning Policy Statement No. 3 and that there are no other material considerations which suggest the application should be determined otherwise.

Root Protection Zones

In order 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. As such, 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.

BACKGROUND

There is a previous refusal for development on the site

1. Outline planning permission was refused on 14th June 2007 for the erection of 8 apartments within one building and associated means of access at the proposed application site (planning reference 07/1817/OUT). It was considered that the proposed development would have 'an unacceptable impact on the amenities of the adjacent properties by reason of the height, bulk and massing of the building, which would adversely affect the character of the area'.
2. The applicant's appeal of the Council's decision (appeal reference APP/HO738/A/08/2066786/NWF) was dismissed by the Planning Inspectorate on 1st August 2008. The Planning Inspector noted that the *'design approach is heavy handed and urbanised'* and that its design features would not *'relate comfortably to the more intimate domestic scale and detailing of the dwellings around it'*. However the Inspector notes that on the basis of the submitted indicative scale of the proposal that the *'layout and overall form illustrated...would be feasible, which would be in keeping with the character and appearance of the surrounding area'*.
3. With regard to the amenity of adjacent properties, the Planning Inspectorate noted that the minimal difference in height between the proposal and the properties opposite the site, in addition to a 30m separation distance from these properties, the impact *'would not be so significant that it would dominate these properties or appear overbearing'*. The Planning Inspector therefore *'found in favour of the proposal in relation to...its effect on character and appearance and the living conditions of adjacent residential occupants'* concluding that the proposal would *'not harm the living conditions of adjacent residential occupants in terms of outlook'*.
4. However the Planning Inspectorate supported the Local Planning Authority with regard to the requirement for a commuted sum contribution to enhance off site provision of open space for recreation. The Planning Inspector concluded that the proposal *'would fail to meet national and development plan policy objectives (Local Plan Policies HO3 and HO11) to secure mitigation for the lack of outdoor play space provision and I conclude that this lack of policy compliance outweighs my positive finding in respect of the first two issues'*. The Planning Inspector therefore dismissed the appeal on this basis.

Other background matters

5. An associated planning application has been submitted for works to crown lift and carry out associated works to the 1 protected sycamore tree present to the front of the site along Manor Place (application reference 09/2402/X). This application remains to be determined.

PROPOSAL

6. The application was initially submitted showing 5 two storey terraced dwellings, with associated parking to the front of the properties, hard standing adjacent to the properties for additional parking spaces and fenced rear alleyways giving rear garden access.
7. However, following concerns being raised by officers, the applicant has subsequently submitted a revised scheme, breaking up the proposed terrace of 5 into a terrace of 3 dwellings and a pair of semi-detached properties. The proposed dwellings have also been further set back from the main highway and protected tree to the front of the site and removed the rear garden access alleyways.
8. The proposed parking provision has also been revised with 2 spaces located to the front of each of the 5 dwellings whilst the area to the side of the dwellings has also been amended from an area of car parking to a landscaped area.
9. Following these revisions, this application therefore seeks detailed permission for the erection of a pair of two storey semi-detached dwellings and 3 two storey terraced dwellings each providing 2 bedrooms. The proposed dwellings will measure approximately 10.7m in length x 5.2m in width x 8.05m in height, having pitched gable roofs. .
10. The proposed pair of semi-detached properties will be set approximately, 15m from the highway to the front of the site and 4.5m from the side elevation of the residential property to the north 'The Elms'. The proposed semi detached properties are set forward of the proposed 3 terraced properties by approximately 3m and feature access to their respective rear gardens via pathways to the side of the dwellings.
11. The proposed 3 terraced properties will be set back approximately 16m from the highway to the front of the site and will achieve a spacing of 1.5m from the side elevation of the proposed pair of semi-detached properties. Both of the end dwellings within the terrace feature rear garden access down the side of the dwellings although the middle dwelling does not have any such access and a bin store screen has been provided to the front of this property.
12. Each of the proposed dwellings will feature 2 parking spaces to the front, adjacent to individual grassed areas. The proposed parking spaces will be facilitated by 3 verge crossings over the existing grass verge. The submitted drawings indicate that 'geo grid paviers' will be installed at the verge crossing points.
13. The area of land that the application site incorporates to the south, adjacent to the 3 terraced dwellings, is to be landscaped and associated with the nearest of the terraced dwellings.

CONSULTATIONS

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

Acting Head Of Technical Services (summarised)

Highways Comments

15. All developments should be designed and constructed in accordance with the SBC Design Guide and Specification and SPD3: Parking Provision for New Developments. 2 incurtilage car parking spaces are provided for each 2-bedroom dwelling which accords with SPD3.

The 5 proposed 2-bedroom dwellings will produce a negligible increase in traffic using Manor Place. Bin stores should be of sufficient size to accommodate recycling bins in addition to standard bins for dwellings that do not have direct access to the rear. Due to the requirement for tree protection the applicant should agree the vehicle verge crossing construction with the S38 engineer who has agreed that the required construction methods are feasible.

Landscape & Visual Comments

16. The Acting Head of Technical Services has advised, following a site visit from the Councils Senior Engineer and Landscape Architect, that the accesses to the dwellings can be undertaken without undue damage to the protected trees.
17. Informative on tree protection, no dig and surfaces next to trees are provided at the end of this memo after the condition wording.
18. Landscape details are requested for the area on the southern part of the site which should include tree planting to help to soften the new development and continue the line of trees along Manor Place. Tree planting in the rear gardens should also be provided to integrate the scheme into the local area.

Northumbrian Water Limited

19. NWL has no objection to the proposed development

Councillor A Cockerill

20. I have no comments regarding the above application

Environmental Health Unit

21. I have no objection in principle to the development, however, I do have some concerns and would recommend conditions be imposed on the development should it be approved in respect to the following;

Construction Noise
Unexpected land contamination

Northern Gas Networks (summarised)

22. United Utilities has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

PUBLICITY

23. Neighbours were notified and 10 letters of objection have been received from the neighbouring residential properties of No's 1, 4, 7, 14, 15, 24, 34, 35/37 Manor Place and The Elms. These objections are summarised below:-

- Design and scale of proposed scheme is not in keeping with the character of Manor Place and adjacent properties
- The design is 'characterless' and will lead to a loss of visual amenity for the surrounding area
- Proposal will lead to on street parking due to insufficient parking provision and the narrow width of the entrance to Manor Place, and an increase in traffic

- The proposal will subsequently lead to a loss of highway and public safety
- The proposal will have an adverse impact on the protected tree and grass verge along Manor Place
- The proposal will lead to a general loss of amenity in terms of loss outlook, overshadowing and overbearing, and overlooking due to the proximity to adjacent properties
- The proposal will lead to an overshadowing of the adjacent properties of 1 Manor Place and The Elms
- Provision of main services to the site may damage existing trees and require the road to be dug up, affecting traffic flow into Manor Place.
- There is inadequate access for service vehicles to pass along Manor Place
- The proposed (now omitted) rear garden alleyway access will lead to a loss of amenity for adjacent properties
- Questioned applicants pre-application consultation on neighbouring residents
- Building work will lead to an increase in dust, noise and general disruption
- The existing drainage system is inadequate and will not facilitate an additional 5 dwelling
- The proposed wheelie bin store to the front will introduce an incongruous feature into the street scene
- An objector has questioned what purpose the right of way to the rear of the site has?
- The proposal could be for social housing and will reduce property value in the area

The consultation period for the amended scheme has not expired at the time of writing this report and any additional comments received will be reported at the Planning Committee meeting.

PLANNING POLICY

24. 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 is the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

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:

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

The effect on the amenities of the occupiers of nearby properties;

The provision of satisfactory access and parking arrangements;

The contribution of existing trees and landscape features;

The need for a high standard of landscaping;

The desire to reduce opportunities for crime;

The intention to make development as accessible as possible to everyone;

The quality, character and sensitivity of existing landscapes and buildings;

The effect upon wildlife habitats;

The effect upon the public rights of way network.

Policy HO11

New residential development should be designed and laid out to:

Provide a high quality of built environment which is in keeping with its surroundings;
Incorporate open space for both formal and informal use;
Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
Pay due regard to existing features and ground levels on the site;
Provide adequate access, parking and servicing;
Subject to the above factors, to incorporate features to assist in crime prevention.

Policy HO3

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

- The land is not specifically allocated for another use; and
- The land is not underneath electricity lines; and
- It does not result in the loss of a site which is used for recreational purposes; and
- It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- It does not result in an unacceptable loss of amenity to adjacent land users; and
- Satisfactory arrangements can be made for access and parking.

SITE AND SURROUNDINGS

25. The development site is located within Fairfield to the western side of Stockton. The site is surrounded by residential housing to the north, south and west. The site of former St Marks Church lies to the east, for which outline planning permission was granted on 6th October 2009 (approval 09/1704/OUT) for the erection of 4 no. detached dwelling houses. The site is currently served off Bishopton Road West via an access which runs between two properties although the site has no frontage onto this road. The only part of the site with road frontage adjoins Manor Place. The area is generally characterised by two storey semi detached properties although there is a single storey cottage at the entrance to Manor Place immediately adjacent to the existing access into the site and a detached two storey dwelling to the north of the site.
26. At the point of the application site there are several mature street trees, including a protected Sycamore tree, within Manor Place which has a positive greening affect on the character and appearance of the area.

MATERIAL PLANNING CONSIDERATIONS

27. The application relates to a brownfield site within the limits of development as defined by Policy H03 of the Stockton on Tees Local Plan. The proposed development generally meets the requirements of Policy HO3 in that the site does not lie under electricity lines and should not result in the loss of a site used for recreational purposes. The key considerations with respect to the proposed development therefore relate to its assessment against Policy GP1 and HO11 of the adopted Local Plan and as such, it is considered that the principle of development on the site generally accords with both Policies HO3 and HO11 of the adopted Local Plan.
28. The application site measures approximately 0.08 ha, therefore achieving a density of 47 dwellings per hectare. The indicative minimum guideline density of 30 dwellings per hectare within Governments Planning Policy Statement No.3 Housing is a minimum guideline whilst there is no specific maximum guideline. However, this planning guidance document indicates that;

'the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the environment' (Para. 50 PPS 3).

29. In view of the sites sustainable location it is considered that a density of 47 dwellings per hectare is generally acceptable. Therefore the main planning considerations with regard to this application are the impact of the design and scale of proposal on the character and visual amenity of the surrounding area, the impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing. Other considerations include the impact on existing landscaping and a protected tree, the impact on highway and public safety and any other residual matters.

Design and scale of proposal and impact on character of area

30. In considering the previous proposal for the site, the Planning Inspector considered that the design and scale of the 8 unit apartment building (which was indicatively detailed), was considered to be unacceptable, although, considered that *'with care and sensitivity, a well designed scheme, responsive to the immediate local context would be feasible, which would be in keeping with the character and appearance of the surrounding area'*.
31. The site has been laid out with the two sets of properties being staggered from one another and from adjoining properties, which is consistent with other properties within the street scene. The proposal provides front and rear garden areas which will assist in greening the street scene and should therefore be able to positively contribute to the area character.
32. With regard to the impact of the previously proposed alleyways to the side and rear of the properties, this feature has now been omitted from the proposed scheme, and it is therefore considered that the proposal will not lead to an adverse loss of visual amenity for adjacent properties or introduce a detail which may lead to future security issues. In addition, four of the five proposed dwellings now feature rear garden access from the side of the properties and therefore only 1 bin store enclosure will be present to the front of the proposed dwellings. The proposed bin store enclosure is of a modest scale in design and appearance, and it is considered that the structure will not adversely affect the street scene.
33. Having regard to the Planning Inspector's comments on the previous appeal, it is considered that the present application for 5 two storey dwellings are of a scale and design that not only respects size and location of the application site, but also the character and appearance of the properties within the immediate vicinity of the site. Although the adjacent properties consist of a detached bungalow (south) and a detached two storey dwelling (north), due to the predominant style of semi-detached properties on the opposing side of Manor Place and their staggered layout, it is considered that the proposed scheme is in keeping with the surrounding area.
34. Overall it is considered that the proposed development will not have a significant adverse impact on the character and the appearance of the surrounding area due to the complementary design, mass and scale of the proposed scheme, which respects the proportions of the existing site.

Impact on highway and public safety

35. The proposed development is indicated being served having individual dwelling accesses off Manor Place with the existing access off Bishopton Road West being unused in respect to this proposal, although retained as a right of access to the adjacent site. The access

arrangements have been amended at your officers' request in order to minimise verge crossings and their impact on trees subject to a Tree Preservation Order.

36. The Acting Head of Technical Services considers that the proposed 2 spaces per dwelling is sufficient in this location, that the increase of traffic using Manor Place will be negligible and that visibility splays at the accesses should be achievable.
37. The Acting Head of Technical Services has further commented that the applicant should agree the vehicle verge crossing construction detail with the S38 engineer due to the requirement for tree protection. This is considered to be necessary and a condition is recommended accordingly. The Acting Head of Technical Services also confirmed the requirement for visibility splays at each access, and that such splays will require vegetation to be pruned and maintained thereafter. In view of this requirement it is considered necessary to impose a condition relating to the removal permitted development rights in association with boundary fences and an informative in respect to planting.
38. Several objections have been raised with regard to the narrow width of Manor Place, the potential increase in on street parking, the potential for an increase in traffic and congestion, and a loss of highway and public safety.
39. With regard to the narrow width of Manor Place, the Acting Head of Technical Services is satisfied that the nature of the street is suitable for this additional provision whilst the Planning Inspectorate, in considering traffic implications for the previously refused scheme, considered that '*Manor Place is a similar width to many residential streets and there is little evidence to show that the traffic arising from the proposal would add significantly to that legitimately accessing the site for the previous use of the club*'. The Planning Inspector concluded that 'the proposal would not add materially to existing levels of on-street parking.
40. It is considered that the proposal will not lead to a significant adverse loss of highway or public safety or lead to an increase on street parking within Manor Place. It is further considered that the addition of 5 dwellings will not have a significant adverse impact on service provision within Manor Place including refuse collection.

Impact on Amenity of neighbouring properties

41. With regard to the previously refused planning application for an 8 apartment building, the Planning Inspectorate noted that '*whilst the proposal might be up to half a storey higher (around 1.2m) than the two storey houses opposite, they are separated from it by around 30m and the height difference would not be so significant that it would dominate these properties or appear overbearing (when) viewed from them*'.
42. In this instance, given that an approximate separation distance of 30m will remain between the proposed dwellings and the properties on the opposing side of Manor Place, and that the proposed dwellings will be lower than the previously refused scheme by half a storey, it is considered that the proposed scheme will not lead to a significant adverse loss of amenity in terms of outlook, overlooking, overbearing and overshadowing for neighbouring properties to the front of the site.
43. With regard to the impact on the amenity of the adjacent neighbouring property to the north (The Elms), the proposed pair of semi-detached dwellings would achieve a separation distance of approximately 4.5m between side elevations. The rear elevation of the proposed dwellings is indicated as being set approximately 6.2m beyond the rear elevation of this adjacent property. Consideration is therefore given to the impact of this proposed overlap of built development on the adjacent property and its associated amenities. Whilst SPG2 details such considerations in respect to householder extensions, its guidance is generally relative to this circumstance. SPG 2 states that developments can be particularly

overbearing in their impact on neighbouring properties and a proposed layout which results in a 3m stagger of the rear elevation is often considered sufficient to prevent an undue impact on the amenity associated with neighbouring properties. In cases where the projection is greater than 3m then SPG 2 requires the 45 degree rule to be applied which takes into account the position of windows within adjacent properties rear elevation in respect to the position of the proposed development. The proposal conforms to the 45 degree rule. In addition, there are no windows proposed within the side elevation of the proposed dwelling. As such, it is considered that the proposed scheme will not lead to a significant adverse loss of amenity in terms outlook, and overbearing and overshadowing of the adjacent property, being in accordance with policies GP1 and HO11 of the Stockton on Tees Local Plan. In order to maintain this level of amenity for the property to the north it is considered necessary to remove permitted development rights which would otherwise allow windows to be inserted into the northern side elevation.

44. With regard to the impact on No 1 Manor Place (south) and the neighbouring properties to the south of the site along Bishopton Road West, owing to separation distances of approximately 19m between the blank gable side elevation of the nearest proposed dwelling and the side /rear elevation of No.1 Manor Place and 26m rear/side elevation between the proposed 3 terraced properties and the neighbouring properties. Therefore due to these distances the proposal will not lead to any significant adverse loss of outlook or overshadowing of these properties or be overbearing.
45. Given that the rear gardens of the proposed dwellings will be enclosed by a 1.8 high fence, it is further considered that the proposal would not lead to a significant loss of amenity for the adjacent properties in terms of overlooking.
46. As noted above, outline planning permission was recently granted for the erection of 4 detached dwellings to the rear (east), on the site of the former St Mark's Church. Due to a separation distance of approximately 35m between the rear elevation of the proposed dwellings and the properties approved to the rear, it is considered that the proposal will not lead to an unacceptable loss of amenity for either the proposed dwellings or the dwellings with the benefit of planning permission in terms of outlook, overlooking, overbearing and overshadowing.
47. One letter of objection has raised concerns with regard to an increase in noise, dust and general disruption during construction works. The Environmental Health Unit has been consulted on this application and has raised no objections subject to conditions limiting hours of construction. This has been recommended accordingly.

Impact on exiting landscaping and protected trees

48. There are several trees within and adjacent to the site. Whilst some of these are of little amenity value, several trees are subject to Preservation Orders. One protected sycamore tree is present to the front of the site, with its canopy spreading approximately 5.2m into the site. An application has been submitted for works to this tree (application 09/2402/X) and the Council's Arborist has inspected the tree on site and has advised that some works can be undertaken to lift the crown of the tree to approximately 2m from ground level (to maintain clearances) and remove some of the light pendulous branches not exceeding 4-5m in height above ground level.
49. The Council's Landscape Architect has requested the proposed accesses take into account their potential impact on the root protection zone of the tree. In association with the Council's Senior Engineer, the Landscape Architect considers that the accesses can be achieved on site using 'no dig' techniques in order to prevent undue damage to the trees root system, thereby ensuring its longevity. Details of the construction of the accesses are required by condition as recommended.

50. The proposed scheme details an area of landscaping to the south of the site which the Council's Landscape Architect has recommended be landscaped in accordance with details to be agreed. A condition has been recommended accordingly.
51. Subject to the submission of satisfactory details in respect of recommended conditions, it is considered that the proposed scheme will not have a significant adverse impact on the protected tree and other landscape features adjacent to the site that would lead to an adverse loss of visual amenity of the surrounding area.

Provision of Amenity space

52. The proposal relates to the provision of 5 2 bed dwellings, each having front and rear gardens giving an element of private amenity space. Whilst the previous appeal was dismissed due to lack of a Section 106 Agreement for off site amenity space and the Inspectors conclusion that the scheme would therefore '*fail to provide outdoor play space in accordance with local and national policy*' the previous scheme related to the provision of 8 no. apartments with only a small communal garden.
53. The adopted Supplementary Planning Document 6: *Planning Obligations*, indicates schemes may have a requirement for provision towards off site amenity space and applies (where considered necessary) a rate of £3500 per 0.1ha. Taking into account this scheme being small in scale, providing 5 2 bed dwellings, as well as providing relatively generous garden areas, it is considered that the proposed scheme places a very limited demand on open space provision and it is considered a request towards such provision in this instance would be unjustified.

Residual Matters

54. Concern has been raised in respect to the impact of potential services being installed for the proposed dwellings and the subsequent impact on the protected tree to the front of the site. However, no objections have been received from statutory consults including Northern Gas Networks and Northumbrian Water Limited. Whilst Northumbrian Water Limited has raised no objections to the proposed development and issues of foul and surface water drainage are matters dealt with under building regulations, in view of the potential for these to impact on the protected trees, it is considered appropriate to recommend a condition which requires the Local Authority to agree the path of such services.
55. Concern has been raised in respect to the issue of future ownership of the proposed dwellings and the subsequent potential impact on property values within vicinity of the site. However, these are not considered to be material planning considerations.
56. Representations from neighbouring properties have queried the purpose of the remaining right of way to the rear of the site with access off Bishopton Road West, as well as the lack of neighbour consultation prior to the submission of the application. Whilst these comments are noted, the issue of the right of way is a civil matter as the land is within private ownership. With regard to neighbour and community consultation, whilst such consultation by an applicant is preferable prior to submission, it is not a statutory requirement or falls within the scale of development identified as appropriate for prior Community Involvement.

CONCLUSION

57. The site is located within a residential area, within the defined limits of development and as such the principle of residential development is already established. The proposed

development is considered to be of an appropriate scale and design for its setting and achieves adequate spacing from surrounding properties and is therefore considered to not result in any unacceptable impacts on privacy or amenity associated with other dwellings. Adequate provision for access and parking has been made.

58. In view of the above it is considered that the proposal accords with Saved Policies GP1, H03 and H011 of the Stockton on Tees Local Plan and it is recommended that the application be approved with conditions.

Corporate Director of Development and Neighbourhood Services

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Financial Implications

As report

Environmental 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

Community Safety Implications

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers

Stockton on Tees Local Plan, Policies GP1, HO3, HO11

Planning Policy Statement 3 – Housing

Planning Application: 07/1817/OUT

Appeal Decision: PINS ref: APP/HO738/A/08/2066786/NWF

Ward and Ward Councillors

Ward Fairfield

Ward Councillors Councillor W. Woodhead, Councillor M Perry